



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 13 February 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.45pm The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward (Withdrew 3:13pm, returned 3:19pm)
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Hart	Kendenu Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer (Withdrew 4:44pm)
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services

Mrs K Skinner Executive Secretary
Ms C Delmage Administration Officer

There were two (2) members of the public present.
There was one (1) member of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Peter Truphet – Amendment No. 42 – Item 9.4.1

Mr Truphet spoke about Town Planning Scheme No. 3 – Amendment No. 42.

Mr Truphet noted that the concept plan has now changed whereby the two (2) existing Council homes will be zoned R5 instead of R20. Mr Truphet thanked the Council for the change which will enable the retention of trees on Martin Street and Oatlands Road.

Mr Truphet noted that the block with the Council houses on it was being subdivided to two (2) blocks of 3,880m² and 4,170m² and asked that the 4,170m² block be reduced so that both blocks were less than 4,000m² and therefore incapable of being divided further.

Mr Truphet also thanked Cr Clements, Cr Mark and Cr Hollingworth for taking the time to physically visit the site.

Bev Wilson – Member of the Mount Barker Tourist Board

Dear President, Councillors and Chief Executive Officer

I refer to the Council meeting held 23 January 2007, Item 9.1.3 and would like to thank the Council for approving to pay for the Business Plan for the Mount Barker Tourist Bureau (the Bureau).

Also regarding Item 9.1.4 of 23 January 2007 and Item 9.1.6 of this meeting, the Joint Committee will be responsible for the Great Southern Development Commission's (GSDC) grant to advertise and market the area. If Councillors wish to have input, it would be appreciated if they could let us know.

Further to today's Item 9.1.6, the Committee will be preparing a strategic plan and budget for the GSDC. The Committee will liaise with the Council. The marketing for this will include accommodation, wineries, saleyards, turfclub, golf courses, bowling clubs, events, ecotourism, tree farming, olive growers, local produce and crafts with tracks and trails being updated for the promotion of the area.

Ms Wilson noted that the money received from the GSDC will help to promote the area at shows in Perth and shopping centres.

Ms Wilson also asked about the grants for the Bureau and noted that they had so far received two (2) grants with another coming up. Ms Wilson asked whether the Council needed to receive their budget again before they release the next lot of funds.

Response By Mr R Stewart – Chief Executive Officer

As previously discussed and agreed, the Bureau must supply the Council with a detailed balanced budget which does not rely on funds not yet received.

Mr Stewart can be contacted if there are any queries in this regard.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Council held 23 January 2007 be confirmed.

CARRIED (9/0)

No. 33/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 30.01.07 – The Great Southern Development Commission (GSDC) held a Board meeting followed by a public meeting in the Council Chambers. Cr K Forbes – Shire President, Cr D Williss – Deputy Shire President, Cr B Hollingworth, Cr J Mark, Mr R Stewart – Chief Executive Officer and Mr I Bartlett – Manager Works and Services attended. Cr Forbes gave a short summary of district occurrences and in return was given some useful contacts and information.

The GSDC representatives noted that they are looking at several agricultural / industrial type developments within the Shire and appeared very positive about the district. Three (3) possible projects are being considered.

- 01.02.07 – Cr Forbes, Cr Williss, Cr Hollingworth and Cr Cameron attended the Mount Barker Turf Club Lunch at Frost Park for the Classic Mungrup Sprint race. Cr Forbes noted the good interaction between community groups.
- Cr Forbes attended a Western Australian Local Government Association meeting in Perth and noted that some interesting issues are arising which will hopefully become clearer as time progresses.

Cr Forbes will raise some of these issues with the Minister for Local Government when he visits this afternoon ie: proportional preferential voting, progress of the Official Conduct Bill (OCB). Cr Forbes noted that he would like to see the OCB put through as a priority.

- 08.02.07 - Cr Forbes, Cr Cameron and Mr Stewart attended a Rainbow Coast Regional Council meeting in Cranbrook at the new Frankland Community Centre. Some good discussions and information sharing occurred. Cr Forbes considered the meeting to be proactive.
- Cr Williss and Mr Bartlett will attend the opening of the Mallee Fowl Preservation Centre in Ongerup this week. Cr Williss will attend for Cr Forbes due to prior commitments.
- 13.02.07 – Cr Forbes noted that the Minister for Local Government would be making a brief visit to the Council Chambers and that he would take the opportunity to raise his concerns for local government.
- Cr Forbes noted that the new truck from the Middleward Brigade with Mr Ray Parry - Ranger, Mr Dave Burcham – Chief Bush Fire Control Officer and Mr Tom Rouse as crew, attended and assisted the recent Dwellingup fire for three (3) days. It was a big experience and Cr Forbes asked Councillors to show appreciation for their efforts. Our truck was one (1) of six (6) trucks from the Albany, Denmark and Plantagenet Councils.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 CONFERENCE ATTENDANCE - 2007 NATIONAL LOCAL ROADS CONGRESS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/38/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	24 January 2007

Purpose

The purpose of this report is to seek authority for the Shire President, Deputy Shire President and Manager Works and Services to attend the National Local Roads Congress to be held in Newcastle from 8 – 10 July 2007.

Background

The National Local Roads Congress for 2006 was held in Alice Springs and the Shire President, Deputy Shire President and Manager Works and Services attended that Conference on behalf of the Council.

Consultation

The Chief Executive Officer, Shire President and Deputy Shire President have been consulted regarding this issue.

Policy Implications

There are no policy implications for this report.

Financial Implications

Registration will be approximately \$800.00 per person. We are not sure whether there will be an 'early bird registration' or not. Accommodation approximately \$1,650.00 with air fares approximately \$2,769.00 (from Perth to Newcastle and return). No budget allocation has been made although costs would come out of Councillor Training and Staff Training. Total expenses would be in the vicinity of \$7,000.00.

Strategic Implications

Key Result Area 2 – The Infrastructure aims to:

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

Officer Comment

The Shire of Plantagenet has sent delegates to this conference for the past seven (7) years and feedback has been positive regarding road funding policies and direction.

Congress Attendance (Cont.)

It is recommended that normal conference expenses be met for the period of the conference.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

THAT:

- (1) The Shire President, Deputy Shire President and Manager Works and Services be authorised to attend the 2007 National Local Roads Congress to be held in Newcastle from Sunday 8 to Tuesday 10 July 2007.**
- (2) All Conference expenses are met in accordance with Council Policy No. CE/CS/1 and charged to (410.1.207 Councillors Training and 1430.1.42 Public Works Overheads – Travel Expenses).**

CARRIED (9/0)

No. 34/07

9.1.2 ELECTIONS 2007 - LOCAL GOVERNMENT - METHOD OF VOTING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GO/54/4
Author:	Kaye Skinner – Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	16 January 2007

Purpose

The purpose of this report is to appoint the Western Australian Electoral Commission to be responsible for the conduct of the October 2007 Ordinary Local Government Elections, and to endorse those elections to be conducted as postal ballots.

Background

The Council has used the Western Australian Electoral Commission to conduct postal voting elections for every election held since May 1988.

Statutory Environment

Section 4.61 (1) of the Local Government Act 1995 states

'The election can be conducted as a –

“postal election” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

“voting in person election” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.'

Section 4.61 (2) of the Local Government Act 1995 states:

'The Local Government may decide (absolute majority required) to conduct the election as a postal election.'

Section 4.20(4) of the Local Government Act 1995 states:

'A Local Government may, having first obtained the written agreement of the Electoral Commissioner, declare (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.'

Policy Implications

There are no policy implications for this report.

Financial Implications

The 2005 elections were invoiced by the Electoral Commission at \$11,596.00. The budgeted amount for those elections was \$10,000.00.

Elections 2007 – Method of Voting Cont.)

An amount of approximately \$14,000.00 would need to be allocated in the 2007 / 2008 budget for the conduct of the 2007 elections.

Costs not included in this estimate include:

- Non-statutory advertising (i.e additional advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- One local government staff member to work in the polling place on election day.

If the Government decides on a proportional preferential voting system it is expected that there will be extra costs.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is recommended that October 2007 Local Government Ordinary Elections be held as a postal ballot, to be conducted by the Electoral Commission of Western Australia.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

THAT:

- (1) In accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner of Western Australia be responsible for the conduct of the Shire of Plantagenet 2007 Ordinary Local Government Elections together with any other elections or polls which may also be required.**
- (2) In accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.**

CARRIED (9/0)

No. 35/07

(Absolute Majority)

9.1.3 MOUNT BARKER BAPTIST CHURCH - CONSTRUCTION OF COMMUNITY CENTRE - REQUEST FOR DONATION

Location / Address:	N / A
Attachments: (1)	Letter
Name of Applicant:	N / A
File Reference:	CS/150/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	6 February 2007

Purpose

The purpose of this report is to advise that the Baptist Church of Mount Barker has now responded to the Council's resolution of 12 December 2006 regarding the intention of the Baptist Church to provide Community Services in Mount Barker.

Background

At its meeting held on 12 December 2006 the Council resolved:

'That the Baptist Church of Mount Barker be advised that:

- (1) The intention of the Baptist Church of Mount Barker to provide significant community services to Mount Barker is noted.*
- (2) Any request for funding to the Baptist Church for the provision of such services can only be considered once the need for such services has been ascertained.*
- (3) Should the Church be in possession of the information referred to in Part (2) above, the Council would appreciate the provision of such information.'*

Councillors will recall that the church seeks from the Council a cash donation of \$100,000.00.

Statutory Environment

Nothing would prevent the Council from donating funds to a group such as the Baptist Church. A donation though would not give the Council any interest in the construction of the facility or in its running.

Consultation

On 30 January 2007 Mrs Gail Short, representing the Baptist Church, gave a brief presentation to the Great Southern Development Commission Board on the occasion of the Board's meeting in the Council Chambers in Mount Barker.

Policy Implications

Council Policy No. CS/DG/1 Financial Assistance (Capital) to Organisations and Clubs would apply.

Financial Implications

The Baptist Church seeks an unbudgeted cash donation of \$100,000.00.

Strategic Implications

The Council's Community Services plan aims to deliver, or facilitate the delivery of a range of services which respond to, and reflect, the physical, social and cultural well being of the community. It is reasonable to conclude that the provision of the type of services that the Baptist Church refers to would be in line with community expectations although, with a large input of funds, one would expect that expensive research would be undertaken to determine that the need was in fact there.

