



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 12 September 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.56pm The Presiding Member declared the meeting open.

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

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 J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works
Mr P Duncan	Manager Development Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

Previously Approved Leave of Absence

Cr B Hollingworth 17 August – 23 November 2006 inclusive
Cr M Skinner 1 – 15 September 2006 inclusive

Apologies

Cr Joan Cameron Rocky Gully / West Ward

There were seven (7) members of the public present.
There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 RAILWAY RESERVE 1038

Mrs Stella Tippet – Railway Reserve 1038 (RV/182/1687)

Mrs Tippet read aloud the following letter:

In 2000 we were in negotiations to sell the business and building located at 2 Lowood Road, Mount Barker to Mr David Wright. Mr Wright was refused a bank loan because the building was on leased land. He purchased the business only and continued on with the lease. Mr Wright had made initial application to the Public Transport Authority of Western Australia (PTAWA) to purchase the land but their reply was that they would need to subdivide the land from the railway reserve and this would require Council approval. All this would take up to two (2) years. Mr Wright went on to purchase a freehold site which of course was the better solution for him.

We were left with the PTAWA lease and therefore had to resume trade, build up a new client portfolio and achieve viability.

In 2005 we endeavoured to sell either the business complete with building, or in the second instance, sell the building for whatever business it would suit. Age had determined that retirement was essential for the senior of us at least.

We had several interested parties but again the same scenario. No financial institute will lend money for a leasehold business. We made application to PTAWA to purchase the land and today we received a letter to confirm that the Shire of Plantagenet has rejected the application for subdivision and I quote 'the Council does not support the proposed disposal of railway land in Lowood Road north of Muir Street from Reserve 1038 as the Council wishes the area from Muir Street some 150m north be vested in the Council for carparking and landscaping purposes.'

In summary, the Shire would only agree to a change from the current situation if the land was vested to the Shire of Plantagenet – something, fortunately, PTAWA is not prepared to do.

L1024 has been a mechanical workshop site since 1948 and we have been located there since 1995. Can we assume that this response from the Council

is a way to 'noble' us because we have no option but to continue paying the PTAWA lease even though we no longer wish to be in business.

What happens to a potential purchaser of this building who either wishes to continue in mechanics, or perhaps place a different style of business in the building. The Shire has removed any hope of any purchaser of this building to become self sustaining in the freehold sense and in turn any subsequent business will have the same problems in reselling that business.

To you and to the Council we ask:

- (1) Are you in favour of independent business?
- (2) Why on earth does Mount Barker need more landscaping and car-parks?

Have a look due east of the railway line not 20m from our shed. There is enough area there for a heli-pad.

You want ratepayers to have confidence in our Council but be assured, with this narrow minded decision, you have seriously eroded our confidence in what you feel is a good thing for this town.

Response By: Mr Rob Stewart – Chief Executive Officer

At its meeting held 22 August 2006, the Council resolved:

'That Gray & Lewis on behalf of the Public Transport Authority be advised the Council does not support the proposed disposal of 534m² of railway land in Lowood Road north of Muir Street from Reserve 10338 as the Council wishes the area from Muir Street some 150m north be vested in the Council for carparking and landscaping purposes.'

The report noted that:

'Westnet Rail requires a 20m wide offset from the centre of the rail line to the boundary of a development site. The separation from the centre of the rail line to the Lowood Road reserve is approximately 30m and with the 20m offset taken out, then potential development lots would only be 10m deep.'

Examination of the site indicated that the structure already encroaches into Railway Reserve 10338 and thus contravenes the Westrail Policy regarding offsets.

4.2 LOWOOD ROAD, MOUNT BARKER – UPGRADE AREA

Mr Brett Bell – Lowood Road, Mount Barker – Upgrade Area (RO/50/2)

Mr Bell spoke about the roundabout on Lowood Road and noted that when heading south then turning right into Langton Road, a car doing the right hand turn blocks traffic negating the purpose of roundabouts.

Mr Bell also noted that the apron behind the angle parking in Lowood Road is too narrow and requires vehicles to back in to the flow of traffic. Mr Bell stated that he believes the Council needs to reconsider their plans before proceeding any further.

Response By: Mr Ian Bartlett – Manager Works and Services

Mr Bartlett noted that all the plans and designs for the Lowood Road upgrade had been approved of by Main Roads WA and meet their design criteria and specifications.

4.3 MOUNT BARKER LIBRARYMr Brett Bell – Mount Barker Library (RV/182/2252)

Mr Bell noted that the recent Shire Flyer included an article regarding the possible relocation of the library. Mr Bell noted that the information in the article was slim and believes that the public need much more information regarding several issues eg: are we downsizing, upsizing, where is it going, why, how much money is involved etc. Mr Bell noted that the staff at the library do a great job and that currently its location is quiet and easy to get to. Mr Bell asked that more information be given to the public before a decision is made.

Response By: Cr K Forbes – Shire President

Cr Forbes noted that the Council is considering having a public meeting regarding several matters. Cr Forbes noted that at the moment there are several important issues that require public information and discussion including the Mount Barker Library, Sounness Park, Plantagenet Medical Centre and the Mount Barker Tourist Bureau.

4.4 PORONGURUP WASTE MANAGEMENT FACILITYMr Scott Drummond – Porongurup Waste Management Facility (WM/99/2)

Mr Drummond noted that the Porongurup Community was not happy regarding a recent motion passed that restricted access to local waste facilities.

Mr Drummond noted that the Porongurup community would like to trial a 'self-managed' theme at their transfer station rather than a 'manned' station with restricted hours. This is primarily because of the huge amount of concern that we all have out here about our National Park and bushland which we are sure will become dumping zones.

Mr Drummond, on behalf of the Porongurup Community, proposed that:

- The Porongurup Shop keeps the keys at the store (they are open seven (7) days from 8.00am to 5.30pm).
- A local register is run at the Shop to say who used the tip last. (Users must have a Porongurup / Narrikup address / phone number.)
- Locals would see what the user plans to dump when they come to collect the key.
- There be an anonymous reporting system to the Shire should there be a problem.
- Locals down the road have already volunteered to sort out small 'hiccups' should they arise.
- The Council would still be seeing the site on a fortnightly basis when it gets emptied.

Advantages to the Shire are obviously mainly financially. It would save a lot of money if the Council does not have to pay someone to man the facility. It is also important to encourage community cooperation and independence.

The Porongurup Community has a proven track record with environmental and recycling issues so there is already an established base to begin with.

If someone's rubbish is going to be seen publicly when collecting the key, they are not likely to use the facility for controversial rubbish.

Our community has always managed our local hall and other issues eg: fire brigade, tourism promotion and environmental issues successfully.

We hope that you will at least let the Porongurup Community try to self-manage the site. If we are unsuccessful in that, you will have our complete support.

Mr Drummond noted that he had spoken with the Environmental Protection Agency in Perth and Albany and that there does not seem to be any criteria for manning tip sites.

Response By: Cr K Forbes – Shire President

Cr Forbes noted that there was a big problem with non ratepayers using our facilities and suggested that self-management may work at the Porongurup facility but was unlikely to work at others.

Response By: Mr Ian Bartlett – Manager Works and Services

Mr Bartlett noted that he had spoken to Mr Drummond this afternoon regarding the matter and had advised him that there would be another waste management workshop soon where his proposal would be considered.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Tony Smith – Mount Barker Tourism Steering Committee (ED/92/6)

Tourism Steering Committee Final Report

The Mount Barker Tourist Bureau Inc recently approached the Shire Council requesting further funds due to budgetary concerns. The organisation has experienced varied degrees of success since its inception in 1968 but has faced several financial hurdles in the past with at least four managers resigning due to funding shortfalls.

Council's response to the recent approach for funds was to request that a plan including financial projections be developed before further funding might be provided.

Coupled with the resignation of the most recent Manager, and in acknowledgement of the on-going challenges, the Board of the Tourist Bureau Inc and the Shire of Plantagenet felt it appropriate to instigate a review of the Tourist Bureau Inc and Shire funding and formed a Steering Committee to review the situation and make recommendations for the future.

The Committee consisted of a range of people with many years experience and expertise in business and the tourism industry. (See Appendix 1 for Committee Members)

The Committee identified two (2) main issues on which they were to report:

- (1) The future role of the Visitor Centre and recommendations for viable operation.
- (2) Possible future strategy for the marketing and promotion of the Shire of Plantagenet.

The conclusions and recommendations outlined in this Report were reached after exhaustive discussion over a series of meetings including presentations to the Steering Committee from Ian Menzies and Tourism Board representatives.

Key Priority Areas in respect of Issue 1 were identified as:

- **The Role of Visitor Centre** including:
 - Services and facilities
- **Funding and Finance**
- **Business Decision Making**
 - Planning
 - Manpower and expertise
 - Location including security
 - Fees
- **Accountability and Governance**
 - Restoring confidence of present and future Boards
- **Accreditation**

In relation to Issue 2, key priority areas include:

- **Vision and Roles of the Shire and Visitor Centre**
- **Marketing and Planning**
 - Including but not limited to signage and website
- **Establishment of a point of difference**

In summary our recommendations are:

- The Shire to continue to support the Visitor Centre
- The Visitor Centre and the Shire's relationship and roles to be redefined
- A Joint Committee¹ comprised of the Tourist Bureau Inc and the Shire of Plantagenet to be formed and a Memorandum of Understanding (MOU) developed: Business and Marketing Plans including budgets also to be developed by this Joint Committee.
- The Joint Committee should consider the Menzies report with full respect and use it as a valuable resource in identifying key areas for marketing of the Shire of Plantagenet² including marketing of tourism.
- Co-location of the Visitor Centre and Library is possible with certain conditions.
- The Shire and Tourist Bureau Board develop an interim working relationship and operational agreement and address key short term issues.
- The Shire to release funds to provide confidence to the future operations of the Visitor Centre and to work toward the longer term partnership.

Three (3) Key Points form the basis of the recommendations.

These are:

- (1) The Visitor Centre and the services it provides play a key part in the economic health of the Shire of Plantagenet.

- (2) Detailed examination of the budget and past operations of the Visitor Centre identified that the Visitor Centre is not viable as a self financing business unit.
- (3) Co-location and partnerships could in our view provide a long term business strategy for the Visitor Centre.
- (1) The Visitor Centre and the services it provides play a key part in the economic health of the Shire of Plantagenet.**

The Committee recommend:

- a. The Shire continue to support the Visitor Centre**
- b. The role of the Visitor Centre be reviewed.**

1a. The Menzies Report highlights the significance of tourism with an estimated \$7.38 million spent pa in the Shire of Plantagenet (Great Southern Tourism Fact Sheet 2005, TWA, May 2006) This brings not only direct benefits to those in the industry but also a multiplier effect through indirect benefits to our whole community. The Committee believes that the option of *not* having a Visitor Centre would be detrimental to the Town and Shire.

1b. However the Committee believes the role of the Visitor Centre should be reviewed.

The core role of a Visitor Centre is the provision of information and advice to visitors to our Shire and it is in this role that the Visitor Centre is a 'doorway' to a part of the economic development of our region.

The Committee therefore recommend that there are core services the Visitor Centre must carry out and others it should not. These are outlined in Table 1 below.

In conducting this review the Committee also identified there are other areas which require further analysis.

Table 1: Core Services

Core Services	Not part of a Visitor Centre service	Requiring further analysis
Advice and information Brochures / Maps Booking service for accommodation and tours Westrail / Trans WA Ticketing Appropriate retail sales Web site Networking within the region	External marketing including: <ul style="list-style-type: none"> • Trade Shows • Exhibitions • Shows • Fund Raising events 	Internet Travel Agency Regional Marketing Memberships Sponsorships

It was deemed outside the remit of the Committee to provide further analysis of the key services and recommend that this should be conducted in a full business plan. However we consider the political arguments for the retention of Westrail / TransWA

ticketing services to be overwhelming as it provides a community service. Council / Westrail should financially underwrite / contribute to retaining such a service if other recommendations for co-location are not pursued.

(2) Detailed examination of the budget and past operations of the Visitor Centre identified that the Visitor Centre is not viable as a self- financing business unit.