Officer Comment

At its December 2006 meeting, the Council was advised:

'The Baptist Church has advised Councillors in the past that it believes that it has a calling to provide significant community services in Mount Barker and the wider area of Plantagenet. The Church would appear committed to this outcome. However, it would be difficult to give anything other than conditional support subject to research being undertaken to ascertain the need for the type of facility being provided by the Baptist Church. Should the services to be provided by the Baptist Church turn out to be services that the Council may otherwise be asked to provide, a \$100,000 contribution may be money well spent. On the other hand, should the services that the Church proposes to provide be services that the government should be supplying, possibly the government should therefore be providing the funding.'

The Baptist Church now advises that there is a demand for '...an overwhelming number of programs...' and that they are now seeking to increase their needed floor space. They advise that the Church has confirmed a \$400,000.00 donation to the venture and that the Great Southern Development Commission has confirmed \$28,000.00 for the creation of a Telecentre. Numerous other applications for funding have been completed. They have also noted the support of various government departments.

Notwithstanding the information that has been supplied by the church, it still appears that there is insufficient statistical data demonstrating the need for specific services to be provided. Demographics on their own will not necessarily demonstrate need.

In any event, the Council would find it most difficult to make an unbudgeted donation of \$100,000.00 at this stage of the financial year. Possibly the best course of action now is to invite the Church to make application during the normal financial assistance process.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr J Moir:

THAT:

- (1) Anderson Dufty, Chair of the Mount Barker Baptist Community Centre Group be thanked for his letter of 31 January 2007 providing further information regarding the Church's proposal to construct a Community Centre in Mount Barker.
- (2) The Church be invited to submit a full proposal to the Council during the Council's normal Financial Assistance (Capital) to Organisations and Clubs Program in March 2007, for 2007 / 2008 budget consideration.

AMENDMENT

Moved Cr K Hart, seconded Cr J Mark:

That a Part (3) be added to the motion as follows:

'The matter be considered at a workshop prior to the consideration of other financial assistance grants.'

CARRIED (9/0)

No. 36/07

COUNCIL DECISION

THAT:

- (1) Anderson Dufty, Chair of the Mount Barker Baptist Community Centre Group be thanked for his letter of 31 January 2007 providing further information regarding the Church's proposal to construct a Community Centre in Mount Barker.
- (2) The Church be invited to submit a full proposal to the Council during the Council's normal Financial Assistance (Capital) to Organisations and Clubs Program in March 2007, for 2007 / 2008 budget consideration.
- (3) The matter be considered at a workshop prior to the consideration of other financial assistance grants.

CARRIED (9/0)

No. 37/07

9.1.4 MOUNT BARKER TOURIST BUREAU INC - BUSINESS PLAN

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:	6 February 2007

Purpose

The purpose of this report is to advise that a response has been received from the Mount Barker Tourist Bureau Inc regarding the development of a Business Plan for the Bureau's Visitor Centre.

Background

At its ordinary meeting held 23 January 2007, the Council resolved:

'THAT:

- (1) Subject to the Council endorsing a reallocation of funds within the December Budget Review, a suitable consultant be engaged by the Council to develop a business plan on behalf of the Mount Barker Tourist Bureau Inc. Board provided that the Board agrees that the brief is jointly developed by the Shire and the Board and the Shire is represented in each phase of the consultant's activities.*
- (2) A Steering Committee with two (2) representatives from the Council and two (2) from the Mount Barker Tourist Bureau Inc. Board be established to assist the parties in developing the consultant's brief, appointing a consultant and liaising with the appointed consultant in the preparation of the draft business plan.'*

Further, at that same meeting the Council reallocated within its adopted Municipal Fund Budget a sum of \$10,000.00 to undertake the development of a Business Plan.

Consultation

The Chief Executive Officer met with the Chairman of the Mount Barker Tourist Bureau Mr Scott Drummond and Board Member Mrs Larissa Seah on 1 February 2007 to develop further the Council's resolution.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Council has reallocated expenditure of up to \$10,000.00 to engage a consultant to complete the Business Plan for the Visitor Centre.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Tourist Bureau has advised that Mr D Atkinson and Ms B Wilson are the Bureau's nominated representatives. The Council has not yet nominated representatives and it is suggested that two elected representatives be nominated being the Council's Tourist Bureau representative and the deputy being Crs Hollingworth and Mark. By having two elected representatives, the Chief Executive Officer will be available to attend and advise if thought necessary.

Once the Steering Committee is satisfied with a Consultant, it would be the role of the Chief Executive Officer to appoint that Consultant.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That Councillors Hollingworth and Mark be nominated as the Council's representatives on the Visitor Centre Business Plan Steering Committee, the role of the Committee being the development of a Consultant's Brief and ongoing liaison with the appointed consultant regarding the preparation of a Business Plan for the Visitor Centre.

CARRIED (9/0)

No. 38/07

9.1.5 MOUNT BARKER TOURIST BUREAU INC - JOINT LIAISON COMMITTEE

Location / Address:	N / A
Attachments: (1)	Memorandum of Understanding
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:	6 February 2007

Purpose

The purpose of this report is to advise that a response has been received from the Mount Barker Tourist Bureau Inc regarding the Council's wish to enter into discussions with the Tourist Bureau with the view to finalising the role and composition of a Joint Liaison Committee to establish a more formal communication channel between the Tourist Bureau and the Council.

Background

At its meeting held on 23 January 2007 the Council resolved:

'THAT:

- (1) The Chief Executive Officer be authorised to enter into discussions with the Mount Barker Tourist Bureau Inc. Board with a view to finalising the role and composition of a joint committee.*
- (2) A further report be presented to the Council, no later than its meeting to be held 27 February 2007.'*

Statutory Environment

Section 5.8 of the Local Government Act 1995 empowers a Local Government to establish Committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Local Government (that can be delegated to committees).

A Committee is to comprise:

- (a) Council Members only;
- (b) Council Members and Employees;
- (c) Council Members, Employees and Other Persons;
- (d) Council Members and Other Persons;
- (e) Employees and Other Persons; and
- (f) Other Persons only.

Whether or not the Committee is appointed pursuant to the Local Government Act is possibly immaterial as it would not be the intention to give to the Committee any delegated authority. Rather, the Committee would be formed to develop and monitor the progress of various plans and to ensure that communication channels between the two bodies were open.

Possibly a Memorandum of Understanding may be the preferred alternative.

Consultation

The Chief Executive Officer met with the Chairman of the Mount Barker Tourist Bureau Inc Mr Scott Drummond on 1 February 2007 along with board member Mrs Larissa Seah.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The concept of a Joint Committee consisting of Shire and Tourist Bureau representatives was put forward in the final report of the Tourism Steering Committee (September 2006). The Committee recommended that a Joint Committee be formed under the Local Government Act and that a Memorandum of Understanding be developed. The Steering Committee recommended that the Committee comprise two (2) Councillors, two (2) Shire staff and four (4) members of the Tourist Bureau Board. It further recommended that the role of that committee would be to look at the Business and Marketing Plans, Human Resource requirements, Budgets and the setting of fees relating to the Visitor Centre. (It should be noted that this recommendation was written by the Steering Committee with the expectation that the Council would manage the day to day operation of the Visitors Centre / Library Co-location).

At its meeting held on 5 February 2007 the Mount Barker Tourist Bureau Board resolved:

'(That) the Tourist Bureau stay with the original representative proposal for the Joint Committee of a maximum of eight (8) and a minimum of four (4) representatives (two, two, four) ie., two Councillors, two Shire Representatives, four Board Members and what was presented to the Shire Council.'

Voting Requirements

Simple Majority

3.13pm Cr Forbes withdrew from the meeting and Cr Williss assumed the Chair.

OFFICER'S RECOMMENDATION

That the attached Draft Memorandum of Understanding be forwarded to the Mount Barker Tourist Bureau (Inc) for that organisation's comment regarding the commitment of both the Shire and the Bureau to develop a protocol of information sharing and liaison regarding tourism planning and area promotion.

MOTION TO SUSPEND STANDING ORDERS**Moved Cr K Clements, seconded Cr J Cameron:**

3.15pm That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (8/0)**No. 39/07**

3.19 pm Cr Forbes returned to the meeting and resumed the Chair.

MOTION TO RESUME STANDING ORDERS**Moved Cr J Cameron, seconded Cr J Mark:**

3.36pm That Standing Orders be resumed.

CARRIED (9/0)**No. 40/07**

The Minister For Local Government - Hon John Bowler arrived at the Council Chambers and Cr Forbes recommended a one (1) hour adjournment to enable the Minister and Councillors to participate in discussion on issues facing Local Government in Western Australia.

MOTION TO ADJOURN THE MEETING**Moved Cr K Clements, seconded Cr B Hollingworth:**

3.37pm That the meeting be adjourned for one (1) hour.

CARRIED (9/0)**No. 41/07****RESUMPTION**

4.37pm The meeting was resumed. Cr Williss assumed the chair.

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward (from 5.17pm)
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Hart	Kendenu Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer

Mount Barker Tourist Bureau Inc Joint Liaison Committee (Cont.)

Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

MOTION TO ADJOURN QUESTION

Moved Cr Moir, seconded Cr Clements

That this item be adjourned pending a workshop to be held at the earliest opportunity.

CARRIED (8/0)

No. 42/07

9.1.6 MOUNT BARKER TOURIST BUREAU INC - REGIONAL DEVELOPMENT SCHEME - REQUEST FOR FUNDING

Location / Address:	N / A
Name of Applicant:	Mount Barker Tourist Bureau Inc
File Reference:	ED/92/6
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 February 2007

Purpose

The purpose of this report is to advise that by letter dated 18 January 2007 the President of the Mount Barker Tourist Bureau Inc has advised that the Bureau has been successful with a grant application to the Great Southern Development Commission (GSDC). The purpose of the grant is 'to establish and develop a regional profile for the tourism sub-region through marketing and promotional activities.'

The letter then seeks a contribution from the Shire of Plantagenet in the amount of \$3,000.00. The Bureau is also seeking \$3,000.00 from the Cranbrook Shire and \$4,000.00 from local tourism and hospitalities industries. It is advised that the \$4,000.00 has been secured.

The Cranbrook Shire has not yet considered the request, but it is understood that an affirmative is unlikely.

Background

At a special meeting of the Council held on 27 November 2006 it was resolved:

- (1) *That the Mount Barker Tourist Bureau (Inc) be advised that it is the opinion of the Council that:*
- (a) *Visitor Centre Income and Expenditure can be balanced without increased contributions from the Council provided that operating hours of the Centre are reduced to twenty nine hours per week Monday to Sunday.*
 - (b) *The Manager and Book-keeper positions could be combined, with that new position working two (2) days per week at \$22.00 per hour.*
 - (c) *Casual staff could be limited to three (3) hours per day on the remaining days of the week (as detailed in the attached spreadsheet).*
- (2) *Subject to budget direction, the Council will release the next grant instalment in December 2006 followed by the final instalment in February 2007.*
- (3) *The Council acknowledges that the reduced operating hours will not necessarily be an optimum solution and therefore the Council will fund, up to a maximum of \$10,000.00, the appointment of a Consultant to prepare a Business Plan on behalf of the Visitor Centre, subject to budget reallocation.'*
-

Mount Barker Tourist Bureau – Request for Funding (cont.)**Consultation**

The Chief Executive Officer has discussed the application with Mr Scott Drummond and Mrs Larissa Seah. The CEO has advised Mr Drummond of the Council's resolution and Mr Drummond has indicated that the application was made prior to his incumbency as President and that it would be unfortunate if significant funding from the GSDC was not able to be taken up.

Further, contact has been made with the Shire of Cranbrook.

Policy Implications

The Council's policy relating to Tourism states:

OBJECTIVE: *To provide a position for Council in relation to tourism in the Shire of Plantagenet.*

POLICY: *The Council will, with regard to tourism, have, as its major objectives to:*

- 1. Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet;*
- 2. Foster and create community awareness of the benefits of tourism within the Plantagenet district;*
- 3. Guide and influence the development of tourism in the Plantagenet district;*
- 4. Provide basic facilities and infrastructure sufficient to encourage development;*
- 5. Visitors and residents.'*

The Council, elsewhere, will also be considering the adoption of a Memorandum of Understanding regarding future communication between the Shire and the Mount Barker Tourist Bureau Inc.

Financial Implications

Should the Council so wish, funds would be available under District and Area Promotion. Although the budget line shows nil expenditure, it will be recommended that \$6,560.00 be reallocated during the next budget review, leaving an amount of \$6,440.00, if \$3,000.00 is granted to the Bureau.

Strategic Implications

The Council is in the process of now developing strategic direction for area promotion. It recently reallocated funds for the development of a business plan for the Tourist Bureau so that joint Council Tourist Bureau strategies can be developed. The expenditure now of funds on developing a regional profile through marketing and promotional activities would appear to be premature given the Council's communicated wish to develop complementary promotional strategies.

Officer Comment

Notwithstanding the above, it is most likely counter productive to lose \$9,000.00 for the sake of a \$3,000.00 Council contribution.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Mount Barker Tourist Bureau Inc be advised that the Council is pleased to provide a further grant of \$3,000.00 to the Bureau as a contribution towards the grant funding from the Great Southern Development Commission for the establishment and development of a regional profile for the tourism sub-region through marketing and promotional activities and that the funding be charged to District and Area Promotion (GL.1320.1.160).

AMENDMENT

Moved Cr B Hollingworth, seconded Cr K Clements:

That the words 'subject to an appropriate business plan being submitted by the Visitor Centre Business Plan Steering Committee as per the Resolution of Item 9.1.4 of this meeting' be added after the account number '(GL.1320.1.160)'.

CARRIED (8/0)

No. 43/07

COUNCIL DECISION

That the Mount Barker Tourist Bureau Inc be advised that the Council is pleased to provide a further grant of \$3,000.00 to the Bureau as a contribution towards the grant funding from the Great Southern Development Commission for the establishment and development of a regional profile for the tourism sub-region through marketing and promotional activities and that the funding be charged to District and Area Promotion (GL.1320.1.160) subject to an appropriate business plan being submitted by the Visitor Centre Business Plan Steering Committee as per the Resolution of Item 9.1.4 of this meeting

CARRIED (8/0)

No. 44/07

4.44pm The Chief Executive Officer withdrew from the meeting and the Deputy Chief Executive Officer resided in his place.

9.2 CORPORATE SERVICES REPORTS

9.2.1 ASSET REVALUATION – BUDGET REALLOCATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/103/3
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	7 February 2007

Purpose

The purpose of this report is to consider a budget reallocation to enable the undertaking of an asset valuation on council properties.

Background

Local Government Insurance Services (LGIS) is undertaking a property valuation project to assist all Councils have their properties valued correctly on their insurance schedule.

LGIS has entered into an agreement with Australian Valuation Partners (AVP) for a bulk discount on property valuations of council owned property. In addition to the bulk discount, LGIS will also be rebating 40% of the cost to the Council provided the valuation is undertaken by AVP.

Estimation figures from LGIS indicate the cost of valuing the Shire of Plantagenet's properties would be \$9,800.00, with the 40% rebate being paid after the valuation was undertaken.

A quote was obtained from Albany Valuation Services in January 2005 to value all council properties owned and managed which totalled \$21,945.00.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act 1995 requires a budget reallocation to be adopted by Absolute Majority.

Consultation

Consultation has occurred with the Council's LGIS Insurance Manager, Brian Eckhart, the Council's Chief Executive Officer, Rob Stewart and Deputy Chief Executive Officer, John Fathers.

Policy Implications

There are no policy implications for this report.

Financial Implications

To enable the Council to participate in this project a reallocation of funds will need to occur. It is being proposed that the following funds be utilised to finance the project:

- \$6,560.00 be taken from account 1320.1.160 District & Area Promotion; and \$3,240.00 will be taken from account 420.2.783 Reimbursements – Other. The
-

Asset Revaluation – Budget Allocation (cont.)

Council received a good driver rebate cheque from LGIS for limited claims towards our motor vehicle insurance policy in 2005/2006. These funds were unexpected and therefore unbudgeted.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Participating in this project will be the most cost effective way of valuing Council owned properties. It will be beneficial to not only ensure the Council's properties are accurately insured but it will also ensure that the Council has an accurate assessment of assets for costing replacement and depreciation purposes. This was an important requirement addressed by the Council at the recent Systemic Sustainability Report workshop.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

THAT:

- (1) The following funds be reallocated to a new account to be utilised towards the Local Government Property Valuation Project.
 - Budget Item 1320.1.160 District & Area Promotion be reduced by \$6,560.00; and
 - Budget Item 420.1.172 Property Valuation Project be created with a budget amount of \$9,800.00.
- (2) Unbudgeted income of \$3,240.00 (good driver rebate) be utilised at Budget Item 420.1.172 Property Valuation Project.

CARRIED (8/0)

No. 45/07

9.2.2 POLICY REVIEW – PURCHASING AND TENDERING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	F/FM/5
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	6 February 2007

Purpose

The purpose of this report is to revoke Council Policy No. F/FM/5 - Purchasing and Tendering and Council Policy No. F/FM/3 – Tendering Threshold and Goods and Services Tax and replace them with Council Policy No. F/FM/7 – Purchasing and Tendering.

Background

At its meeting held 27 September 2005, the Council adopted Policy No. F/FM/5 – Purchasing and Tendering. This Policy has now largely been superseded due to amendments to the Local Government (Functions and General) Regulations (1996) increasing the tender threshold from \$50,000.00 to \$100,000.00.

Statutory Environment

Section 3.57 of the Local Government Act 1995 and Sections 11 to 24G of the Local Government (Functions and General) Regulations are relevant to the procurement of goods and services. Also, a new Regulation 11A is being promulgated requiring all Councils to adopt a purchasing policy. The new regulations come into operation on 30 March 2007.

Consultation

Consultation has taken place within the management team.

Policy Implications

This item reviews Council Policy No. F/FM/5 – Purchasing and Tendering and recommends replacing it with the Western Australian Local Government Associations (WALGA) model policy.

Financial Implications

The Purchasing and Tendering Policy ensures that the purchasing of goods and services is compliant with legislative requirements and enhances the Council's accountability in this area.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The objective of this policy is to provide clear guidelines to the Council and its officers for procuring goods or services. The WALGA model recommends new thresholds of

Policy Review – Purchasing & Tendering (Cont.)

value being up to \$1,000.00, \$1,001.00 to \$19,999.00, \$20,000.00 to \$39,999.00 and \$40,000.00 to \$99,999.00, each exclusive of GST.

The policy is considered to provide appropriate controls.

As the tender threshold has been in place for over ten years, it has been recognised by the Department of Local Government and Regional Development that it should be increased to recognise CPI increases over that time.

Direction regarding the exclusion of Goods and Services Tax with regard to the tendering threshold is included in the new Policy and therefore Council Policy No. F/FM/3 – Tendering Threshold and Goods and Services Tax can be revoked.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

THAT:

- (1) Council Policy No. F/FM/5 – Purchasing and Tendering be revoked.**
- (2) Council Policy No. F/FM/3 – Tendering Threshold and Goods and Services Tax be revoked.**
- (3) Council Policy No. F/FM/7 - Purchasing and Tender Guide as follows:**

‘PURCHASING AND TENDER GUIDE**1.1 OBJECTIVES**

- **To provide compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations, 1996.**
- **To deliver a best practice approach and procedures to internal purchasing for the Shire of Plantagenet.**
- **To ensure consistency for all purchasing activities that integrate within all the Shire of Plantagenet operational areas.**

1.2 WHY DO WE NEED A PURCHASING POLICY?

The Shire of Plantagenet is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- **Provides the Shire of Plantagenet with a more effective way of purchasing goods and services;**
- **Ensures that purchasing transactions are carried out in a fair and equitable manner;**
- **Strengthens integrity and confidence in the purchasing system;**
- **Ensures that the Shire of Plantagenet receives value for money in its purchasing;**
- **Ensures that the Shire of Plantagenet considers the environmental impact of the procurement process across the life cycle of goods and services;**

Policy Review – Purchasing & Tendering (Cont.)

- Ensures the Shire of Plantagenet is compliant with all regulatory obligations;
- Promotes effective governance and definition of roles and responsibilities;
- Upholds respect from the public and industry for the Shire of Plantagenet's purchasing practices that withstands probity examination; and
- Ensure the Council's Occupational Health and Safety Policy is considered when making purchasing decisions.

1.3 ETHICS AND INTEGRITY

All officers and employees of the Shire of Plantagenet shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Plantagenet.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public moneys based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Plantagenet policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Plantagenet by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

1.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Plantagenet. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution,

- as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
 - financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
 - a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

1.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Plantagenet is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and / or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Plantagenet's sustainability objectives.

Practically, sustainable procurement means the Shire of Plantagenet shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- Demonstrate environmental best practice in water efficiency;
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- For new buildings and refurbishments – where available use renewable energy and technologies.