The Committee recommend: The Visitor Centre be co-located.

This recommendation is the result of extensive discussion including examination of:

- Implications of continuing 'business as usual'
- Analysis of other appropriate models of operation including Denmark; Albany and other centres
- Opportunities to increase revenue and / or reduce costs
- Menzies Report
- The necessary projected increase in funds from the Shire of Plantagenet
- Development of a 'Point of Difference'

Our examination of previous budgets suggests that the Visitor Centre in its present form has continued to struggle over many years. In addition we have reservations that funds can be found to employ a person of the necessary calibre within an appropriate salary range to carry out the wide range of roles required and in particular the marketing function which is primarily in the Perth metro area. Further we are not convinced that a managerial position is required to carry out 'meet and greet' or accommodation searches at the Visitor Centre.

We remain unconvinced it is financially viable, save a major cash injection by Council or perhaps operational Travel Agency status to continue the present model of operation in the long term.

Therefore co-location of the Visitor Centre was seen as a viable strategy for the future. However any co-location has to be to the mutual benefit of key stakeholders including users / customers.

The Committee identified the criteria required for successful co-location. These are outlined in Table 2

Table 2: Criteria for Co-location

Works toward long term vision / stability
Benefit to stakeholders
Benefits to users and customers
Viability and Cost Savings
Appropriate staffing including skills, numbers, costs and training
Increased customer traffic
Appropriate space available including range of services

Allocation of funds raised back to tourism / offers viability

Options for Co-Location discussed, included:

- Visitor Centre and some other entity providing a Point of Difference
- Visitor Centre and private enterprise
- Library and Visitor Centre at the Library
- Library and Visitor Centre at present Visitor Centre Railway Location

(3) Co-location and partnerships could in our view provide a long term business strategy for the Visitor Centre.

The Committee recommend:

(a) Co-location with the Shire and Visitor Centre with the Library moving to the Railway Location subject to certain conditions

Benefits of recommended co-location with the Library include:

- This co-location can build toward a larger/longer term vision with a Point of Difference³
- Central location
- The roles of the Library and Visitor Centre are both to provide information
- Both services have shared customers
- There are shared facilities/service requirements which can provide synergy eg: internet access
- Cost savings to the Tourist Bureau Inc and to the Shire and its ratepayers can be achieved
- Allows the Tourist Bureau Inc to focus on memberships and marketing
- There are other models of co-location elsewhere which work effectively eg: models for co-location exist in Plantagenet with the Recreation Centre, with the City of Albany and Visitor Centre and with many services in Denmark.

However there are concerns that the Committee feel need to be addressed for this recommendation to work.

Two (2) Key Issues that need to be addressed to enable the co-location to work are:

- (1) The area between the present Visitor Centre and Ag Centre being fully enclosed with glass and used as Visitor Centre space. Assuming this is acceptable to the Heritage Council, the glassed-in area is a little over 40m². The Visitor Centre would then also have 40m² of space inside its present location, leaving 165m² for the Library, thus giving the Visitor Centre approx 80m² total.
- (2) The space available needs to be examined in more detail and an appropriate layout developed using a specialist in retail and library layout requirements and customer flow patterns.
- (3) Protection of staff and their terms and conditions of employment is required in any transfer of undertakings.

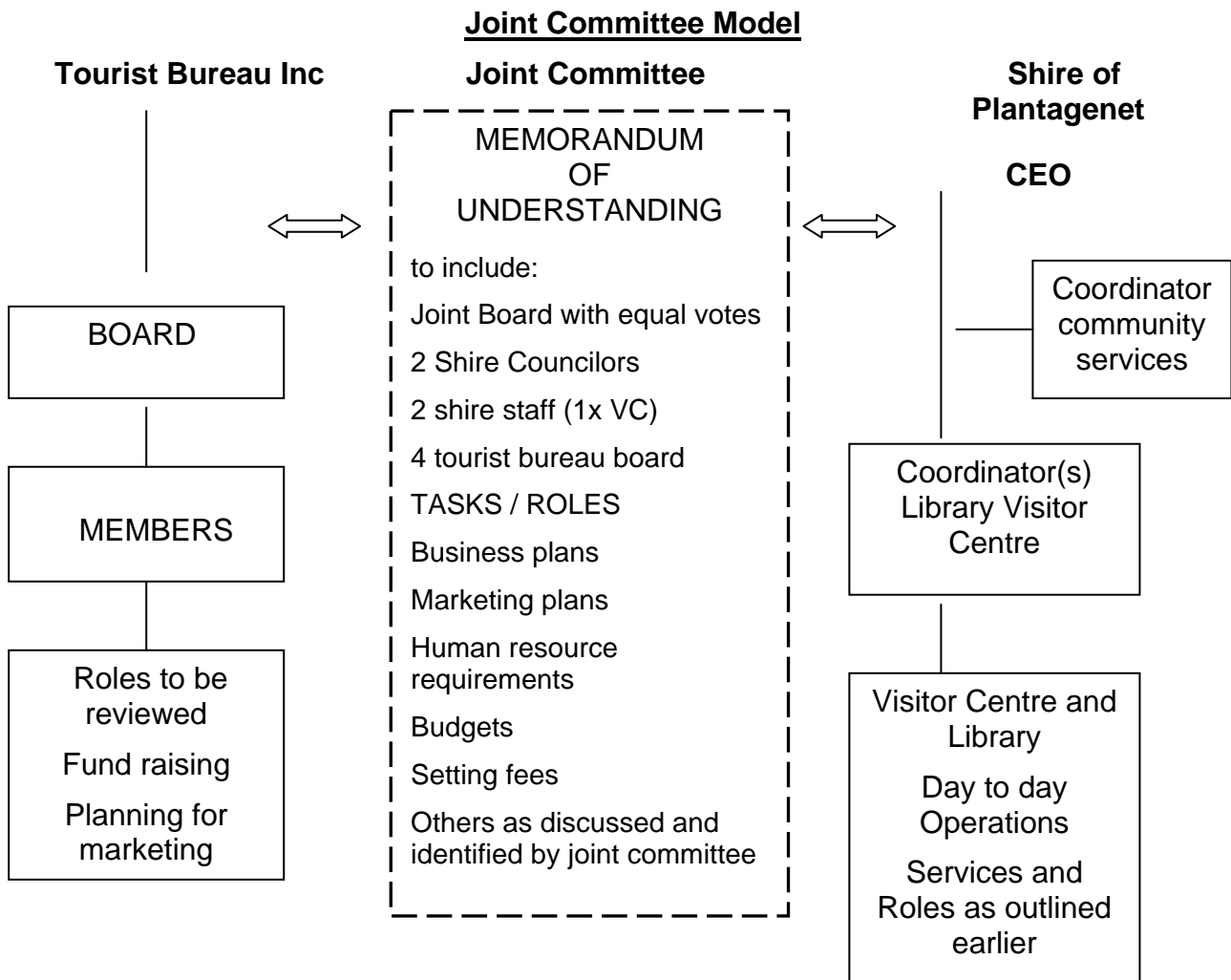
Other issues would need further investigation by the Joint Committee but would include signage and training. Staff should be professionally trained in both library and visitor centre roles including familiarisation with the tourism product plus Westrail

ticketing, other booking services as well as information provision and library services. It is important to complete the process to level two (2) accreditation and also to make provision for volunteer insurance.

To provide long term confidence, the Committee also recommend:

- (a) A Joint Committee formed under the Local Government Act 1995 to develop a Memorandum of Understanding
- (b) The Visitor Centre and Shire’s relationship and roles to be redefined
- (c) The Shire manage the new Centre
- (d) Business and Marketing Plans including budgets be funded by the Shire

A model for the Shire / Tourist Bureau Inc relationship is presented in below.



The model suggests that there still be a Tourist Bureau Inc⁴ responsible for its membership and policy provision. This would allow the Tourist Bureau Inc to focus on key roles of marketing and fundraising including memberships, trade shows and Exhibitions.

The Shire Council would manage the day to day operations of the Visitor Centre / Library.

A strong relationship is critical to success and we recommend a Joint Committee made up of two (2) Shire Councillors, two (2) Shire staff members (1 x VC) and four (4) Tourist Bureau Board members. This Joint Committee will be responsible for

putting together a Memorandum of Understanding, Budgets for the Visitor Centre, business plans and marketing plans. The marketing plan would include all tourism promotion and marketing, and budgeting for the same. We still believe that services and products to be the responsibility of the Visitor Centre are delineated as discussed earlier.

Short Term Recommendations:

The Steering Committee recognise that co-location will take some time.

To enable continued operation of the Visitor Centre in a way that will lead to a successful outcome for all stakeholders, the following short term issues need to be addressed:

- (a) The Shire to provide on-going funding to the Visitor Centre to allow it to work with confidence and build to the longer term partnership
- (b) The Joint Committee be formed and priority items to be addressed include:
 - (i) Staffing; opening hours; use of volunteers and training
 - (ii) Retail layout including brochure rack space; staffing and use of volunteers.
 - (iii) Stock
 - (iv) Fee for service; ticketing;
 - (v) Memberships and sponsorships.
 - (vi) Accreditation level 2
 - (vii) Volunteer insurance
- (c) Interim Budget

In conclusion, the Committee feel that by the Tourist Bureau Inc and Shire working together we can build toward a longer term vision with confidence.

Shire of Plantagenet Tourism Steering Committee.

Report to Council September 2006

Appendix 1: Committee Members:

Chair: Tony Smith (Bouverie) bouverie@agn.net.au
John Mark (Shire Councillor) johnmark@comswest.net.au
Bill Hollingworth (Shire Councillor) bill@bandicootnursery.com.au
Scott Drummond (Porongurup Shop & Tearooms) porongurupshop@bigpond.com
Sue Etherington (All Print n Photos) allprint@wn.com.au
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Garry McWilliam (Mount Barker Hotel) toppub@bigpond.com.au
Pamela Morris (Melaleuca Way Bed & Breakfast) pamian02@westnet.com.au
Stella Tippet – peterstella@westnet.com.au
Rob Stewart (Shire Chief Executive Officer) ceo@plantagenet.wa.gov.au
Bev Wilson (Big Bird & Wolf Chalets) bigbirdwolfchalets@yahoo.com

Facilitator: Kay Geldard, Small Business Centre, Great Southern kay@sbcgs.com.au

- ¹ See the proposed model later in the report for joint decision making and operations
- ² In particular sections on Tourism Trends; Value of Tourism and Marketing and Promotions are of great value. Many other areas of the Menzies report are outside the remit of the Steering Group
- ³ Discussions included future co-location with an art gallery or development of a town square concept
- ⁴ This may be renamed

Tony Smith formally handed the presentation to the Council.

Response By: Cr K Forbes – Shire President

Cr Forbes thanked Tony Smith for his presentation and also gave thanks and appreciation to the Steering Committee members for their hard work.

Cr J Moir asked: Was consideration given to some form of commercial activity? If so, what options were considered and what were the outcomes?

Response By Mr Tony Smith: Mr Smith noted that commercial options were considered but as there did not appear to be any viable businesses suitable at this moment nor any in the near distant future, the issue was not really considered an option.

Mr Smith noted that one possibility would have been to perhaps change the Visitors Centre to an internet café but there is already an internet café in town. Mr Smith also noted that if anyone had any ideas regarding a commercial activity that would be prepared to move into the building / shared premises, the Committee is interested to hear from them.

Cr K Clements asked: How far is it planned to have the glass / extension going back?

Mr Smith noted that it would go back approximately 40m² parallelling the two (2) buildings and probably leaving a passageway down one side. The old wooden seat would be included.

Cr K Forbes again thanked Mr Tony Smith and noted that the Council would give the matter serious consideration.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Hart requested leave of absence for the period 17 November to 8 December 2006 inclusive.

Moved Cr D Williss, seconded Cr J Mark:

That Cr K Hart be granted leave of absence for the period 17 November to 8 December 2006 inclusive.

CARRIED (6/0)

No. 264/06

7 CONFIRMATION OF MINUTES

Moved Cr K Hart, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Council held 22 August 2006 be confirmed subject to the following change:

Page 85 That the vote of (8/0) for Resolution No. 263/06 be deleted and replaced with (7/1).