1.6 PURCHASING THRESHOLDS

Policy Review – Purchasing & Tendering (Cont.)

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Policy
Up to \$1,000	Direct purchase from suppliers requiring only two (2) verbal quotations.
\$1,001 - \$19,999	Obtain at least three (3) verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three (3) written quotations
\$40,000 - \$99,999	Obtain at least three (3) written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

1.6.1 Up to \$1,000

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two (2) verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The WALGA Purchasing and Tender Guide contains a sample form for recording verbal quotations.

1.6.2 \$1,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical eg: due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Shire of Plantagenet employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies. The Western Australian Local Government Association Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

1.6.3 \$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - Written Specification;
 - Selection Criteria to be applied;
 - Price Schedule;
 - Conditions of responding; and
 - Validity period of offer.
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond;
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements;
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The tender guide produced by the Western Australian Local Government Association should be consulted for further details and guidance.

1.6.4 \$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Western Australian Local Government Association Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

1.7 REGULATORY COMPLIANCE

1.7.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by the Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and
- Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.

1.7.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and / or services available from only one private sector source of supply (ie: manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one (1) source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision 'sole source of supply' should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

1.7.3 Anti-Avoidance

The Shire of Plantagenet shall not enter two (2) or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

1.7.4 Tender Criteria

The Shire of Plantagenet shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (ex GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of two (2) members; and
- \$100,000 and above, the panel must contain a minimum of three (3) members.

1.7.5 Advertising Tenders

Tenders are to be advertised in a state wide publication eg: 'The West Australian' newspaper Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least fourteen days after the date the tender is advertised. Care must be taken to ensure that fourteen full days are provided as a minimum.

The notice must include:

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted; and
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from whom more detailed information as to tendering may be obtained;
- detailed information shall include:
 - such information as the Shire of Plantagenet decides should be disclosed to those interested in submitting a tender;
 - detailed specifications of the goods or services required;
 - the criteria for deciding which tender should be accepted;
 - whether or not the Shire of Plantagenet has decided to submit a tender; and
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

1.7.6 Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Plantagenet not to compromise its duty to be fair.

1.7.7 Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

1.7.8 Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tender Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Shire of Plantagenet. Members of the public are entitled to be present.

The Tender Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two (2) Shire of Plantagenet Officers present at the opening of tenders.

1.7.9 No Tenders Received

Where the Shire of Plantagenet has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$40,000 and \$99,999 (listed above);
- the specification for goods and / or services remains unchanged; and
- purchasing is arranged within six (6) months of the closing date of the lapsed tender.

1.7.10 Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Plantagenet by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

1.7.11 Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Plantagenet may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

1.7.12 Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Plantagenet and tenderer have entered into a Contract, a minor variation may be made by the Shire of Plantagenet.

A minor variation will not alter the nature of the goods and / or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

1.7.13 Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

1.7.14 Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation; and
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation; and
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act and the Shire of Plantagenet's internal records management policy.'

be endorsed.

CARRIED (8/0)

No. 46/07

9.2.3 COMMITTEE MINUTES

Location / Address: N / A
Attachments: (2) Committee Minutes
Name of Applicant: N / A
File Reference: LP/103/3; ES/103/7
Author: Cherie Delmage - Administration Officer
Authorised By: John Fathers - Deputy Chief Executive Officer
Date of Report: 8 February 2007

Purpose

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

- Townscape Review Steering Committee Meeting - 23 January 2007
- Local Emergency Management Committee Meeting – 6 February 2007

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Hart:

That the following Committee Minutes be received:

- Townscape Review Steering Committee Meeting - 23 January 2007
- Local Emergency Management Committee Meeting – 6 February 2007

CARRIED (8/0)

No. 47/07

9.3 TECHNICAL SERVICES REPORTS

9.3.1 TENDER C09-0607 SUPPLY AND DELIVERY OF MULTI TYRED ROLLER

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/17
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 February 2007

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C09-0607 Supply and Delivery of Multi Tyred Roller.

Background

Tenders were recently called for the supply and delivery of one (1) Multi Tyred Roller. Tender C09-0607 closed at 12 noon on Wednesday 31 January 2007 and was advertised for a period of forty (40) days.

At the close of submissions, three (3) Tenders were received from the following companies:

- BT Equipment;
- WesTrac; and
- Wel-Quip Road Construction Equipment.

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 Mr Wayne Griffiths - Works Supervisor, Mr Michael Seaman - Workshop Supervisor and Ms Megan Sounness - Administration Officer, prepared the tender documentation and specifications.

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness participated in the Tender evaluation.

Tender C09-0607 – Supply & Delivery Of Multi Tyred Roller (Cont.)**Policy Implications**

Council Policy No. F/FM/7 - Purchasing and Tendering applies.

Financial Implications

In the adopted Budget for 2006 / 2007, a total of \$130,000.00 (nett) has been allocated towards the purchase of a new Multi Tyred Roller.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian during December 2006. In addition, a notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 31 January 2007, with delivery of submissions to the Tender box.

Three (3) Tenders were received from various suppliers for the purchase of a new Multi Tyred Roller.

A summary of the price offered for each Multi Tyred Roller, with relative trade price for Council's Caterpillar PS 200B Pneumatic Compactor (Registration No. PL 9654 – Plant No. MR3) is shown tabulated below:

Tender Prices:

Multi Tyred Roller				
Supplier	Machine Make / Model	Purchase Price (exc GST)	Trade Offer (exc GST)	Nett Cost (exc GST)
BT Equipment	Bomag BW24R	\$144,000.00	\$45,000.00	\$99,000.00
WesTrac	Cat PF-300C	\$174,200.00	\$52,500.00	\$121,700.00
Wel-Quip Road Construction Equipment	Ammann AP240	\$144,990.00	\$60,000.00	\$84,990.00

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness reviewed the Tenders for each Multi Tyred Roller offered, rating each Tender against the selection criteria (Make, Model and Specifications; Service and Support; Mechanical Inspection and Demonstration; Performance History; Operator Safety and Price).

Both the Bomag BW24R and Ammann AP240 (being very similar machines) rated closely, however Wel-Quip Road Construction Equipment offers a twenty-four month warranty for the Ammann AP240 (as opposed to a twelve month / 1000hrs warranty offered by BT Equipment). Also Wel-Quip Road Construction Equipment offers the most competitive price and anticipated delivery date (being March 2007 as opposed to May 2007 for BT Equipment or 26-28 weeks for WesTrac).

Tender C09-0607 – Supply & Delivery Of Multi Tyred Roller (Cont.)

The Tender Evaluation Team recognised the superior service and support provided by WesTrac, however the team agreed that the Cat PF-300C was considered too expensive.

It is therefore the opinion of the Tender Evaluation Team that the Ammann AP240 is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

That the Tender from Wel-Quip Road Construction Equipment to supply and deliver one (1) Amman AP240 Multi Tyred Roller to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Purchase Price (exc GST)	Trade Offer (exc GST) Caterpillar PS200B Pneumatic Compactor Registration No. PL 9654 Plant No. MR3	Nett Cost (exc GST)
\$144,990.00	\$60,000.00	\$84,990.00

CARRIED (8/0)

No. 48/07

9.3.2 TENDER C10-0607 SUPPLY AND DELIVERY OF PRIME MOVER

Location / Address: N / A
Name of Applicant: N / A
File Reference: PS/165/18
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 2 February 2007

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C10-0607 Supply and Deliver of Prime Mover.

Background

Tenders were recently called for the supply and delivery of one (1) 6 x 4 Prime Mover. Tender C10-0607 closed at 12 noon on Wednesday 31 January 2007 and was advertised for a period of forty (40) days.

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

WA Hino;
Mercedes-Benz;
Albany City Motors; and
Skipper Trucks.

One (1) outright purchase offer for the trade vehicle, a Mitsubishi FV547K2RFAB Prime Mover, was received from the following:
WP Trucks / Brigold Pty Ltd.

Statutory Environment

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

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

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

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

Consultation

Mr Ian Bartlett - Manager Works and Services, with assistance from Mr Wayne Griffiths - Works Supervisor, Mr Michael Seaman - Workshop Supervisor and Ms Megan Sounness - Administration Officer, prepared the Tender documentation and specifications.

Tender C11-0607 – Supply and Delivery Crew Cab Transport Truck (Cont.)

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness participated in the Tender evaluation.

Policy Implications

There are no policy implications for this report.

Financial Implications

In the adopted Budget for 2006 / 2007, a total of \$55,000.00 (nett) has been allocated towards the purchase of a new Prime Mover.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian during December 2006. In addition, a notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 31 January 2007, with delivery of submissions to the Tender box.

Four (4) Tenders were received from various suppliers for the purchase of a new Prime Mover in accordance with the Shire's Tender documentation and specifications. In addition one (1) tender was received from a company expressing a desire to purchase the trade vehicle.

A summary of the cost of each Prime Mover with relative trade price for the Council's Mitsubishi FV547K2RFAB Prime Mover (Registration No. PL 406 – Plant No. T29) is shown tabulated below:

Tender Price:

Supply and Deliver - Prime Mover				
Supplier	Machine Make / Model	Purchase Price (exc GST)	Trade Offer (exc GST)	Nett Cost (exc GST)
WA Hino	Hino SS1EKPG cl	\$158,810.91	\$81,818.18	\$76,992.73
Mercedes-Benz	Mercedes-Benz Actros 2646LS	\$190,600.00	\$69,000.00	\$121,600.00
Albany City Motors	Isuzu GIGAMAX 425	\$168,371.00	\$79,090.91	\$89,280.10
Skipper Trucks	Iveco AT10 6x4	\$173,000.00	\$75,090.91	\$97,909.10
Outright Purchase				
WP Trucks / Brigold Pty Ltd			\$66,919.10	

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness reviewed the Tenders for each Prime Mover offered, rating each Tender against the selection criteria (Make,

Tender C11-0607 – Supply and Delivery Crew Cab Transport Truck (Cont.)

Model and Specifications; Service and Support; Mechanical Inspection and Demonstration; Performance History; Operator Safety and Price).

The Hino SS1EKPG cl rated the highest, meeting all of the specifications in the Tender document, while all other suppliers rated lower due to non compliance with some criteria. WA Hino offer the most competitive price for the Hino SS1EKPG cl and this comes with a three (3) year / 500,000km full vehicle and five (5) year / 750,000km driveline warranty. Albany City Motors offer a similar warranty for the Isuzu GIGAMAX 425, however are more expensive. Skipper Trucks and Mercedes-Benz are more expensive still and offer shorter warranties.

The Mercedes-Benz Actros 2646LS was recognised for its outstanding safety compliance however other Tenders were still rated satisfactorily and were looked at more favourably due to being a lower price. All Tenders rated similarly for service and support and Albany City Motors was recognised for its locality. The Tender from WP Trucks / Brigold Pty Ltd for the outright purchase of the trade was not preferred, being the lowest price offered for the trade out of all Tenders received.

It is the opinion of the Tender Evaluation Team that the Hino SS1EKPG cl is the best value for money investment for the Shire of Plantagenet. Although this machine exceeds the budgeted amount of \$55,000.00, it is believed that savings made on other plant, and income made from the outright purchase of the Caterpillar 814B Dozer and other surplus items justify its purchase.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

THAT:

- (1) The Tender from WA Hino to supply and deliver one (1) Hino SS1EKPG cl Prime Mover to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:**

Purchase Price (exc GST)	Trade Offer (exc GST) Mitsubishi FV547K2RFAB – Registration No. PL 406 Plant No. T29	Nett Cost (exc GST)
\$158,810.91	\$81,818.18	\$76,992.73

- (2) The over expenditure of \$21,992.73 be funded from within the Heavy Vehicle Plant Replacement Program savings made from the purchase of the Multi Tyred Roller.**

CARRIED (8/0)

No. 49/07

9.3.3 TENDER C11 - 0607 SUPPLY AND DELIVERY OF CREW CAB TRANSPORT TRUCK

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/19
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 February 2007

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C11-0607 Supply and Delivery of Crew Cab Transport Truck.

Background

Tenders were recently called for the supply and delivery of one (1) Crew Cab Transport Truck. Tender C11-0607 closed at 12.00 noon on Wednesday 31 January 2007 and was advertised for a period of forty days.

At the close of submissions, three (3) Tenders were received from the following companies:

WA Hino;
Albany City Motors; and
Skipper Trucks.

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 the Council's decision.

Consultation

Mr Ian Bartlett - Manager Works and Services, with assistance from Mr Wayne Griffiths - Works Supervisor, Mr Michael Seaman - Workshop Supervisor and Ms Megan Sounness - Administration Officer, prepared the Tender documentation and specifications.

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness participated in the Tender evaluation.

Tender C11-0607 – Supply and Delivery Crew Cab Transport Truck (Cont.)**Policy Implications**

There are no policy implications for this report.

Financial Implications

In the adopted Budget for 2006 / 2007, a total of \$18,000.00 (nett) has been allocated towards the purchase of a new Crew Cab Transport Truck.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian during December 2006. In addition, a notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 31 January 2007, with delivery of submissions to the Tender box.

Three (3) Tenders were received from various suppliers for the purchase of a new Crew Cab Transport Truck in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each Crew Cab Transport Truck with relative trade price for the Council's Isuzu 250/450 Crew Cab 8NR03PN (Registration No. PL 1034 – Plant No. T33) is shown tabulated below:

Tender Price:

Transport Truck				
Supplier	Machine Make / Model	Purchase Price (exc GST)	Trade Offer (exc GST)	Nett Cost (exc GST)
WA Hino	Hino 300 Series Crew Cab	\$53,793.64	\$34,545.45	\$19,248.18
Albany City Motors	Isuzu NPR 400 Crew Cab	\$49,784.35	\$32,844.55	\$16,939.80
Skipper Trucks	Mitsubishi Fuso FE84PEWSTFAA	\$49,776.00	\$26,000.00	\$23,776.00

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness reviewed the Tenders for each Crew Cab Transport Truck offered, rating each Tender against the selection criteria (Make, Model and Specifications; Service and Support; Mechanical Inspection and Demonstration; Performance History; Operator Safety and Price).

The Isuzu NPR 400 Crew Cab rated the highest, meeting all of the Specifications in the Tender document. Albany City Motors also offers the most competitive price.

Tender C11-0607 – Supply and Delivery Crew Cab Transport Truck (Cont.)

Other Tenderers offered prices well above this amount. Albany City Motors was also recognised for its locality, being close in regards to Service and Support and also for having equally the longest warranty. The Tender Evaluation Team also favoured the Isuzu NPR 400 Crew Cab due to operator familiarity (the trade vehicle is an Isuzu).

While the Mitsubishi Fuso FE84PEWSTFAA offered by Skipper Trucks would be available the soonest and offers equally the longest warranty, it is also the highest price, causing the Tender Evaluation Team to look more favourably at other offers. The Tender from Skipper Trucks was also recognised for its excellent safety; however the other Tenders received still rated satisfactorily for safety.

The Hino 300 Series Crew Cab offered by WA Hino rated the lowest, being over the budgeted amount, having the shortest warranty, the longest anticipated delivery date and not complying with all of the specifications in the Tender Document.

It is the opinion of the Tender Evaluation Team that the Isuzu NPR 400 Crew Cab is the best value for money investment for the Shire of Plantagenet and within budget parameters exclusive of GST.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, Seconded Cr B Hollingworth:

That the Tender from Albany City Motors to supply and deliver one (1) Isuzu NPR 400 Crew Cab Transport Truck to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Purchase Price (exc GST)	Trade Offer (exc GST) Isuzu 250 / 450 Crew Cab 8NR03PN Registration No. PL1034 Plant No. T33	Nett Cost (exc GST)
\$49,784.35	\$32,844.55	\$16,939.80

CARRIED (8/0)

No. 50/07

9.3.4 TENDER C07-0607 OUTRIGHT PURCHASE - ITEMS SURPLUS TO REQUIREMENTS

Note: Staff members have tendered for some of the items referred to in this report. Those staff members have had no participation or input in the deliberation process.

Also a staff member's partner (closely related person) has also submitted a tender.

Location / Address: N / A
Name of Applicant: N / A
File Reference: PS/165/16
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 2 February 2007

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C07-0607 Outright Purchase – Items Surplus to Requirements.

Background

Tenders were recently called for the outright purchase of a number of items surplus to the requirements of the Shire of Plantagenet. Tender C07-0607 closed at 12.00 noon on Wednesday 31 January 2007 and was advertised for a period of forty days.

At the close of submissions, sixty-six tenders were received for the various surplus items from the following companies and people:

- Smith Broughton & Sons;
- PW & D Johnston;
- Dodd & Dodd Group;
- Walter John Hatch;
- Ashleigh Severin;
- Scott Clements (Partner of Staff Member);
- Robert Healy;
- Great Southern Sands;
- Warren Blackwood Waste;
- Keith Ford;
- Tricoast Civil;
- Steve Player (Staff Member);
- Ray Parry (Staff Member);
- RD Williams Machinery Pty Ltd;
- Lyn Hambley;
- Paul Fulcher; and
- Kenneth Anderson.

Tender C07-0607 – Outright Purchase – Items Surplus To Requirements (Cont.)**Statutory Environment**

Section 3.58 of the Local Government Act 1995 governs the disposition of Local Government property.

Consultation

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

Mr Bartlett, Mr Wayne Griffiths - Works Supervisor, Mr Dave Cooper - Workshop Supervisor and Ms Sounness participated in the tender evaluation.

Policy Implications

There are no policy implications for this report.

Financial Implications

Plant Item	Budget Amount (06/07) (Inc. GST)	Tender Price (Inc GST)	Surplus / Deficit (Inc GST)
Caterpillar Dozer	\$25,000.00	\$61,215.00	\$36,215.00+
Mercedes Rubbish Truck	\$12,000.00	\$7,500.00	\$4,500.00-
Belarus Tractor	\$2,000.00	\$6,600.00	\$4,600.00+
Leyland Tractor	\$3,000.00	\$3,300.00	\$300.00+

All other moneys received from the sale of surplus items were unbudgeted.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

A Request for Tenders was published in the Albany Advertiser and West Australian in the month of December 2006. In addition, a notice was placed on the Shire of Plantagenet website and also on the Noticeboard in the Shire Administration Building to inform prospective Tenderers. The closing date for the receipt of Tenders was Wednesday 31 January 2007, with delivery of submissions to the Tender box.

Sixty-six Tenders were received.

A summary of the prices offered for each item is shown tabulated below:

Tender Price:

Tender C07-0607 Outright Purchase – Items Surplus to Requirements

Tenderer	Price (Inc GST)
Item 1 – Belarus Tractor 560	
Smith Broughton & Sons	\$6,600.00
PW & D Johnston	\$3,800.00
Dodd & Dodd Group	\$3,500.00
Walter John Hatch	\$5,500.00

Tender C07-0607 – Outright Purchase – Items Surplus To Requirements (Cont.)

Ashleigh Severin	\$1,680.00
Scott Clements	\$2,500.00
Item 2 - Leyland 245 Tractor	
PW & D Johnston	\$1,875.00
Smith Broughton & Sons	\$3,300.00
Robert Healy	\$1,800.00
Item 3 - Mercedes Rubbish Truck	
Great Southern Sands	\$6,600.00
Warren Blackwood Waste	\$4,455.00
Smith Broughton & Sons	\$5,500.00
PW & D Johnston	\$7,500.00
Item 4 - Emulsion Trailer with Pump	
Keith Ford	\$310.00
Tricoast Civil	\$400.00
Robert Healy	\$745.00
Item 5 - 3PL Post Hole Digger	
Robert Healy	\$330.00
Steve Player	\$150.00
Scott Clements	\$200.00
Item 6 – 5 x Metal Spreaders	
Great Southern Sands	\$330.00
Robert Healy	\$385.00
Tricoast Civil	\$1,510.00
Item 7 – 2 x Sand Spreaders	
Robert Healy	\$85.00
Item 8 - Slasher (smart)	
Keith Ford	\$110.00
Robert Healy	\$285.00
Scott Clements	\$250.00
Item 9 - Wacker Compactor	
Great Southern Sands	\$440.00
Robert Healy	\$575.00
Ashleigh Severin	\$350.00

Tender C07-0607 – Outright Purchase – Items Surplus To Requirements (Cont.)