CARRIED (6/0)

No. 265/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 31 August 2006 - Cr K Forbes, Cr D Williss and Mr R Stewart attended a meeting of the Rainbow Coast Regional Council.
- 5 September 2006 - Cr K Forbes and Mr R Stewart attended an inquiry in Albany about Western Australia's natural disaster relief arrangements.
- 13-14 September 2006 - Cr K Forbes will meet with Timber Towns Victoria (TTV) in Perth and bring them down to Mount Barker. TTV will hold a presentation (14.09.06) in the Council Chambers regarding the formation of a Timber Town Australia. All Councillors are encouraged to attend.
- 15 September 2006 – The Hollow Log Golf Tournament will be held with representatives from all over the Great Southern.
- 25 September 2006 – Cr K Forbes and Mr R Stewart will participate in the Zone Teleconference.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS ADVISORY – 22 AUGUST 2006

Location / Address:	N / A
Attachments: (1)	Committee Minutes
Name of Applicant:	N / A
File Reference:	CA/103/1
Author:	Cherie Delmage - Administration Officer
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	6 September 2006

Purpose

The purpose of this report is to receive the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held 22 August 2006.

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 D Williss, seconded Cr J Moir:

That the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held 22 August 2006 be received.

CARRIED (6/0)

No. 266/06

9.1.2 GIRL GUIDES HALL - SUBLEASE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/1840
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	31 August 2006

Purpose

The purpose of this report is to present a recommendation that the Guides of Western Australia be permitted to sublease the building located on Lot 363, 66 Albany Highway, Mount Barker (Guides Hall) to the Mount Barker Sub Branch of the Returned Services League (RSL).

Background

A request has been received from Guides Western Australia (Mount Barker) to sublease the Guides Hall located at Lot 363, 66 Albany Highway, Mount Barker to the RSL.

The effect of the sublease would be to allow both groups to utilise the building. The Chief Executive Officer has met with representatives of Guides and the RSL and both organisations are happy with the proposed arrangement.

An alternative 'home' for the RSL has been sought for some time since the demolition of their premises in 2005 to make way for the new Council Administration Building and Civic Centre. At present the RSL is situated in Redman House in Lord Street, Mount Barker.

Statutory Environment

Section 3.58 of the Local Government Act 1995 refers to the disposition of Council property and as the lease between the Council and the Guides is silent on the lessee's ability to sublet, it is recommended that the matter be advertised pursuant to the Local Government Act 1995.

Consultation

Consultation has occurred with representatives of both the Guides and the RSL.

Policy Implications

The Council has indicated on many occasions that it would do its best to ensure that the RSL has a suitable home in Mount Barker. The RSL has indicated to the Chief Executive Officer that the Lesser Hall would not be suitable for their purposes.

Financial Implications

There are no financial implications for this report.

Girl Guides Hall – Sublease (Cont.)

Strategic Implications

The Council's Strategic Plan – Community Services notes that the Council aims to 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

The co-location of two (2) community organisations into one (1) Council owned building makes good sense. It will mean that the subject building will be vacant less often, will possibly reduce vandalism and releases existing Council resources for other purposes.

It is also advised that the RSL will seek funding to put an extra room onto the building and no objections are raised to this, subject of course, to the normal building licence and / or development requirements.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) **Guides Western Australia be advised that no objections are raised for that Association to sublease the Guides Hall situated at Lot 363, 66 Albany Highway, Mount Barker to the Mount Barker Sub Branch of the Returned Services League (RSL).**
- (2) **The matter be advertised pursuant to Section 3.58 of the Local Government Act 1995.**

CARRIED (6/0)

No. 267/06

9.1.3 LOCALITIES OF KENDENUP AND MOUNT BARKER

A Financial Interest was disclosed by Cr K Forbes for Item 9.1.3

Nature of Interest: Part owner of property in the proposed area of change.

3.37pm Cr Forbes withdrew and Cr Williss assumed the chair.

Location / Address:	N / A
Attachments: (1)	Map of locality boundaries
Name of Applicant:	N / A
File Reference:	RO/107/4
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	25 August 2006

Purpose

The purpose of this report is to present a report regarding a request by petitioners to ‘...formally reinstate Mount Barker as our locality to better reflect the community and the present views held by your petitioners...’

Background

At the meeting of the Council held on 22 August 2006 a petition signed by 63 residents and rate payers of Plantagenet was received by the Council. In receiving this petition the Council resolved:

‘That the petition be received and that the Chief Executive Officer prepare a report on locality boundaries of the Kendenup / Mount Barker area for the Council meeting to be held on 12 September 2006.’

At its meeting held on 9 April 2002 the Council resolved:

‘That a request be forwarded to the Geographic Names Committee to vary the localities within the Shire of Plantagenet by extending Narrikup to include all of Yellanup and portions of Porongurup, Mount Barker and St Werburghs and including the balance of St Werburghs into Mount Barker, as shown on the Locality Plan dated 2 April 2002.’

With the introduction of Rural Numbering, the changes to locality boundaries were brought to the attention of people residing within the Shire, thereby highlighting the need for some change. Subsequently, and at its meeting held on 13 June 2006, the Council resolved:

‘That, as a matter of urgency and with regard to locality naming and postcodes within the Shire of Plantagenet, the Chief Executive Officer:

- (1) Contact Australia Post seeking their concurrence to leaving postal runs in Plantagenet unchanged.*
 - (2) Contact the Department of Land Information (DLI) requesting that:
 - (a) DLI leave the locality map as adopted by the Council in April 2002 unchanged;*
 - (b) DLI delay the implementation of address changes; and**
-

Localities Of Kendenup & Mount Barker (Cont.)

- (c) *Advise that not all affected landowners have received their Rural Road Number letters.*
- (3) *Continue with the Rural Road Numbering Program.*
- (4) *Liaise with Terry Redman MLA regarding Points (1) to (3) above.'*

Statutory Environment

Schedule 3.1 – Powers Under Notices To Owners Or Occupiers of Land – of the Local Government Act 1995 provides at part 2 that a Council may require an owner or occupier of land to:

'place in a prominent position on the land a number to indicate the address.'

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

By letter dated 11 July 2006, the Department of Land Information advised that:

'The locality names and boundaries as adopted by the Council April 2002 have been and will continue to be used in conjunction with the new rural addresses for your Shire, until such time as a change is made by council request.

As the Shire of Plantagenet along with 54 other local government authorities has elected to support rural addressing, then it follows that the gazetted localities form an integral part of the rural address.'

The letter also notes that:

'If sufficient ratepayers approach your council with...requests to change locality names or boundaries with valid reasons for such changes, then (the) Council can...discuss the procedure (with the Geographic Names Section). If an acceptable solution can be found by moving the locality boundaries and thus placing some properties into a different postcode, Department of Land Information is here to provide any assistance necessary.'

Contact has been made with one of the petitioners to ascertain what exact boundary changes were being sought. A map is attached showing existing and proposed boundaries.

It should be recognised that prior to the adoption of locality names and boundaries by the Council in 2002 no official names existed except where a townsite was gazetted. The border of the Mount Barker townsite to the north of the town is also shown on the map.

There would appear to be some confusion regarding rural street addressing, locality boundaries and delivery methods utilised by Australia Post. A locality change will not necessarily mean that Australia Post will change its delivery practices, especially if contracts have already been let.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That the Department of Land Information be requested to reassess locality boundaries between Mount Barker and Kendenup.

CARRIED (5/0)

No. 268/06

3.41pm Cr Forbes resumed the Chair.

9.1.4 TOURIST BUREAU - RELEASE OF FUNDS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/92/6
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	31 August 2006

Purpose

The purpose of this report is to seek authority from the Council to transfer from the Reserve Fund to the Municipal Fund \$9,166.00, being the quarterly grant to the Tourist Bureau for the running of the Visitors Centre.

Background

In adopting the 2006 / 2007 budget, the Council required that the equivalent of 75% of the grant to the Tourist Bureau to run the Mount Barker Visitors Centre be placed into Reserve such that a Council resolution would be necessary to transfer it to Municipal for release to the Bureau.

Statutory Environment

Regulation 12 of the Local Government (Financial Management) Regulation 1996 relates to payments from Municipal Fund. A transfer from Reserve to Municipal is necessary to expend funds. Section 6.8 of the Local Government Act 1995 also applies.

Consultation

Consultation has occurred with the Tourist Bureau Steering Committee and an invoice from the Tourist Bureau is to hand.

Policy Implications

There are no policy implications for this report.

Financial Implications

This report will vary the Council's budget by transferring \$9,166.00 from Reserve to Municipal Fund.

The Council's budget shows several amounts relating to the Tourist Bureau. These are Account 1320.1.159 \$9,500.00, a separate amount of \$5,000.00 and \$27,500.00 in Reserve. The total of these sums is \$42,000.00 being the equivalent of the 2005 / 2006 contribution. Amounts of \$5,000.00 and \$9,166.00 have been released to the Tourist Bureau. An amount of \$9,166.00 can now be released, leaving two (2) further payments of \$9,167.00 each.

Strategic Implications

There are no strategic implications for this report.

Tourist Bureau – Release Of Funds (Cont.)**Officer Comment**

At the request of the Council, the Tourist Bureau created a Tourist Bureau Steering Committee which presented an interim report to the Council at its meeting held on 22 August 2006.

A final report will most likely be presented to the Council at its meeting to be held on 12 September 2006.

The Chief Executive Officer has been sitting on that Steering Committee. The Committee has been working well, has been chaired capably by Tony Smith, and has been developing sound workable ideas for consideration by the Council.

The funds should be released to enable the Visitors Centre to continue running for a further three (3) months to enable the proposals put together by the Steering Committee to be analysed and, if thought achievable, implemented.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That the 2006/2007 budget be amended with the transfer of \$9,166.00 from Tourist Bureau Reserve Fund to Municipal Fund (Account 1320.1.159) for Tourist Bureau contribution.

CARRIED (6/0)

No. 269/06

(Absolute Majority)

9.1.5 TRAVEL REIMBURSEMENTS - COUNCILLOR KEITH HART

A Financial Interest was disclosed by Cr K Hart for Item 9.1.5

Nature Of Interest: Applicant

Extent Of Interest: Reimbursement of cost

Cr K Hart sought permission from the Council to participate in the discussion to help clarify his application for reimbursement.

3.52pm Cr K Hart withdrew from the meeting.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That Cr K Hart, pursuant to Section 5.68 of the Local Government Act 1995, be allowed to participate in the discussion of the motion but not allowed to vote.

CARRIED (3/2)

No. 270/06

3.54pm Cr K Hart returned to the meeting.

Location / Address: N / A

Name of Applicant: N / A

File Reference: GO/44/6

Author: Rob Stewart - Chief Executive Officer

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 24 August 2006

Purpose

The purpose of this report is to consider a request from Councillor Keith Hart for financial assistance relating to his responsibilities as Emergency Management and Recovery Planning Officer and Deputy Chair for the Shire of Plantagenet Local Emergency Management Committee (LEMC).

Background

At its meeting held on 13 June 2006, the Council resolved, among other things, to create the Local Emergency Management Committee pursuant to Section 38 of the Emergency Management Act 2005. The Resolution in part, appoints Councillor Hart as the Emergency Management and Recovery Planning Officer and Deputy Chair.

Statutory Environment

Section 5.98 of the Local Government Act 1995 (the Act) relates to fees for Council Members. Part 2 of that Section provides that:

'A council member who incurs an expense of a kind prescribed as being an expense—
(a) *to be reimbursed by all local governments; or*

Travel Reimbursements – Councillor Keith Hart (Cont.)

(b) *which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,*

is entitled to be reimbursed for the expense in accordance with subsection (3).'

The Section of the Act relating to fees, expenses and allowances is quite prescriptive. Subsection 6 provides that a local government can't make any payment or reimburse an expense to a Council Member '...unless the payment or reimbursement is in accordance with this division.'

The Local Government (Administration) Regulations 1996, Regulation 32 provides that the kinds of expenses that may be approved by any local government for reimbursement are 'an expense incurred by a Council Member in performing a function under the express authority of the local government; and an expense incurred by a Council Member in performing a function in his or her capacity as a Council Member.'