Tricoast Civil	\$600.00
Item 10 - Cement Mixer	
Great Southern Sands	\$440.00
Robert Healy	\$380.00
Ray Parry	\$200.00
Ashleigh Severin	\$350.00
Scott Clements	\$400.00
PW & D Johnston	\$205.00
Item 11 – 2 x Hooklift Trailers	
Dodd & Dodd Group	\$7,200.00
Great Southern Sands	\$2,200.00
Smith Broughton & Sons	\$13,200.00
PW & D Johnston	\$3,100.00
Item 12 – 2 x Davy Pumps	
Great Southern Sands	\$220.00
Item 13 - Ebra Pump	
Great Southern Sands	\$110.00
Item 14 - Stihl Pressure Cleaner (no tenders received)	
Item 15 – 39 x 70ml ID Irrigation Pipes (+ sprinklers)	
Ray Parry	\$50.00
Great Southern Sands	\$880.00
Dodd & Dodd Group	\$240.00 (includes item 16)
Item 16 – 38 x 70ml ID Irrigation Pipes (no sprinklers)	
Great Southern Sands	\$440.00
Dodd & Dodd Group	\$240.00 (includes item 15)
Item 17 - Lathe Turret Head	
Great Southern Sands	\$440.00
Keith Ford	\$65.00
Robert Healy	\$640.00
Item 18 - Sewell Road Broom	
Great Southern Sands	\$1,100.00
Smith Broughton & Sons	\$550.00
PW & D Johnston	\$525.00

Tender C07-0607 – Outright Purchase – Items Surplus To Requirements (Cont.)

Robert Healy	\$580.00
Tricoast Civil	\$600.00
Item 19 - Dynapak Nib Foot	
Great Southern Sands	\$220.00
Robert Healy	\$290.00
Item 20 - Computer Desks (No Tenders Received)	
Item 21 - Book Shelf (No Tenders Received)	
Item 22 - Sod Cutter (No Tenders Received)	
Item 23 - Caterpillar 814B Wheel Dozer	
RD Williams Machinery Pty Ltd	\$61,215.00
Dodd & Dodd Group	\$27,000.00
Great Southern Sands	\$35,200.00
Smith Broughton & Sons	\$36,047.00
PW & D Johnston	\$17,750.00
Item 24 - Flat Discharge Hose	
Great Southern Sands	\$1,650.00
Item 25 - Nissan Bluebird (No Tenders Received)	
Item 26 - Holden Gemini	
Lyn Hambley	\$30.00
Steve Player	\$10.00
Item 27 - Toyota Corolla	
Paul Fulcher	\$60.00
Items 28 - 36 (No Tenders Received)	
Item 37 - Mitsubishi Pajero	
Kenneth Anderson	\$225.00

Mr Bartlett, Mr Griffiths, Mr Cooper and Ms Sounness examined the Tender submissions to ensure that reasonable prices were being offered, taking into account the fact that these items are no longer used by the Shire.

In particular the Council's Tender Evaluation Team looked at prices offered for the Belarus Tractor, Leyland Tractor, Mercedes Rubbish Truck and Caterpillar 814B Wheel Dozer as amounts had been allocated in the 2006 / 2007 budget for the sale of these items. The highest Tenders received for these items came in above the budgeted amount except for the Mercedes Rubbish Truck, however savings on the other items will make up for the loss on this particular item.

It is the opinion of the Tender Evaluation Team that those Tenderers offering the highest price for each individual item should be awarded that item.

Tender C07-0607 – Outright Purchase – Items Surplus To Requirements (Cont.)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION**Moved Cr J Moir, seconded Cr M Skinner:****That the following Tenders be accepted:**

Tenderer	Price (Inc. GST)
Item 1 – Belarus Tractor 560	
Smith Broughton & Sons	\$6,600.00
Item 2 - Leyland 245 Tractor	
Smith Broughton & Sons	\$3,300.00
Item 3 - Mercedes Rubbish Truck	
PW & D Johnston	\$7,500.00
Item 4 - Emulsion Trailer with Pump	
Robert Healy	\$745.00
Item 5 - 3PL Post Hole Digger	
Robert Healy	\$330.00
Item 6 – 5 x Metal Spreaders	
Tricoast Civil	\$1,510.00
Item 7 – 2 x Sand Spreaders	
Robert Healy	\$85.00
Item 8 - Slasher (smart)	
Robert Healy	\$285.00
Item 9 - Wacker Compactor	
Tricoast Civil	\$600.00
Item 10 - Cement Mixer	
Great Southern Sands	\$440.00
Item 11 – 2 x Hooklift Trailers	
Smith Broughton & Sons	\$13,200.00
Item 12 – 2 x Davy Pumps	
Great Southern Sands	\$220.00
Item 13 - Ebra Pump	
Great Southern Sands	\$110.00

Tender C07-0607 – Outright Purchase – Items Surplus To Requirements (Cont.)

Item 14 - Stihl Pressure Cleaner (no tenders received)	
Item 15 – 39 x 70ml ID Irrigation Pipes (+ sprinklers)	
Great Southern Sands	\$880.00
Item 16 – 38 x 70ml ID Irrigation Pipes (no sprinklers)	
Great Southern Sands	\$440.00
Item 17 - Lathe Turret Head	
Robert Healy	\$640.00
Item 18 - Sewell Road Broom	
Great Southern Sands	\$1,100.00
Item 19 - Dynapak Nib Foot	
Robert Healy	\$290.00
Item 20 - Computer Desks (No Tenders Received)	
Item 21 - Book Shelf (No Tenders Received)	
Item 22 - Sod Cutter (No Tenders Received)	
Item 23 - Caterpillar 814B Wheel Dozer	
RD Williams Machinery Pty Ltd	\$61,215.00
Item 24 - Flat Discharge Hose	
Great Southern Sands	\$1,650.00
Item 25 - Nissan Bluebird (No Tenders Received)	
Item 26 - Holden Gemini	
Lyn Hambley	\$30.00
Item 27 - Toyota Corolla	
Paul Fulcher	\$60.00
Items 28 - 36 (No Tenders Received)	
Item 37 - Mitsubishi Pajero	
Kenneth Anderson	\$225.00

CARRIED (8/0)

No. 51/07

9.3.5 HASSELL STREET, MOUNT BARKER - PROPOSED OBSTRUCTION TO PREVENT VEHICULAR MOVEMENT

Location / Address:	N / A
Attachment: (1)	Plan D4
Name of Applicant:	N / A
File Reference:	RO/99/39
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	30 January 2007

Purpose

The purpose of this report is to present a proposition which would result in the placement of a permanent barricade near the southern end of Hassell Street at its intersection with Warburton Road.

Background

For many years the southern portion of Hassell Street has been effectively closed to through traffic due to the presence of timber and scrub. During late 2006, the scrub was cleared by Council contractors to reduce the fuel load.

Subsequent to the clearing, vehicles have been utilising this portion of Hassell Street for egress onto Warburton Road, thereby creating dust problems for nearby residents.

The use of Hassell Street by vehicles in this area is an unintended consequence of the clearing for fuel reduction purposes.

In November 2006 a petition with eight (8) signatures was received requesting that Hassell Street be closed (in line with Mr M Coleman's north gate). This request is not recommended as it would then require Mr Gregory (Lot 198) to exit south onto Warburton Road. This in turn may encourage vehicles to enter from Warburton Road, creating unnecessary traffic which would have to undertake a u-turn to exit.

Statutory Environment

Section 3.50 of the Local Government Act 1995 relates to the closing of certain thoroughfares to vehicles.

Subsection (1a) of Section 3.50 provides that:

'A local Government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four (4) weeks.'

Local Government (Functions and General) Regulations 1996 Part 2 Thoroughfares, also apply.

Consultation

Prior to making an order pursuant to Section 3.50 the Council must give local public notice, and give written notice to certain persons and organisations as set out in the

Hassell Street, Mount Barker – Proposed Obstruction To Prevent Vehicular Movement (Cont.)

regulations. These persons include adjacent occupiers, utility providers, emergency services providers and owners.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The attached map shows the proposed location of two sets of bollards, situated at the intersection of Hassell Street and Warburton Road and some 200m north of that intersection on Hassell Street. All residents will retain their access to Hassell Street. The obstructed portion of road from Warburton Road could re-grow, although with controlled fuel reduction.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

THAT:

- (1) Pursuant to Section 3.50 (1a) of the Local Government Act 1995 local public notice be given of the proposal to close Hassell Street Mount Barker to the passage of vehicles for a period of 5 (five) years as shown on Plan D4 and that each person who is prescribed for the purposes of Section 3.50 be given written notice of the proposal and that submissions be invited for a period of twenty eight days.**
- (2) A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 27 March 2007.**

CARRIED (8/0)

No. 52/07

9.4 DEVELOPMENT SERVICES REPORTS

9.4.1 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 42 – R2.5 TO R20 – BOOTH STREET, MARTIN STREET, OATLANDS ROAD AND FELLOWS STREET – MOUNT BARKER – SUBMISSIONS RECEIVED

Location / Address:	Lots bounded by Booth Street, Martin Street, Oatlands Road & Fellows Street
Attachments: (4)	Summary of Submissions Copy of Submission 5 Plan showing suggested modifications to R Coding Plan showing revised Subdivision Concept
Name of Applicant:	N / A
File Reference:	LP/181/15
Author:	Peter Duncan – Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	2 February 2007

Purpose

The purpose of this report is to consider submissions received on a proposed Amendment (No. 42) to Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to recode land bounded by Booth Street, Martin Street, Oatlands Road and Fellows Street from Residential R2.5 to R20.

Background

In 1994 Amendment No. 8 (TPS3) examined the opportunity to rezone land to Residential, increase densities and create Rural Residential zoning to the east of Martin Street. Adoption of Amendment No. 8 increased densities up to R20 throughout the existing Residential zoned land of the Mount Barker Townsite.

The lots the subject of this Amendment No. 42 were rezoned from Rural to Residential (R2.5) through Amendment No. 8 despite land immediately to the north of Booth Street being rezoned from Rural to Residential (R20). The land to the west had densities increased from R10 to R10/20. Amendment No. 8 noted that larger lots should be retained on the periphery of the Townsite in order to provide a transition between the rural landscape and the urban core. The Rural Residential land between Sounness Street and Martin Street provides an adequate transition area.

Amendment No. 8 failed to consider the option of providing reticulated sewer to the subject area. With the provision of sewer to the subject area it is now capable of a higher density coding.

When the Council initially considered this proposed Amendment at its meeting held on 14 November 2006 it was resolved at Resolution 388/06:

‘THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 42 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and*

Town Planning Scheme No. 3 – Amendment No. 42 – R2.5 To R20 – Booth Street, Martin Street, Oatlands Road & Fellows Street, Mount Barker – Submissions Received (Cont.)

- (a) *Referred to the Environmental Protection Authority.*
 - (b) *Upon authorisation from the Environmental Protection Authority, be advertised for a period of forty-two (42) days to enable comment to be made.*
- (2) *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 10 April 2007.'*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 8 December 2006.



Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – 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 (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. Once advertised the Council must consider any submissions lodged within forty-two days and refer its recommendation to the Western Australian Planning Commission and the Minister within twenty-eight (28) days.

Consultation

Preliminary discussions have been held with the land owners directly affected by the proposed Amendment.

The EPA cleared the Amendment to proceed to advertising and the forty-two day advertising period ended on 25 January 2007. Advertising was by way of a newspaper notice, a sign on site, letters to neighbours and letters to various Government Agencies.

At the close of the advertising period a total of six (6) submissions had been received (see Summary of Submissions attached). The submissions did not contain objections to the Amendment but some alterations were suggested. As Submission 5 was quite lengthy a copy has been attached.

Town Planning Scheme No. 3 – Amendment No. 42 – R2.5 To R20 – Booth Street, Martin Street, Oatlands Road & Fellows Street, Mount Barker – Submissions Received (Cont)

Submission 4 was treated as an invalid submission as the Council's acknowledgement letter was returned as being 'not at this address'.

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of advertising was met by the Town Planning Advertising Budget. If finalised, the cost of publishing a notice in the Government Gazette will be met by the Town Planning Advertising Budget.

The cost of having the Department for Planning and Infrastructure to prepare the amending maps was \$104.50.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 aims to,

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

Officer Comment

There has been little subdivision or new housing constructed within the Mount Barker Townsite in past years. With an increase in demand and a noticeable limited supply of residential land, property values have risen. This has made subdivision a viable option for individual property owners and developers as potential property sale prices cover the associated costs of development. The proposed Amendment seeks to recode land from Residential R2.5 to R20 to enable possible subdivision within the existing residential area. The proposed recoding does not require current owners to undertake subdivision at any particular time. It will be up to the owners if and when they wish to subdivide their land.

The proposed Amendment includes a Subdivision Concept Plan. The major components of the plan include an indicative road layout, lot layout, dual use pathways, drainage features and the inclusion of street trees/ retention of existing verge trees. Whilst the proposed plan is conceptual, future subdividers will be required to have regard to the plan. The lot sizes and layout is able to be modified as many of the proposed lots are greater in area than that possible under an R20 density coding.

The submissions received have been summarised in the attached Summary of Submissions. There was some concern raised about the actual subdivision of the land. This Amendment only alters the RCoding and does not commence subdivision proposals. It provides a concept of how the area may eventually be subdivided.

Due to concerns raised in respect to the appearance of the eastern entrance to Mount Barker it is possible to introduce an R5 coding over portion of Lot 337 where the two Council houses are located. The R5 coding would mean 2,000m² minimum lots. Plans showing this suggested modified R5 coding are attached. This would mean two lots (one for each house) would be possible rather than the longer term 6 lots which would require the eventual removal of the two houses.

Voting Requirements

Simple Majority

Town Planning Scheme No. 3 – Amendment No. 42 – R2.5 To R20 – Booth Street, Martin Street, Oatlands Road & Fellows Street, Mount Barker – Submissions Received (Cont)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) The submissions lodged on Amendment No. 42 to Town Planning Scheme No. 3 be noted and the Amendment be modified by the introduction of an R5 Coding over the eastern portion of Lot 337 Martin Street where 6 lots and a drainage area are shown on the Subdivision Concept Plan and altering the Subdivision Concept Plan accordingly;**
- (2) Amendment No. 42 to Town Planning Scheme No. 3 be adopted with the modification at (1) above and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure; and**
- (3) Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment 42 once approved by the Honourable Minister.**

CARRIED (8/0)

No. 53/07

**9.4.2 STREETScape IMPROVEMENTS - RAMP ADJACENT TO LOT 16
LOWOOD ROAD, MOUNT BARKER**

Location / Address:	Lot 16 Lowood Road, Mount Barker
Attachments: (1)	Floor Plan
Name of Applicant:	IR and D Miller
File Reference:	RV/182/1851
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	1 February 2007

Purpose

The purpose of this report is to review the permit issued for the streetscape improvements (access ramp) at the Mount Barker Post Shop at Lot 16 Lowood Road, Mount Barker.

Background

At its meeting held 10 September 2002, the Council considered a report on proposed streetscape improvements within the public thoroughfare at Lot 16 Lowood Road, Mount Barker. The proposal was to remove a portion of the front wall of the building and replace it with windows, install a line of post boxes behind the new window and construct an access ramp along the face of the building within the road reserve.

In approving the access ramp, the Council determined that the matter be reviewed every two (2) years.

The subject land is zoned 'Commercial' under Town Planning Scheme No. 3 (TPS3) and is being used as a 'Post Shop'.

Planning consent was issued for the Post Shop on 10 September 2002.

The Council on 26 October 2004 when considering the review of the permit resolved at Resolution 303/04:

'That pursuant to the Shire of Plantagenet's 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law', in particular, Part 7 – Permits, the permit for the access ramp and steps at Location 77, Town Lot 16 Lowood Road, Mount Barker be re-issued subject to:

- (1) The structure being maintained in a good and tidy condition at the expense of the developer to the satisfaction of the Council.*
- (2) The developer being required to carry public liability insurance to the value of \$10,000,000.00 for that part of the development intruding on to the thoroughfare.*
- (3) The permit being reviewed by the Council in June 2007.'*

Shire records show the registered landowner to be Ian and Dasha Miller.

Statutory Environment

TPS3 – Lot 16 zoned Commercial

Building Code of Australia 2006

Streetscape Improvements – Ramp Adjacent To Lot 16 Lowood Road, Mount Barker (Cont.)

AS 1428.1-2001 Design for access and mobility, Part 1: General requirements for access

Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' Part 2 applies:

- Division 1, Clause 2.2 (1)(c) stipulates that a permit is required for any obstruction in a thoroughfare;
- Division 3 – Verge Treatments, Clause 2.8 sets out that the owner of the land abutting that part of the verge may install a 'permissible verge treatment' provided that visibility is maintained for any person using the thoroughfare (road and / or footpath). Clause 2.10 specifies that the owner / occupier is obliged to 'keep the permissible verge treatment in a good and tidy condition' and to 'not disturb a footpath on the verge'.
- Part 7 of the Local Laws relates to Permits and allows the Council to specify the duration of a permit. In this instance a period of four (4) years is appropriate but the review could be carried out in December 2010 to tie in with a similar permit issued for Westpac in December 2006.

Local Government (Uniform Local Provisions) Regulations 1996, Encroaching on public thoroughfare.

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 proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to 'Retain local business and encourage new businesses that will create sustainable local employment.'

Key Result Area 4 Development Services aims to:

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended).'

The Mount Barker Townscape Improvement Plan is an important strategic document.

Officer Comment

This matter is being brought before the Council earlier than the scheduled June 2007 date as the Manager Development Services will be on long service leave in June 2007.

The access ramp and steps have been in place since the permit was issued in 2002.

No objections or complaints have been received in respect of the access ramp and steps.

As part of the streetscape works, a disabled car parking bay has been installed at the front of the Post Shop and the ramp provides good disabled access.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

That pursuant to the Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' the permit for the access ramp and steps at Lot 16 Lowood Road, Mount Barker be re-issued subject to:

- (1) The structure being maintained in a good and tidy condition at the expense of the developer.**
- (2) The developer being required to have public liability insurance which will indemnify the Council from responsibility for damages or claims associated with that part of the development intruding on to the thoroughfare.**
- (3) The permit being reviewed by the Council in December 2010.**

CARRIED (8/0)

No. 54/07

9.4.3 ALFRESCO DINING AND TEMPORARY SIGNAGE IN LOWOOD ROAD AREA

Location / Address:	Lowood Road, Mount Barker
Attachments: (3)	Advertising Signs and Portable Direction Signs on Thoroughfares Permit for Temporary Outdoor Eating Facility on Public Places Trading in Thoroughfares and Public Places
Name of Applicant:	N/A
File Reference:	RO/157/5
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	29 January 2007

Purpose

The purpose of this report is to consider a recommendation of the Townscape Review Steering Committee to create and enforce policies on Alfresco Dining and Temporary Signage.

Background

The Townscape Review Steering Committee at its meeting held on 14 December 2006 made the following recommendation:

'That it be a recommendation to the Council that:

The Environmental Health Officer create and enforce an Alfresco Dining policy and that the Ranger create and enforce an 'A' frame / Temporary Signage policy.'

This recommendation followed concerns being raised about:

- '(1) 'A' frame signs popping up and ending up permanently concreted into the road surface; and*
- (2) Alfresco dining – as in one instance it was witnessed that pedestrians did not have enough space to walk along the footpath.*

The Committee would like to see adequate policies formulated and enforced regarding the two (2) issues.'

Statutory Environment

Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' Parts 3 (Advertising Signs on Thoroughfares) and 6 (Trading in Thoroughfares and Public Places) apply.

Local Government (Uniform Local Provisions) Regulations 1996 – Encroaching on Public Thoroughfares.

Consultation

This matter has been discussed with Mr Eric Howard, Environmental Health Officer, who has been liaising with business owners.

Alfresco Dining & Temporary Signage In Lowood Road Area (Cont.)**Policy Implications**

The matter could be addressed by way of a Council Policy or a Town Planning Scheme Policy if it were not addressed by a Local Law. A Local Law is enforceable.

Financial Implications

There are no financial implications.

Strategic Implications

There are no strategic implications.

Officer Comment

The matters of alfresco trading and portable signs on footpath areas have been under consideration by staff due to the Lowood Road upgrading works nearing completion.

Parts 3 and 6 of the Local Law do contain provisions for the control of such signage and alfresco dining and trading in footpath areas. Staff have now prepared information sheets on these subjects and Mr Eric Howard has individually met all business owners and explained the signage and trading requirements. All have been advised they will require a permit should they wish to carry out activities on the footpath area.

Attached to this report are the three relevant information sheets on:

- Advertising Signs and Portable Direction Signs on Thoroughfares.
- Permit for Temporary Outdoor Eating Facilities on Public Places.
- Trading in Thoroughfares and Public Places.

With the Local Law in place there is no need to prepare a policy on the matters raised by the Townscape Review Steering Committee.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Cameron:

That new policies on Alfresco Dining and Temporary Signs in the Mount Barker commercial area not be created as the existing 'Activities in Thoroughfares and Public Places and Trading Local Law' is adequate.