The Regulation further provides that the extent to which an expense referred to in the Sub-Regulation can be reimbursed is the actual amount, verified by sufficient information.

Consultation

The matter has been raised briefly with the Shire President.

Policy Implications

Policy CE/CS/1 Elected Member Expenses to be Reimbursed applies.

It is noted that that Policy's objective is 'to enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.'

The Policy then further provides that elected members shall receive reimbursement of expenses whilst attending the following:

- Council and Committee meetings held in accordance with the provisions of the Local Government Act;
- Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- Conferences and training sessions specifically authorised by the Council; and
- Any official social function organised by, or on behalf of, the Shire of Plantagenet.

Financial Implications

Councillor Hart has not provided exact costings for the training courses that he has previously undertaken and plans to undertake in the future. In fact, in some circumstances, Councillor Hart has been successful in obtaining scholarships to attend courses such that tuition fees and some travel and accommodation have been met with no cost to the Council.

Councillor Hart further advises that to effectively carry out his duties as part of the LEMC, further training would be necessary.

Training / courses undertaken by Councillor Hart in the past are:

Travel Reimbursements – Councillor Keith Hart (Cont.)

- Introduction to Emergency Management for Local Government (13-16 September 2005 - EMA Mount Macedon VIC)
- Contribute to an Emergency Risk Management Process (27-31 March 2006 - EMA Mount Macedon VIC)
- Introduction to Recovery Management (26 April 2006 – FESA Mandurah)
- Undertake Emergency Management Planning – Evacuation (9-11 May 2006 – EMA / FESA Trinity College)
- Emergency Coordination Centre Management (4-8 September 2006 – Trinity College)

Strategic Implications

One of the aims of the Council Strategic Plan in Key Result 5 is the provision of leadership.

Under recent changes to the applicable legislation regarding emergency management, the Council is placed in a position of leadership within the community and Councillor Hart is accepting the challenges in this role.

Officer Comment

There is no scope for retrospective reimbursement of expenses except where allowed for within the Council's policy such as for travelling, or where otherwise authorised.

The statutory provisions are clear in that reimbursement of expenses can only be made in accordance with the Act and Regulations.

As the Council has not specifically authorised Councillor Hart to undertake the studies that he has been undertaking there is no scope for reimbursement.

It should also be noted here that the Chief Executive Officer has no scope to purport to approve expenditure of this sort either.

Councillor Hart proposes to attend a further course in early September and there will again be no scope for approval of these expenses.

Voting Requirements

Simple Majority

4.04pm Cr K Hart withdrew from the meeting.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

THAT:

- (1) **With respect to the submission by Councillor Hart for reimbursement of expenses incurred by him through the taking of courses related to his position on the Local Emergency Management Committee, such expenses not be reimbursed being not specifically authorised by the Council.**

Travel Reimbursements – Councillor Keith Hart (Cont.)

- (2) As specific authority from the Council is necessary for the reimbursement of expenses pursuant to Section 5.98 of the Local Government Act 1995, Councillor Hart be requested to advise the Chief Executive Officer of future courses and expenditure such that a report can be presented to the Council prior to such expenditure being incurred.

CARRIED (5/0)

No. 271/06

4.08pm Cr K Hart returned to the meeting.

9.1.6 STRATA TITLE TREE FARMS – OUTSTANDING RATES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/134/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	31 August 2006

Purpose

The purpose of this report is to present the latest information regarding outstanding rates owed to the Council by Valley View and Hambley tree farms.

Background

The Council will recall that substantial rates are outstanding on the above assessments and that standard debt collection attempts have thus far proved unsuccessful.

The tree crop managers, Integrated Tree Cropping (ITC), proposed to reimburse outstanding rates moneys from the proceeds of sale upon harvest in 2006 / 2007. However, legal advice received recommended against forming an agreement with ITC as agreement would have to be sought from all owners involved and ITC did not have the authority to act on the owners' behalf.

Additional legal advice failed to recommend a definitive course of action that the Council should follow and at its Ordinary Council meeting held on 14 March 2006, the Council resolved:

'That specialised strata title and land administration legal advice be sought in relation to the recovery of rates from the owners of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker known as Hambley Tree Farm.'

On 2 June 2006, at the suggestion of the Council's auditors, the Shire President and the Chief Executive Officer visited an insolvency consultant in Perth to discuss the issues.

Statutory Environment

Section 6.64 of the Local Government Act 1995 states:

'Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land;*
 - (b) *sell the land;*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
-

Strata Title Tree Farms – Outstanding Rates (Cont.)

- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.'*

Section 6.68 of the Local Government Act 1995 states:

'Exercise of power to sell land

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the "power of sale") in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.*
- (3) *Schedule 6.3 has effect in relation to the exercise of the power of sale.'*

Sections 30 and 31 of the Strata Titles Act refer to the termination of Strata schemes.

Consultation

Consultation has occurred between the Chief Executive Officer and representatives of Integrated Tree Cropping.

Policy Implications

There are no policy implications for this report.

Financial Implications

As at 31 August 2006, the rates outstanding (inclusive of charges) for the Hambley Tree Farm total \$23,002.29 and the rates outstanding (inclusive of charges) for the Valley View Farm total \$150,495.97.

Outstanding rates on The Valley View Tree Farm represents 5.9% of total outstanding rates as at 31 August 2006 and outstanding rates on The Hambley Tree Farm represents approximately 0.9% of total outstanding rates as at 31 August 2006.

Costs associated with lodging an application to terminate a strata scheme under Section 31 of the Strata Titles Act and relevant legal representation are likely to cost in the vicinity of \$20,000.00.

Costs associated with exercising powers under Section 6.68 of the Local Government Act 1995 are estimated to be in the vicinity of \$20,000.00.

Strategic Implications

There are no strategic implications for this report.

Strata Title Tree Farms – Outstanding Rates (Cont.)**Officer Comment**

The crop managers for both Valley View and Hambley tree farms are ITC. Contact has been made with ITC and that organisation is arranging to meet with the Strata Manager for both of the tree farms within 'the next two weeks'. ITC will be seeking an agreement with the Strata Manager to undertake to pay all outgoings prior to any disbursements to owners including council rates.

If agreement is unable to be met with the Strata Manager the Council will be left with little choice but to utilise the provisions of the Local Government Act 1995 to either take or sell the land, as set out under 'Financial Implications'.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That the Chief Executive Officer's report noting continuing negotiations regarding outstanding rates for the Valley View and Hambley Tree Farms be received and that a further report be prepared for the Council no later than 24 October 2006.

CARRIED (6/0)

No. 272/06

9.2 CORPORATE SERVICES REPORTS

9.2.1 REVIEW OF POLICY F/AMR/1 – ASSET REGISTER

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/120/1
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	25 August 2006

Purpose

The purpose of this report is to review Council Policy F/AMR/1 – Asset Register. This Policy has established a guideline for the maintenance of the Council's asset register.

Background

At its meeting held on 9 November 2004, the Council adopted a policy that it would not record assets with an acquisition value of less than one thousand dollars (\$1,000.00) on the Council's asset register.

Statutory Environment

Section 5 (1) (d) of the Local Government (Financial Management) Regulations (1996) which relates to Section 6.10 of the Local Government Act 1995 states:

'5 (1) Efficient systems and procedures are to be established by the CEO of a local government -

(d) to ensure proper accounting for municipal or trust -

(i) revenue received or receivable;

(ii) expenses paid or payable; and

(iii) assets and liabilities.'

Consultation

Consultation has taken place with the Mr Rob Stewart - Chief Executive Officer and Mr Ross MacDonald - Accountant.

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

This Policy remains an acceptable accounting practice that will establish clear guidelines to ensure that all items purchased are correctly registered and accounted for. It is also the value recommended by the Australian Tax Office for small

Review Of Policy F/AMR/1 – Asset Register (Cont.)

businesses under the simplified tax system. However, it is considered that the Policy could be amended to reflect that the value is excluding GST.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council Policy No. F/AMR/1 – Asset Register:

'OBJECTIVE: To provide systematic guidelines for the maintenance of the Council's assets.

POLICY: The Council will not record assets with an acquisition value of less than one thousand dollars (\$1,000.00), excluding GST, on the Council's asset register.'

be endorsed.

9.2.2 REVIEW OF POLICY F/B/1 – GOODS AND SERVICES TAX

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/120/4
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	25 August 2006

Purpose

The purpose of this report is to review Council Policy F/B/1 that excludes GST when considering tenders for the supply of goods and services.

Background

At its meeting held on 25 September 2001, the Council adopted a Policy that it would exclude GST when calculating the \$50,000.00 statutory requirement to tender for supply of goods and services pursuant to Regulation 11(4) of Part 4 of the Local Government (Functions and General) Regulations 1996.

At that time the Department of Local Government and Regional Development (DLGRD) had received a number of queries about the application of the \$50,000.00 threshold for calling of tenders when GST is taken into consideration. After reviewing the situation and receiving advice, the DLGRD took the view that in calculating the consideration under Regulation 11(1), a local government may, in those areas of operation where GST is recouped, exclude GST from the calculation. It was noted that, although excluding GST from the calculations, local governments must allow potential suppliers to comply with the relevant GST legislation by providing prices inclusive of GST.

Nothing prevents a local government from deciding to calculate all considerations inclusive of GST. However to ensure a consistent approach by staff when dealing with the supply of goods and services, the DLGRD recommended that local governments develop a policy on the inclusion or exclusion of GST from the consideration.

At its meeting held on 24 September 2002, the Council reviewed this policy and resolved that:

'The Council will, when considering the \$50000 statutory requirement to tender for the supply of goods and services pursuant to the Local Government (Functions and General) Regulations 1996, exclude Goods and Services Tax.'

Statutory Environment

Regulation 11A of the Local Government (Functions and General) Regulations 1996 applies. This regulation states that:

'(1) Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50 000 unless subregulation (2) states otherwise.'

Review Of Policy F/B/1 - Goods & Services Tax (Cont.)**Consultation**

Consultation has taken place with the Mr John Fathers – Deputy Chief Executive.

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

This Policy enables consistency about both the calling of tenders and the consideration of submissions received. It also provides consistency between tender amounts and the budget amounts which are also shown as excluding GST.

The exclusion of GST is consistent with past practices where goods and services supplied to local governments were sales tax exempt. It is recommended that the policy be endorsed subject to an amendment to include a policy objective.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That amended Council Policy F/B/1 – Goods and Services Tax (GST):

'OBJECTIVE: To determine whether the statutory tender threshold value includes or excludes GST.

POLICY: The Council will, when considering the \$50,000.00 statutory requirement to tender for the supply of goods and services pursuant to the Local Government (Functions and General) Regulations 1996, exclude Goods and Services Tax.'

be endorsed.

CARRIED (6/0)

No. 274/06

**9.2.3 LOT 66 WESTFIELD STREET, LOT 61 BATEMAN STREET AND LOT 55
MUIRS HIGHWAY, ROCKY GULLY - OFFERS OF SALE**

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CR/58/1; RV/182/3703; RV/182/3841; RV/182/3845
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	30 August 2006

Purpose

The purpose of this report is to consider the offers of sale for Lot 66 Westfield Street, Lot 61 Bateman Street and Lot 55 Muirs Highway, Rocky Gully.

Background

At its ordinary meeting held on 11 July 2006 the Council resolved:

'That the Chief Executive Officer be authorised to dispose of Lot 61 Bateman Street, Rocky Gully pursuant to Section 3.58 of the Local Government Act 1995 subject to:

- (a) the property being disposed of for not less than the most recent valuation; and*
- (b) a local Real Estate Agent be used for the disposal.'*

The Council then resolved at its ordinary meeting held on 25 July 2006:

'That the Chief Executive Officer be authorised to dispose of Lot 66 Westfield Street and Lot 55 Muirs Highway, Rocky Gully pursuant to Section 3.58 of the Local Government Act 1995 subject to:

- (a) the properties being disposed for not less than the most recent valuation which shall be less than six (6) months old; and*
- (b) a local Real Estate Agent being used for the disposal.'*

As requested, all of the above properties were listed with the local Ray White Mount Barker Real Estate office.

The Council has received several offers for each of the properties. Each of these offers is outlined below:

Lot 66 Westfield Street Rocky Gully

This property was listed for sale at \$11,500.00 and two (2) offers were received.

The first offer was from Mr Wayne and Ms Carol Dymock for \$11,600.00 cash.

The second offer was from Mr Roy Gillespie for \$11,500.00 cash.

Lot 61 Bateman Street Rocky Gully

This property was listed for sale at \$12,000.00 and two (2) offers were received.

The first offer was from Mr Wayne and Ms Carol Dymock for \$12,100.00 cash.

The second offer was from Mr Brett Gillespie for \$12,000.00 cash.

Lot 66 Westfield Street, Lot 61 Bateman Street & Lot 55 Muirs Highway, Rocky Gully – Offers Of Sale
(Cont.)

Lot 55 Muirs Hwy Rocky Gully

This property was listed for sale at \$10,500.00 and three (3) offers were received.

The first offer was from Mr Wayne and Carol Dymock for \$10,600.00 cash.

The second offer was from Mr Luke Gillespie for \$10,500.00 cash.

The third offer was from Mr Joseph Williams for \$10,000.00 and subject to the successful sale of his Denmark business.

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Function and General) Regulations govern the disposal of land by a local government.

Consultation

Consultation has occurred with Ray White Mount Barker and Mr Rob Stewart - Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

Any proceeds from the sale of this property, will be in addition to budgeted funds.

The Real Estate Agent's selling fee is 15% of the actual selling price.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr D Williss:

THAT:

- (1) Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose of by sale, Lot 55 Muirs Highway, Lot 61 Bateman Street and Lot 66 Westfield Street, Rocky Gully to Mr Wayne Robert Dymock and Ms Carol Joy Dymock of RMB 703, Rocky Gully.**
- (2) Any submissions received during the advertising period be considered by the Council prior to accepting the Offers of Sale.**
- (3) The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.**

EQUALITY (3/3)

As the Motion requires an Absolute Majority, it was declared lost.

Lot 66 Westfield Street, Lot 61 Bateman Street & Lot 55 Muirs Highway, Rocky Gully – Offers Of Sale
(Cont.)

COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Clements:

THAT:

- (1) Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose of by sale:
 - (a) Lot 66 Westfield Street, Rocky Gully to Mr Wayne Robert Dymock and Ms Carol Joy Dymock for \$11,600.00;**
 - (b) Lot 61 Batemen Street, Rocky Gully to Mr Brett Gillespie for \$12,000.00; and**
 - (c) Lot 55 Muirs Highway, Rocky Gully to Mr Joseph Williams for \$10,000.00.****
- (2) Any submissions received during the advertising period be considered by the Council prior to accepting the Offers of Sale.**
- (3) The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.**

CARRIED (5/1)

No. 275/06

(Absolute Majority)

9.2.4 REGIONAL INFRASTRUCTURE PROGRAM FUNDING GRANT - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.4

Nature of Interest: Cattle Producer - 270 head of mixed cattle

A Financial Interest was disclosed by Cr J Moir for Item 9.2.4

4.22pm Cr J Moir withdrew from the meeting.

Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 18 November 2005, giving permission for Cr K Forbes, Cr M Skinner, Cr J Cameron, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until 31 December 2006.

The Chief Executive Officer read aloud the attached letter.

Location / Address: N / A

Attachments: (1) Financial Assistance Agreement

Name of Applicant: N / A

File Reference: GS/125/11

Author: John Fathers - Deputy Chief Executive Officer

Authorised By: John Fathers - Deputy Chief Executive Officer

Date of Report: 1 September 2006

Purpose

The purpose of this report is to seek authority to affix the common seal to a Financial Assistance Agreement associated with a grant from the Department of Local Government and Regional Development (the Department) for the Great Southern Regional Cattle Saleyards (GSRCS).

Background

In September 2005, the Shire applied for a Regional Infrastructure Funding Program (RIFP) Grant for environmental improvements to the GSRCS. In particular, the application related to the Environmental Action Plan which includes the diversion of storm water for reuse, the installation of an irrigation system on adjacent land for the reuse of treated waste water and the construction of an additional water treatment pond to improve waste water quality and allow flexibility in irrigation practices.

In early 2006, the Minister for Local Government and Regional Development advised that the Council had been successful in securing financial assistance of \$129,641.60 (\$117,856 RIFP plus \$11,785.60 GST) subject to conditions. The Department of Local Government and Regional Development subsequently advised of a number of conditions that needed to be satisfied. Upon receipt of the appropriate documentation demonstrating that the Shire has met the funding conditions specified, the Department would then prepare and forward a 'Financial Assistance Agreement' for signature and then pay the RIFP funds approved.

Regional Infrastructure Program Funding Grant – Great Southern Regional Cattle Saleyards (Cont.)

In a letter dated 27 July 2006, the Shire submitted information to the Department satisfying the conditions of funding under the RIFP. The Department has now responded advising that the Shire's letter partially meets the RIFP funding conditions and that a first instalment of \$84,022.40 (\$76,384 RIFP plus \$7,638.40 GST) will be made, subject to signing the Financial Assistance Agreement (attached).

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with Mr Rob Stewart - Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Council has included capital expenditure of \$262,083.00 and capital income of \$129,642.00 (RIFP Environmental Grant) in its 2006 / 2007 budget. This report seeks to secure the grant income.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The provisions of the Council's obligations under the agreement are achievable and it is therefore recommended that the Council endorse its execution.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Financial Assistance Agreement with the Department of Local Government and Regional Development, in relation to the Regional Infrastructure Funding Program Grant for the Great Southern Regional Cattle Saleyards.

CARRIED (5/0)

No. 276/06

4.25pm Cr J Moir returned to the meeting.

9.3 TECHNICAL SERVICES REPORTS

9.3.1 TENDER C03-0607 - SUPPLY AND DELIVERY OF ASPHALT

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/14
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 September 2006

Purpose

The purpose of this report is to consider submissions from the advertising of Tender 'C03-0607 - Supply and Delivery of Asphalt.'

Background

Tenders were recently called for the supply and delivery of asphalt. Tender C03-0607 closed 12.00 noon Monday 28 August 2006 and was advertised for a period of twenty-four days.

At the close of submissions, five (5) tenders were received from the following registered companies:

- Malatesta Road Paving & Hot Mix
- Pioneer Road Services
- Pioneer Road Services (Alternative)
- BGC Asphalt
- Works Emoleum

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. 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 the results of Council's decision.

Consultation

Mr Ian Bartlett - Manager Works and Services, with assistance from the Administration Officer, prepared the tender documentation and specifications.

Mr Ian Bartlett participated in the tender evaluation.

Tender C03-0607 – Supply & Delivery Of Asphalt (Cont.)

Policy Implications

There are no policy implications for this report.

Financial Implications

The combined budget allocation for the 2006 / 07 Road Construction and Maintenance Program is \$5,834,757. Incorporated in this amount is the allocation for the Supply and Delivery of Asphalt where needed.

Strategic Implications

The provision of engineering services 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 July 2006. In addition, a tender notice was placed on the Shire of Plantagenet website to inform prospective tenderers. The closing date for the receipt of tenders was Monday 28 August 2006, with delivery of submissions to the tender box.

Five (5) tenders were received from various suppliers for the supply and delivery of asphalt to the Shire of Plantagenet. A summary of the costs is shown tabulated below:

Tenderer's Offer

Tenderer	Supply and Lay Tender Price (\$ / square metre) Job size at 40mm Depth	
	20mm Intersection Mix	10mm All Purpose
	1,000m ²	12,500m ²
Malatesta Road Paving & Hot Mix	20.670	16.140
Pioneer Road Services Alternative Tender	21.725	19.635
BGC Asphalt	21.230	21.230
Works Emoleum	22.280	17.510
Pioneer Road Services	23.897	21.598

Tenderer	Asphalt with 2% Red Oxide
	10mm All Purpose
	2,500m ²
Malatesta Road Paving & Hot Mix	18.66
Pioneer Road Services Alternative Tender	29.04
BGC Asphalt	28.16
Works Emoleum	22.87

Tender C03-0607 – Supply & Delivery Of Asphalt (Cont.)

Pioneer Road Services	31.944
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The specification for the supply and delivery of asphalt required tenderers to demonstrate the following:

- Relevant Experience – detailing past performance when completing work of a similar nature;
- Skills and experience of key personnel;
- Methodology; and
- Pricing

Malatesta Road Paving & Hot Mix represents the best value for money over the one (1) year period. Malatesta Road Paving & Hot Mix has extensive experience in the supply and delivery of asphalt including involvement with a number of Local Government authorities in the southwest region as well as available resources to undertake the required services.

It is therefore the opinion of the Manager Works and Services that Malatesta Road Paving & Hot Mix is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That the Tender from Malatesta Road Paving & Hot Mix to supply and deliver asphalt to the Shire of Plantagenet for a twelve month period from 13 September 2006, be accepted, in accordance with the following price schedule inclusive of GST:

Tenderer	Supply and Lay Tender Price (\$/square metre) Job size at 40mm Depth	
	20mm Intersection Mix	10mm All Purpose
	1,000m ²	12,500m ²
Malatesta Road Paving & Hot Mix	20.67	16.14

Tenderer	Asphalt with 2% Red Oxide
	10mm All Purpose
	2,500m ²
Malatesta Road Paving & Hot Mix	18.66

CARRIED (6/0)

No. 277/06

9.3.2 TENDER C04-0607 - SUPPLY AND DELIVERY OF BITUMEN

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/12
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	22 August 2006

Purpose

The purpose of this report is to consider submissions from the advertising of Tender 'C04-0607 - Supply and Delivery of Bitumen.'

Background

Tenders were recently called for the supply and delivery of bitumen to various projects within the Shire of Plantagenet. Tender C04-0607 closed 12.00 noon Monday 21 August 2006 and was advertised for a period of twenty-four days.

At the close of submissions, six (6) tenders were received from the following registered companies:

- RNR Contracting Pty Ltd
- Pioneer Road Services Pty Ltd
- Pioneer Road Services Pty Ltd (Alternative)
- Bitumen Emulsions
- Malatesta Road Paving & Hot Mix
- Boral Asphalt (WA)

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 the results of Council's decision.

Consultation

Mr Ian Bartlett - Manager Works and Services, with assistance from the Administration Officer, prepared the tender documentation and specifications.

Mr Ian Bartlett participated in the tender evaluation.

Policy Implications

There are no policy implications for this report.

Tender C04-0607 – Supply & Delivery Of Bitumen (Cont.)

Financial Implications

The combined budget allocation for the 2006 / 07 Road Construction and Maintenance Program is \$5,834,757. Incorporated in this amount is the allocation for the supply and delivery of bitumen where needed.

Strategic Implications

The provision of engineering services 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 July 2006. In addition, a tender notice was placed on the Shire of Plantagenet website to inform prospective tenderers. The closing date for the receipt of tenders was Monday 21 August 2006, with delivery of submissions to the tender box.

Six (6) tenders were received from various suppliers for the supply and delivery of bitumen to various projects within the Shire of Plantagenet. A summary of the cost to supply a) Bulk Product – *Hot Bitumen Class 170 Cut/Flux to 5%* b) Bulk Product - *50/50 Prime* and c) Hire of Spreader is shown tabulated below:

Tenderer's Offer

Item 1.

Supplier	Bulk Product - <i>Hot Bitumen Class 170 Cut/Flux to 5%</i>					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
RNR Contracting Pty Ltd	0.800	0.860	0.930	1.03	1.09	1.30
Pioneer Road Services Pty Ltd	0.850	0.880	0.950	1.03	1.05	1.26
Pioneer Road Services Pty Ltd Alternative	0.800	0.830	0.900	0.97	0.99	1.20
Bitumen Emulsions	0.836	0.891	0.968	1.01	1.10	1.35
Malatesta Road Paving & Hot Mix	1.100	1.140	1.180	1.27	1.31	1.47
Boral Asphalt (WA)	0.990	1.050	1.090	1.14	1.17	1.21

Tender C04-0607 – Supply & Delivery Of Bitumen (Cont.)