CARRIED (8/0)

No. 55/07

9.4.4 LOCATION 608 SPENCER ROAD, NARRIKUP – AQUACULTURE – MARRON FARM – SUBMISSIONS RECEIVED

Location / Address:	Lot 608 Spencer Road, Narrikup
Attachments: (2)	Site Plan Copy of Submission Received
Name of Applicant:	Ross Howard
File Reference:	RV/182/469
Author:	Peter Duncan – Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	2 February 2007

Purpose

The purpose of this report is to consider submissions received on an application for Aquaculture - Marron Farm at Location 608 Spencer Road, Narrikup.

Background

In this instance the proposal is presently a Use Not Defined in Schedule 1 Interpretations or listed within the Zoning Table of the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).

As per clause 3.2.5 *'if the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'*



Shire records show the owners to be Pauline & Robert Howard & Gary Portwood.

The Council when considering this proposal at its meeting held on 12 December 2006 resolved by Absolute Majority at resolution 437/06:

‘THAT:

- (1) The application for Aquaculture - Marron Farm at Location 608 Spencer Road, Narrikup be advertised in accordance with Clause 6.2.3 of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.*
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 13 February 2007.’*

Statutory Environment

Planning and Development Act 2005
Shire of Plantagenet TPS3 – zoned Rural

Consultation

Initial consultation with the Department of Water (DoW) and Department of Environment and Conservation (DEC) was undertaken for a period of twenty-eight days. The DoW and DEC have responded and indicated there are no objections to the proposed Marron Farm. DoW and DEC have provided information for the applicant which will be sent out with the determination.

The proposal was advertised following the Council’s 12 December 2006 decision and at the close of the 21 day submission period one submission had been received. That submission was from Great Southern Olive Holdings Pty Ltd and a copy is attached.

Policy Implications

There are no policy implications for this report.

Financial Implications

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

Strategic Implications

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

‘Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)’ and also to,

‘Protect existing rural land from inappropriate land uses.’

Officer Comment

A site visit was undertaken on 21 November 2006 by Mr Eric Howard - Environmental Health Officer and Ms Marta Osipowicz – Planning Officer. The ponds had been constructed by a previous owner. The current owner seeks to utilise the infrastructure and operate a marron farm.

The submission from Great Southern provides a list of nearby properties it owns which have commercial eucalyptus plantations growing. The nearest plantation is some 37m from the boundary of Lot 608. Great Southern raised no objections to the proposal but requested the proponent be made aware of the forestry activities on their properties. This can be addressed by a condition on the approval.

Voting Requirements

Absolute Majority – Use Not Listed

OFFICER'S RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr K Hart:

That the application for Aquaculture – Marron Farm at Location 608 Spencer Road, Narrikup be approved subject to:

- (1) Development being in accordance with plans dated 27 October 2006.
- (2) The applicant acknowledging in writing to the Council that plantations are on adjoining and nearby properties and normal forestry activities and will be carried out on those properties.
- (3) All nutrient pond water discharges to be retained within the lot boundaries with no adverse impacts to the environment, lake or groundwater.
- (4) Compliance with the water quality guidelines in the Department of Water 'Water Quality Protection Note – Aquaculture'.

AMENDMENT

Moved Cr J Moir, seconded Cr B Hollingworth:

That the words 'and farming activities' be added to the motion after the word 'plantations' and after the word 'forestry' in part two.

CARRIED (8/0)

No. 55A/07

COUNCIL DECISION

That the application for Aquaculture – Marron Farm at Location 608 Spencer Road, Narrikup be approved subject to:

- (1) Development being in accordance with plans dated 27 October 2006.
- (2) The applicant acknowledging in writing to the Council that plantations and farming activities are on adjoining and nearby properties and normal forestry and farming activities and will be carried out on those properties.
- (3) All nutrient pond water discharges to be retained within the lot boundaries with no adverse impacts to the environment, lake or groundwater.
- (4) Compliance with the water quality guidelines in the Department of Water 'Water Quality Protection Note – Aquaculture'.

CARRIED (8/0)

No. 56/07

9.4.5 SCHEME AMENDMENT REQUEST – LOTS 1 AND 1664 BOXHILL ROAD AND LOTS 5 AND 11 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP

Location / Address:	Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road, Porongurup
Attachments: (1)	Scheme Amendment Request
Name of Applicant:	Harley Survey Group
File Reference:	LP/181/16
Author:	Peter Duncan – Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	2 February 2007

Purpose

The purpose of this report is to consider a Scheme Amendment Request (SAR) to rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road from the Rural Zone to a Rural Village Zone.

Background

The Porongurup Rural Strategy of 1996 refers to the Bolganup Precinct C having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

The SAR was submitted in December 2006 and in accordance with the Council Policy TP/SDC/6 copies were forwarded to Department for Planning and Infrastructure, Department of Water and Department of Environment and Conservation for comment.

All three agencies have now provided their comments on the SAR. The Department of Environment and Conservation letter included the following:

Environmental Considerations

The objectives outlined in this planning scheme amendment request do not provide sufficient detail to provide specific comment on potential environmental impacts and influences. It is pleasing however to note that remnant vegetation within the subject land is to be retained. More importantly however is how it will be protected in the longer term from the influences of more intensive land use.

The ongoing protection of Bolganup and other creeks and the associated riparian vegetations is a particular concern and is not effectively addressed in the scheme amendment request plan. This is an important issue and strategies need to be clearly enunciated that will ensure ongoing protection of the watercourse and its associated riparian vegetation. It is envisaged that a 50-metre buffer on each side of Bolganup Creek should be in place to protect it.

Drainage and storm water management are also important issues, and management strategies need to be clearly defined that predispose watercourse protection. It appears that the proposed sewage treatment system is an individual system on each

**Scheme Amendment Request - Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker
Porongurup Road (Cont.)**

subdivided property, discharging into a single co-ordinated disposal site. Insufficient information has been provided at this point to enable comment to be made on the acceptability of the effluent disposal system. The DEC advises that a sewage facility, namely premises on which sewage is treated (excluding septic tanks), or from which treated sewage is discharged on to land or into waters, will need a works approval and a registration or licence under the Environmental Protection Act 1986 to construct and operate if it has a production or design capacity of more than 100 cubic metres per day. The proposed location of the effluent disposal site is likely to present eutrophication problems for the adjoining area of remnant vegetation down slope on Lot 5. Serious consideration should be given to re-siting this facility in a more appropriate area where potential nutrient migration into watercourses, wetlands and, or remnant native vegetation will be negligible.

Visual Impacts

Porongurup National Park located nearby to this proposed rezoning and development is a recreational and conservation reserve of high importance. To maintain existing visual landscape amenity it is important that any development in the 'Porongurup Village' node be kept 'low-key' in sympathy with existing rural vistas from the park and remain reasonably consistent with current land uses.'

The Department for Planning and Infrastructure offered the following comments:

- '1. The subject land falls within 'Precinct C' of the Porongurup Rural Strategy (PRS). The PRS recommends that overall detailed structure planning for this precinct should take place prior to rezoning and subdivision/development. The structure planning should be based on assessments of land capability and hydrology, while taking into account the need for agricultural buffers, catchment management and protection of waterways. While the proposal does contain an indication of future uses over the entire precinct, the rezoning will only deal with four lots in the northern portion of the precinct and lacks the level of detailed investigation requires by the PRS.*
- 2. Detailed analysis and rationale should be provided in support of the location and extent of the proposed village centre and its setting within the natural landscape, particularly where the land slopes down and away from Mount Barker-Porongurup Road toward Bolganup Creek. There are also concerns that having the village centre straddling Mount Barker-Porongurup Road may lead to traffic safety issues as the road is relatively narrow, used frequently by heavy vehicles and has awkward sightlines on the western approach to the proposed village centre. Main Roads WA should be consulted in this regard.*
- 3. Rationale should be provided for the location of proposed R20 Residential, R5 Residential and Rural Residential areas. The location of these areas appear only to correspond to distance from the proposed village centre, without taking into account the natural landscape, contours and topography, or land capability.*
- 4. The subject land lies in close proximity to Porongurup National Park. The Department of Environment and Conservation (DEC) should be consulted in relation to potential impacts on the Park that may arise from the development. Any advice or recommendations provided by DEC should be incorporated into the proposal.*

Scheme Amendment Request - Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker
Porongurup Road (Cont.)

5. *Bolganup Creek traverses the subject land, including the proposed village centre. A Q100 flood level should be established for this waterway and indicated as a development exclusion area on any plans associated with the proposal. The Department of Water (DOW) should also be consulted with regard to establishing foreshore reserve areas and undertaking measures to minimise impacts on the waterway from any future development. Any advice or recommendations provided by DOW should be incorporated into the proposal.*
6. *As stated in the SAR documents, reticulated sewer is unavailable to the subject land and provision of a wastewater treatment plant by the Water Corporation is highly unlikely. Given the nature, scale and density of development that is proposed, detailed information will be required regarding how management and disposal of effluent is to be achieved while ensuring that Bolganup Creek and the wider catchment is not negatively affected.*
7. *It should also be noted that without provision of an adequate reticulated sewerage system, the proposed R20 Residential component would be contrary to the Draft Country Sewerage Policy, which only provides for residential subdivision in remote and isolated areas to a maximum density of R10. Furthermore, the Policy prohibits any more than 25 dwelling units in total being developed in remote and isolated areas. The Department of Health (DOH) should be consulted in this regard and any advice or recommendations provided by DOH should be incorporated into the proposal.*
8. *It is anticipated that the proposed 'Rural Village' zoning will apply only to the proposed village centre (depicted in dark blue on the SAR maps) and that the surrounding Residential and Rural Residential areas indicated on the maps will be zoned as named.*

The above points and concerns should be addressed in detail prior to initiation of any Scheme Amendment of this nature. Please don't hesitate to call me if you wish to discuss this advice.'

The Department of Water offered the following comments:

Waterways

A foreshore management plan for the relevant section of Bolganup Creek and the drainage line at the western boundary of the subject area should be provided as part of an Amendment proposal. Also, consideration should be given regarding whether the long-term protection of Bolganup Creek is best served with this waterway dissecting the proposed village centre or the centre be located to one side of Bolganup Creek, although the DoW concedes the location of existing enterprises dictates to a certain extent where the village centre is to be located.

Furthermore, information needs to be provided in relation to areas of POS outside the Bolganup Creek foreshore area.

Remnant Vegetation

While native vegetation protection is not the mandate of this agency, all efforts should be made to protect existing stands of native vegetation. Subsequently, any proposed development of rural-residential lots on Lot 1664 Boxhill Road should be mindful of this.

Scheme