Item 2.

Supplier	Bulk Product - <i>50/50 Prime</i>					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
RNR Contracting Pty Ltd	1.070	1.130	1.190	1.260	1.350	1.550
Pioneer Road Services Pty Ltd	0.900	0.930	1.000	1.080	1.100	1.310
Pioneer Road Services Pty Ltd Alternative	0.850	0.880	0.950	1.020	1.040	1.250
Bitumen Emulsions	0.866	0.921	0.998	1.043	1.133	1.383
Malatesta Road Paving & Hot Mix	1.120	1.160	1.210	1.300	1.340	1.500
Boral Asphalt (WA)	1.300	1.320	1.340	1.360	1.380	1.490

Item 3.

Supplier	Hire of Spreader Truck (\$/hr)
RNR Contracting Pty Ltd	95
Pioneer Road Services Pty Ltd	99
Pioneer Road Services Pty Ltd Alternative	99
Bitumen Emulsions	105
Malatesta Road Paving & Hot Mix	99
Boral Asphalt (WA)	99

NB. All prices include GST

The specification for the supply and delivery of bituminous surfacing required tenderers to demonstrate the following:

- Relevant Experience – detailing past performance when completing work of a similar nature;
- Skills and experience of key personnel;
- Methodology; and
- Pricing

Pioneer Road Services Pty Ltd, Pioneer Road Services Pty Ltd Alternative and RNR Contracting Pty Ltd presented competitive tenders, however the prices submitted by Pioneer Road Services Pty Ltd Alternative and RNR Contracting Pty Ltd are subject to rise and fall, while Pioneer Road Services Pty Ltd prices are fixed. Due to the

Tender C04-0607 – Supply & Delivery Of Bitumen (Cont.)

current volatile market it is recommended that a fixed price contract is sought as opposed to a rise and fall contract.

Pioneer Road Services Pty Ltd have extensive experience in the supply and delivery of bitumen including involvement with a number of regional shires and available resources to undertake the required services. It is therefore the opinion of the Manager Works and Services that Pioneer Road Services Pty Ltd is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That the Tender from Pioneer Road Services Pty Ltd to supply and deliver bitumen to the Shire of Plantagenet for various projects for a twelve (12) month period from 13 September 2006, be accepted, in accordance with the following price schedule inclusive of GST:

Item 1.

Supplier	Bulk Product - <i>Hot Bitumen Class 170 Cut/Flux to 5%</i>					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Pioneer Road Services Pty Ltd	0.85	0.88	0.95	1.03	1.05	1.26

Item 2.

Supplier	Bulk Product - <i>50/50 Prime</i>					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Pioneer Road Services Pty Ltd	0.90	0.93	1.00	1.08	1.10	1.31

Item 3.

Supplier	Hire of Spreader Truck (\$/hr)
Pioneer Road Services Pty Ltd	99

CARRIED (6/0)

No. 278/06

9.3.3 TENDER C05-0607 - GRAVEL PUSHING AND GENERAL BULLDOZER HIRE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/13
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	22 August 2006

Purpose

The purpose of this report is to consider submissions from the advertising of Tender 'C05-0607 – Gravel Pushing and General Bulldozer Hire.'

Background

Tenders were recently called for gravel pushing and general bulldozer hire. Tender C05-0607 closed at 12.00 noon on Monday 21 August 2006 and was advertised for a period of twenty-four days.

At the close of submissions, five (5) tenders were received from the following registered companies:

- Rivermouth Holdings Pty Ltd
- A D Contractors Pty Ltd
- Great Southern Sands
- GT & JF Couper
- Palmer & Rayner Earthmoving 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 Council to advise each tenderer in writing the results of Council's decision.

Consultation

Mr Ian Bartlett - Manager Works and Services, with assistance from the Administration Officer, prepared the tender documentation and specifications.

Mr Ian Bartlett participated in the tender evaluation.

Policy Implications

There are no policy implications for this report.

Tender C05-0607 - Gravel Pushing & General Bulldozer Hire (Cont.)**Financial Implications**

The combined budget allocation for the 2006/07 Road Construction and Maintenance Program is \$5,834,757. Incorporated in this amount is the allocation for gravel pushing and bulldozer hire where needed.

Strategic Implications

The provision of engineering services 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 July 2006. In addition, a tender notice was placed on the Shire of Plantagenet website to inform prospective tenderers. The closing date for the receipt of tenders was Monday 21 August 2006, with delivery of submissions to the tender box.

Five (5) tenders were received from various suppliers for gravel pushing and general bulldozer hire. A summary of the cost to supply is shown tabulated below:

Tenderer's Offer

Supplier	Contract Rates (\$/LCM)	Machine		Day Work Rates (\$/hr)	Mobilisation (\$/shift)
		Make	Model		
Palmer & Rayner Earthmoving Pty Ltd	0.82	Komatsu	D85A-21	192.5	
		Komatsu	D155A-2	247.5	
Great Southern Sands	1.30	Caterpillar	D9 (2004)	250.0	
		Caterpillar	D7H	192.0	
GT & JF Couper	1.43	Komatsu	D85	195.0	275
		Komatsu	D155	250.0	
Rivermouth Holdings Pty Ltd	1.48	Fiat Allis	FD 20	187.0	
		Caterpillar	DGH	154.0	
A.D. Contractors Pty Ltd	1.80	Caterpillar	D7H	187.0	
		Caterpillar	D8N	231.0	

NB. All Prices Inc. GST

The specification for the supply and delivery of gravel pushing and general bulldozer hire required tenderers to demonstrate the following:

- Relevant Experience – detailing past performance when completing work of a similar nature;
- Skills and experience of key personnel;
- Methodology; and
- Pricing

Palmer and Rayner Earthmoving Pty Ltd represents the best value for money over the one (1) year period.

It is the opinion of the Manager Works and Services that Palmer and Rayner Earthmoving Pty Ltd is the best value for money investment for the Shire of Plantagenet.

 Tender C05-0607 - Gravel Pushing & General Bulldozer Hire (Cont.)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Hart:

That the Tender from Palmer and Rayner Earthmoving Pty Ltd to supply and deliver gravel pushing and general bulldozer hire for a twelve (12) month period from 13 September 2006, be accepted, in accordance with the following price schedule inclusive of GST:

Supplier	Contract Rates (\$/LCM)	Machine		Day Work Rates (\$/hr)	Mobilisation (\$/shift)
		Make	Model		
Palmer & Rayner Earthmoving Pty Ltd	0.82	Komatsu	D85A-21	192.50	
		Komatsu	D155A-2	247.50	

CARRIED (6/0)

No. 279/06

9.4 DEVELOPMENT SERVICES REPORTS

9.4.1 LOTS 994, 995, 996, 997, 998, 999, 1000, 1001 AND 2082 WILLIAMS, CARBARUP AND CROCKERUP ROADS, KENDENUP – WAPC NO. 132176 – BOUNDARY REALIGNMENT

Location / Address:	Lots 994, 995, 996, 997, 998, 999, 1000, 1001 and 2082 Williams, Carbarup and Crockerup Roads, Kendenup
Attachments: (1)	Proposed Boundary Adjustment Plan
Name of Applicant:	John Kinnear and Associates on behalf of RC Williams
File Reference:	LP/158/60 and RV/182/191
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	23 August 2006

Purpose

The purpose of this report is to consider an application for the boundary realignment of nine (9) lots, referred by the Western Australian Planning Commission (WAPC), Lots 994, 995, 996, 997, 998, 999, 1000, 1001 and 2082 Williams, Carbarup and Crockerup Roads, Kendenup.

Background

An application for boundary realignment has been submitted to the WAPC. The subject application has been referred to the Council for its consideration.

Lot size	(Lot 994):	9.41 ha
	(Lot 995):	7.98 ha
	(Lot 996):	15.04 ha
	(Lot 997):	14.44 ha
	(Lot 998):	5.31 ha
	(Lot 999):	7.04 ha
	(Lot 1000):	8.71 ha
	(Lot 1001):	9.25 ha
	(Lot 2082):	1.34 ha
Proposed	(Lot A):	6.99 ha
	(Lot B):	7.59 ha
	(Lot C):	7.04 ha
	(Lot D):	7.11 ha
	(Lot E):	6.09 ha
	(Lot F):	6.57 ha
	(Lot G):	6.13 ha
	(Lot H):	9.93 ha
	(Lot I):	19.83 ha

Lots 994, 995, 996, 997, 998, 999, 1000, 1001 & 2082 Williams, Carbarup & Crockerup Roads, Kendenup – WAPC No. 132176 – Boundary Realignment (Cont.)



The Shire's records indicate the owner to be Robert Clive Williams.

Statutory Environment

Planning and Development Act 2005

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

WAPC DC Policy 3.4 'Rural Subdivision'

SPP 2.5 'Agricultural & Rural Land Use Planning'

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposed boundary realignment has no bearing on the Shire's Strategic Plan.

Officer Comment

The proposed boundary realignments are taking in consideration natural land features and waterways. Proposed Lot I includes the waterway and remnant vegetation. Boundaries have been configured along existing power line easements and a new road is to be built. The proposed road will need to be constructed in accordance with 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'. The boundary realignment is generally supported.

Voting Requirements

Simple Majority

Lots 994, 995, 996, 997, 998, 999, 1000, 1001 & 2082 Williams, Carbarup & Crockerup Roads, Kendenup – WAPC No. 132176 – Boundary Realignment (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Clements:

That the Western Australian Planning Commission be advised that the subdivision (boundary realignment) of Lots 994, 995, 996, 997, 998, 999, 1000, 1001 and 2082 Williams, Carbarup and Crockerup Roads, Kendenup (WAPC No. 132176) dated 15 August 2006 is supported subject to:

- (1) The subdivision (boundary realignment) being in accordance with the plan dated 15 August 2006.
- (2) All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet. A geotechnical assessment / pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the specifications set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.
- (3) Cul-de-sac heads within the subdivision shall be designed and constructed to the specification generally consistent with the standards outlined in the Institute of Municipal Engineering Australia (WA Division), Local Government Guidelines for Subdivisional Development and the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.
- (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) Any new crossover being located in a safe position, with adequate sightlines and being constructed in accordance with the Shire of Plantagenet standards and specifications.
- (6) A truncation (14m) being provided at the corner of Crockerup Road and Williams Road (Lot A).
- (7) The applicant complying with the Shire's Annual Firebreak Notice with regards to the proposed new boundaries.

CARRIED (6/0)

No. 280/06

9.4.2 DRAFT TOWN PLANNING SCHEME POLICY NO. 13 (FEEDLOTS)

Location / Address:	N / A
Attachments: (1)	Draft Town Planning Scheme Policy No. 13 (Feedlots)
Name of Applicant:	N / A
File Reference:	LP/120/2
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	29 August 2006

Purpose

The purpose of this report is to consider Draft Town Planning Scheme Policy No. 13 'Feedlots'.

Background

The Council adopted Town Planning Scheme Policy No. 8 'Cattle Feedlot' on 27 August 1996 and adopted Town Planning Scheme Policy No. 10 'Feedlots' on 25 June 1996.

The proposed draft Town Planning Scheme Policy No. 13 'Feedlots' will supersede both existing policies. Additionally, the Council's Health Local Laws 1997 regulates this form of activity.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies'

Consultation

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

Policy Implications

Existing Town Planning Scheme Policies No. 8 and No. 10 will need to be revoked when the Draft Town Planning Scheme Policy No. 13 is implemented.

Financial Implications

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

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 indicates that the Council will 'Develop and Review Town Planning Policies'.

Draft Town Planning Scheme Policy No. 13 (Feedlots) (Cont.)**Officer Comment**

The draft Town Planning Scheme Policy No. 13 proposes to combine current Town Planning Scheme Policies No. 8 and No. 10, improving the functionality and effectiveness of the policy.

The Council's Health Local Laws provides acceptable health standards for all forms of animal and fowl production. This Local Law will operate along side draft policy No. 13. Additionally, draft policy No. 13 takes into consideration Department of Agriculture and Food, Department of Water and Department of Environment and Conservation requirements.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

THAT:

- (1) The Draft Town Planning Scheme Policy No. 13 'Feedlots' be advertised in accordance with Clause 7.6.2 (a) of Town Planning Scheme No. 3 for a period of twenty-one days, once a week for two (2) consecutive weeks in a registered paper.**
- (2) At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 14 November 2006.**

CARRIED (6/0)

No. 281/06

9.4.3 LOTS 45, 46 AND 47 ALBANY HIGHWAY, MOUNT BARKER – OFFICE ADDITIONS AND ALTERATIONS

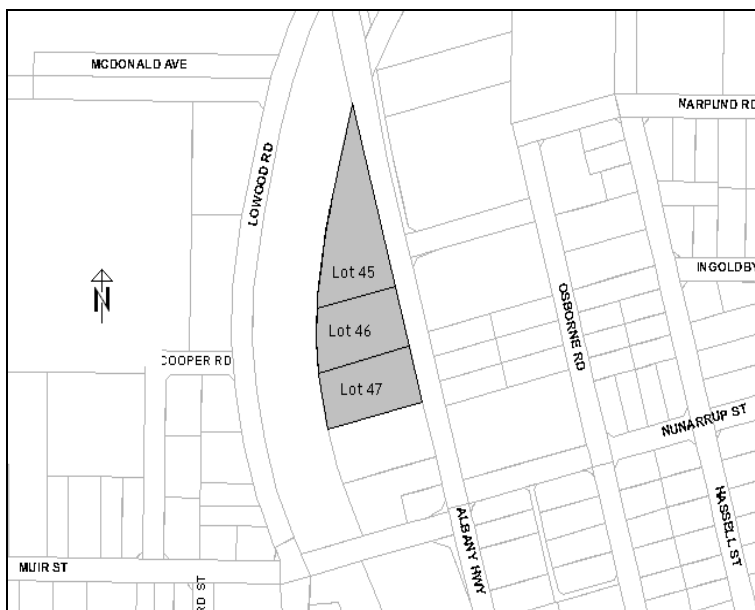
Location / Address:	Lots 45, 46 and 47 Albany Highway, Mount Barker
Attachments: (2)	Site Plan Floor Plan & Elevations
Name of Applicant:	Richard Currie on behalf of Plantagenet Wines Pty Ltd
File Reference:	RV/182/1448
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	30 August 2006

Purpose

The purpose of this report is to consider an application for office additions and alteration on Lots 45, 46 and 47 Albany Highway, Mount Barker.

Background

Previous approvals have been issued for Plantagenet Wines. The last approval included the Wine Storage warehouse which required the applicant to amalgamate the three (3) subject lots and landscape forward of the approved warehouse. These have not been undertaken by the applicant.



Shire records show the registered owner to be Plantagenet Wines.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3

- zoned Special Site R2 & R3 (Wine display, storage and retail: manufacture and production of wine) and (Use that has low traffic generating capacity)

There is no underlying zoning for the subject lots however, the existing land use has a somewhat 'service industrial' nature.

Consultation

Discussions occurred between the applicant and officers at the Shire of Plantagenet prior to formal submission.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 indicates the Council will *'retain local businesses and encourage new businesses that will create long-term sustainable local employment'*.

Officer Comment

The proposal includes the construction of new offices and the alteration of existing office space. The new offices contribute an additional 188m² of floor area to the buildings.

The additions have taken into consideration existing design elements. The roof pitch and colours are similar to the existing buildings. The applicant notes the additions will include colorbond wall cladding and zincalume roof. The walls will be of cream colorbond with the gable ends consisting of green colorbond. It is considered the proposed colours and materials are acceptable.

The window design is similar in shape to those of the existing cellar sale and office area. The windows could be more in keeping by incorporating appropriate treatments to form a crossed element.

Car parking requirements applicable are one (1) parking bay per 100m² of floor area. The applicant has calculated the expected floor area of the completed Plantagenet Wines project to be 5,371m² with a significant amount of this floor space in storage area (ie: storage tanks, wine storage) which does not generate a significant need for car parking. There are currently eighteen public bays with a further seventeen bays available to the public if needed. There is eleven staff parking bays (bringing the total number to forty-six bays) with the ability to provide more if necessary. Previous approvals have taken this into consideration and it is considered acceptable in this instance.

The previous approval required Plantagenet Wines to amalgamate the three (3) subject lots and provide landscaping between the wine storage warehouse and Albany Highway. As part of this application process the applicant will be reminded to attend to these two (2) matters. The lack of landscaping between the Wine Storage warehouse and Albany Highway results in clear visibility of the large blank wall. It is considered that small and medium size shrubs and trees are appropriate for the landscaping. Conditional approval is recommended.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That planning consent be granted in respect of Application No. 40/06 for Office Additions and Alterations on Lots 45, 46 and 47 Albany Highway, Mount Barker in accordance with the plans dated 10 August 2006 and 5 September 2006, subject to the following conditions:

- (1) The proposed windows to include appropriate treatments that form a similar crossed pattern as the existing windows.
- (2) The office additions and alterations to ensure compatibility with existing buildings.
- (3) A detailed landscaping plan incorporating trees and shrubs being submitted, for the area between the Wine Storage warehouse and Albany Highway, to the Council for assessment prior to commencement of development and landscaping being installed in accordance with the approved plan.
- (4) Internal public driveways and car parking bays being paved, drained and line marked to the Council's satisfaction.
- (5) Lots 45, 46 and 47 shall be amalgamated into one lot on a compiled Diagram of Survey and application for a new Certificate of Title shall be lodged with the Land Titles Office and new titles shall be created prior to the issuing of the building licence.

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) This planning approval is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Services Department prior to commencing any work of a structural nature.
- (iii) The developer is encouraged to landscape to a high standard.
- (iv) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

CARRIED (6/0)

No. 282/06

Lots 45, 46 & 47 Albany Highway, Mount Barker – Office Additions & Alterations (Cont.)

Photographs For Lot 46 Albany Highway, Mount Barker – Office Additions & Alterations



Lots 45, 46 & 47 Albany Highway, Mount Barker – Office Additions & Alterations (Cont.)

Photographs For Lot 46 Albany Highway, Mount Barker – Office Additions & Alterations (Cont.)



**9.4.4 PARKING RESTRICTIONS IN LOWOOD ROAD, MOUNT BARKER -
UPGRADE AREA**

Location / Address:	N / A
Attachments: (4)	Lowood Road Upgrade Plans
Name of Applicant:	N / A
File Reference:	RO/50/2
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	31 August 2006

Purpose

The purpose of this report is to assign time restrictions on car parking bays in accordance with the Shire of Plantagenet Parking and Parking Facilities Local Law 1998.

Background

The upgrading works in Lowood Road, Mount Barker are progressing well with the kerbing and sealing expected to be carried out toward the end of September and the installation of parking restriction signs will then follow. The car parks to the west of the Council's administration building are to be constructed also toward the end of September (weather and contractors permitting).

Statutory Environment

Local Government Act 1995

Shire of Plantagenet – Parking and Parking Facilities Local Law 1998 – Part 2, Clause 7(c) states that the Council may indicate by signs the permitted time and conditions of parking.

Consultation

The matter has been discussed with Mr Rob Stewart - Chief Executive Officer and Mr Ian Bartlett - Manager Works and Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

The budget for the Lowood Road upgrade works includes provisions for the marking out of car parking spaces and the installation of parking restriction signs.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The plans attached show the proposed time restrictions and three (3) additional disabled bays to those already on the plans. For ease of reference the plans have been numbered 1 to 4.

Parking Restrictions In Lowood Road, Mount Barker - Upgrade Area (Cont.)

Plan 1 shows the car parks to the north, south and east of the new administration building. The car park to the north will have no time limit, but be signed for 'Council Business Only'. The one to the south will be signed – 'Staff and Councillor Parking Only' and will not be time limited. The one to the east will be time limited for two (2) hours.

Plan 2 shows the area north of Marion Street and suggest a two (2) hour limit apply except for one (1) x fifteen minute bay near the post office and two (2) x one (1) hour bays near the junction of Langton Road.

Plan 3 extends from Langton Road to the Westpac Bank (Short Street). It is proposed to introduce two (2) disabled bays either side of the pedestrian nib and then introduce two (2) x fifteen minute bays adjacent to the disabled bays. The remainder of the bays will be limited to one (1) hour.

Plan 4 extends from Short Street to Muir Street and it is proposed these bays be limited to two (2) hours.

With the suggested limits in place, it will provide a series of options for shoppers and visitors depending upon their business they have to attend to. The limits being adopted by the Council resolution under the Local Law will mean they will be able to be enforced by the Council's Ranger. Under the Local Law the penalty for 'Standing Contrary to Signs or Limitations' is \$35.00.

The car parking area to the east of Lowood Road is within the Mount Barker Co-operative land holding and as such is not subject to the Local Law.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr D Williss:

That pursuant to the Shire of Plantagenet Parking and Parking Facilities Local Law 1998, the determined times and conditions of parking for the Lowood Road, Mount Barker redevelopment area as shown on the plans attached to this report be applied.

Motion To Adjourn Question

Moved Cr J Mark, seconded Cr K Hart:

That the adoption of times and conditions of parking within the Lowood Road, Mount Barker redevelopment area be adjourned until a workshop is held to determine the appropriate course of action.

CARRIED (6/0)

No. 283/06

9.4.5 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 41 - OMNIBUS AMENDMENT

Location / Address:	N / A
Attachments: (1)	Amendment No. 41
Name of Applicant:	N / A
File Reference:	LP/181/14
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	24 August 2006

Purpose

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to alter various parts of the text to clarify anomalies, rationalise numbering, introduce some model provisions and to rezone Lot 67 Langton Road, Mount Barker to Residential (R20).

Background

Town Planning Scheme No. 3 has been in operation since gazettal in 1991 and it has become apparent there are several areas where the text needs to be rationalised and areas where improvements are needed to include some additional provisions based on the Western Australian Planning Commission Model Scheme Text.

Since 1991 the Council has finalised twenty-four Amendments to the Scheme. Another eight (8) Amendments did not progress to final approval.

Lot 67 Langton Road was zoned Residential under the previous Town Planning Scheme No. 2 but when Town Planning Scheme No. 3 was finalised a colouring error showed this lot as being part of a Scheme Public Purpose Reserve for the purpose of Church. This Public Purpose Reserve extends eastwards to Lord Street where all of that land is owned by the Roman Catholic Bishop of Bunbury and St Joseph's Sacred Heart School, Mount Barker. Lot 67 is vacant but was previously occupied by a house.

According to Shire records the current owners of Lot 67 are Helen Dann, Clive Raymond Dann and Harmen Piet Boomsma.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations – these have set procedures for Amending a town planning scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. Once advertised the Council must consider any submissions lodged within forty-two days and refer its recommendations to the Western Australian Planning Commission and the Minister within twenty-eight days.

Consultation

Discussions have been held with Mr Rob Stewart - Chief Executive Officer, the land owner of Lot 67 Langton Road and the Regional Manager of the Department for Planning and Infrastructure in Albany.

Town Planning Scheme No. 3 – Amendment No. 41 – Omnibus Amendment (Cont.)

If initiated by the Council and authorised by the EPA, the Amendment will be advertised for forty-two days.

Policy Implications

There are no policy implications for this report.

Financial Implications

Should the Council agree to initiate the Amendment and should the EPA authorise it to proceed, there will be the cost of advertising and if finalised, the cost of publishing a notice in the Government Gazette.

The cost of having consultants prepare the amending map for Lot 67 was \$350.00.

Strategic Implications

Key Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented. An up-to-date Scheme is critical.

Officer Comment

This proposed Amendment consists of fifty-two parts many of which are of a relatively minor nature in that they correct terminology to reflect current documents such as the Residential Design Codes, rationalise numbers of specified areas in the Rural Residential Schedule 5, delete superfluous wording (again in Schedule 5). It also introduces some model provisions and some specific land use activities into the Zoning Table for ease of use. It also proposes to rezone Lot 67 Langton Road from a Scheme Public Purpose Reserve to a Residential Zone (with a R20 coding applied).

The new use classes to be included in the Zoning Table are:

- Aquaculture
- Bed and Breakfast *
- Cellar Sales
- Chalet *
- Craft Shop and Gallery *
- Gallery / Restaurant
- Home Business
- Horticulture
- Private Recreation
- Telecommunication Infrastructure
- Tourist Accommodation *
- Winery *

(* defined in Schedule 1 already)

These use classes are generally listed as either 'SA' (discretionary subject to advertising) or 'AA' (discretionary) in the relevant zonings such as Rural or Residential.

Where no definitions of these use classes exist, these have been provided for inclusion into Schedule 1 (Interpretations).

Town Planning Scheme No. 3 – Amendment No. 41 – Omnibus Amendment (Cont.)

A new Clause 5.1.3 has been included to enable the Council to consider and if necessary grant approval to an unauthorised development (commonly referred to as retrospective approvals).

A Clause 5.11 to enable the Council to accept a cash payment in lieu of car parking spaces has been included as has clause 5.12 for development of land subject to dampness or flooding.

As stated earlier some new definitions have been included in Schedule No. 1 (Interpretations) to match uses now listed in the Zoning Table. Of interest is that of 'Home Business' which is similar to Home Occupation except the floor area has been increased from 20m² to 50m² and it can employ up to two (2) people not a member of the occupier's family. The definition of 'Horticulture' covers both annual and perennial varieties from vegetables to fruit trees and vineyards and also includes wildflower cultivation.

If initiated by the Council and authorised by the EPA, the Amendment will be advertised by way of notice in the press, letters to government agencies, letters to adjoining owners to Lot 67 Langton Road and a sign on site at Lot 67.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

THAT:

- (1) Amendment No. 41 to the Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- (2) Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two days to enable comment to be made.**
- (3) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 13 February 2007.**

CARRIED (6/0)

No. 284/06

9.4.6 DELEGATION OF AUTHORITY FOR PLANNING MATTERS

Location / Address:	N / A
Attachments: (2)	Draft Delegation of Authority - Planning Application / Decision Summary Sheet
Name of Applicant:	N / A
File Reference:	LP/120/3
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	29 August 2006

Purpose

The purpose of this report is to consider a proposal to delegate limited planning powers to the Chief Executive Officer who can then on delegate to the Manager Development Services.

Background

Presently the Chief Executive Officer (by Delegation LG039) has delegated authority to approve subdivisions involving up to five lots where the subdivision conforms with Town Planning Scheme requirements. In November 2004 Amendment 36 to Town Planning Scheme No. 3 was finalised and that Amendment introduced a new Clause 7.7 'Delegation of Functions' which reads as follows:

'7.7 DELEGATION OF FUNCTIONS

- 7.7.1 *The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.*
- 7.7.2 *The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 7.7.1.*
- 7.7.3 *The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.*
- 7.7.4 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegations made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.'*

Statutory Environment

Planning and Development Act 2005
Town Planning Scheme No. 3 – Clause 7.7 – Delegation of Functions
Local Government Act 1995

Delegation Of Authority For Planning Matters (Cont.)

Consultation

The matter has been discussed with Mr Rob Stewart - Chief Executive Officer.

Policy Implications

It is proposed that the draft be added to the Council's Delegation Register.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The adoption of this delegation will mean applications for planning consent can be processed in a timely manner.

Officer Comment

The ability for Councils to delegate planning powers has been in existence in the Government's Model Scheme Text for some time and Councils throughout the State have introduced a delegation clause into their respective Town Planning Schemes as did the Shire of Plantagenet in November 2004. The proper use of delegations can work extremely well, meaning a good deal of minor planning items do not need to be placed before full Council. This means the Council time is freed up to deal with the more important strategic and policy related issues.

In essence matters that are delegated will be circulated internally to all relevant departments for comment. An application / decision summary sheet is prepared by the Planning Officer once all comments are received. The application / decision summary sheet is then considered by the Manager Development Services before it goes to the Chief Executive Officer for a decision to be made.

A register of delegations will be maintained for record keeping purposes and it will be presented as a monthly report summary to be included in the Council's Monthly Information Bulletin to ensure the Councillors are aware of the decisions being made under delegated authority.

There is also the ability for the Chief Executive Officer to on delegate some or all of the powers to the Manager Development Services. The monthly reporting in terms of the summary will need to be strictly adhered to.

The use of delegations in a correct and proper way will mean applications for planning consent and other relevant planning matters can be dealt with in a timely manner thereby reducing time from the original application lodgement to the decision.

Proposed Amendment No. 41 to Town Planning Scheme No. 3 to be considered by the Council at this September meeting will amongst other things introduce a range of use classes into the Zoning Table with the 'SA' or 'AA' classification applied to particular zones. Presently as an example, a use classified as 'SA' means a report needs to initially be placed before the Council with a recommendation that the proposed be advertised for twenty-one days. Following the advertising, submissions are considered and then another report is placed before the Council for a decision. Depending upon advertising dates, in some instances the second report can not be placed before the next Council meeting hence meaning an additional month in the processing time. A delegation to allow the advertising of an 'SA' application in the first instance will certainly speed up such a proposal in terms of processing time. Once submissions are received then the 'SA' proposal is placed before the Council.

Delegation Of Authority For Planning Matters (Cont.)

The proposed delegation attached includes a range of 16 matters from endorsing planning consent decision forms through to the Chief Executive Officer appointing persons to initiate prosecutions and legal proceeding for breached of the Scheme.

The delegation proposed does not include the ability to refuse applications or the ability to determine 'SA' applications. It also provides the ability to approve boundary setback variations in certain circumstances and slightly larger outbuildings but only where neighbour support has been obtained.

The delegation also allows for support of all subdivisional proposals (rather than 5 lots or less) where they comply with Scheme and Scheme policy requirements. It is proposed to provide limited delegation in respect to Scheme Amendment processes with restrictions.

With the new appeal legislation the State Administrative Tribunal has a series of somewhat tight time constraints in terms of providing responses and providing written statements and delegation is needed to ensure the time constraints are complied with.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

THAT:

- (1) Delegation LG039 be repealed.
- (2) Delegation LG043 as follows:

'That in accordance with Clause 7.7 of Town Planning Scheme No. 3, the Chief Executive Officer (CEO) has delegated authority to perform the following functions in relation to town planning matters:

- (1) Endorse planning decision forms.
- (2) Endorse clearance of Freehold Title and Strata title subdivisions on Deposited Plans or Plans of Strata / Survey Strata and strata documents.
- (3) Initiate the necessary public advertising of 'SA' planning consent applications prior to determinations by the Council.
- (4) Approve all 'P' planning consent applications where the use proposed complies with standards prescribed by Town Planning Scheme No. 3 and any relevant Town Planning Scheme Policies made under the Scheme.
- (5) Approve all 'AA' planning consent applications subject to:
 - (i) Compliance with the objectives of the Council's Town Planning Scheme Policies.
 - (ii) Compliance with Town Planning Scheme No. 3.
- (6) Provide responses to mobile phone carriers in accordance with the Deployment of Radio Communications Code in respect to:
 - (i) The proposed method of community consultation.

Delegation Of Authority For Planning Matters (Cont.)

- (ii) The installation of low impact facilities.
- (7) Approve and accept tree planting and landscaping plans required for subdivisional approvals or planning consent conditions where the plans involve the use of local native plant and tree species or other appropriate species.
- (8) Approve requests to clear remnant vegetation where a condition of planning consent or a subdivision approval requires the Council approval. Approval can be granted when the clearing is not considered to have an adverse visual or environmental impact or where it is required for fire safety reasons.
- (9) Approve requests for boundary setback variations required by the Residential Design Codes, the Town Planning Scheme or relevant Town Planning Policies (where there is power to vary the standards) where the variation will not adversely impact on the amenity of adjoining residences and adjoining owners support has been received.
- (10) Approve proposals for outbuilding where such outbuildings, exceed a maximum floor area specified (by up to 20%) by a Town Planning Scheme Policy or Town Planning Scheme provision on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit the floor area or specific external colours and finished.
- (11) Recommend support to the Western Australian Planning Commission for subdivisional proposals where these proposals comply with Town Planning Scheme No. 3 or relevant Town Planning Scheme Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission.
- (12) Require proponents to modify Town Planning Scheme Amendments and Structure Plan documents to the satisfaction of Council officers prior to them being considered by the Council.
- (13) Make inconsequential text and grammatical modifications to Scheme Amendments and Structure Plan documentation at any stage of the process.
- (14) Accept modifications to Scheme Amendments required by the Minister for Planning and Infrastructure unless they are in direct conflict with the Council's intentions following the consideration of submissions. This will include accepting the Minister's decision not to require modifications which were requested by the Council following consideration of submissions.
- (15) Provide responses to the State Administrative Tribunal in respect to applications for a review (former 'appeal') lodged against a refusal of planning consent, unacceptable conditions imposed on an approval of planning consent or supporting statements for the Western Australian Planning Commission in respect to a subdivision application decision made by the Commission. This

Delegation Of Authority For Planning Matters (Cont.)

also includes advising the Tribunal if mediation is an option to consider for the appeal process.

- (16) The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions and legal proceedings for breaches of the Town Planning Scheme in accordance with Part 13 of the Planning and Development Act 2005 on behalf of the Council.'

be adopted.

CARRIED (6/0)

No. 285/06

Absolute Majority

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 Clements, seconded Cr D Williss:

That business of an urgent nature, namely:

- South Mount Barker Football Club;
- Waiver of bond for Plantagenet Cranbrook Health Service;
- Denmark Water Planning Advisory Group; and
- Great Southern Recreation Advisory Group – legal action against Solly & Associates

be introduced into the meeting.

ADJOURNMENT

5.12pm The meeting was adjourned by the Presiding Member who directed the meeting reconvene at 5.17pm.

RESUMPTION

5.17pm The meeting resumed.

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr K Hart	Kendenup Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

11.1 SOUTH MOUNT BARKER FOOTBALL CLUB

Moved Cr K Hart, seconded Cr K Clements:

That the attached Memorandum Of Understanding be presented to the South Mount Barker Football Club subject to:

- (1) Point 3 including the change: The words 'No objections are raised for' being deleted and replaced with the word 'South Mount Barker Football.'
- (2) Offer from the Council to purchase the three (3) lighting poles, in working order and a fair and reasonable condition for a total of \$3,000.00.
- (3) No further fixtures and / or fittings being removed from any buildings located at Sounness Park.

CARRIED (6/0)

No. 286/06

11.2 WAIVER OF BOND - PLANTAGENET CRANBROOK HEALTH SERVICE

Moved Cr D Williss, seconded Cr J Mark:

That the application by the Plantagenet Cranbrook Health Service for a bond waiver for hall hire for the Plantagenet District Hall on 10 October 2006 be supported.

LOST (4/2)

11.3 DENMARK WATER PLANNING ADVISORY GROUP

Moved Cr K Hart, seconded Cr J Mark:

That the Department of Water – South Coast Region, be advised that:

- (1) The Shire of Plantagenet's representative on the Denmark Water Planning Advisory Group is Cr K Forbes.
- (2) Cr D Williss is the Shire Of Plantagenet's deputy representative.

CARRIED (6/0)

No. 287/06

11.4 GREAT SOUTHERN RECREATION ADVISORY GROUP – LEGAL ACTION

Moved Cr K Clements, seconded Cr J Mark:

That the Council support the following two (2) motions moved and endorsed by the Great Southern Recreational Advisory Group (GSRAG):

- (1) The balance of regional funding (\$7,950.12) for the Great Southern Regional Recreation Strategy project held by the 'host' Council be utilised by the Shire of Denmark to meet the legal costs incurred to date.

- (2) That authority be given to the Shire of Denmark Chief Executive Officer to seek legal advise to settle with Lesley Solly & Associates to the maximum of ten thousand dollars (\$10,000.00). An equal share of this settlement be equitably recouped across the twelve (12) member local government authorities in the Great Southern and the Department of Sport and Recreation, subject to ratification by all member Councils required by 4.30pm Friday 16 September 2006.

CARRIED (6/0)

No. 288/06

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

5.49pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE:/..../....

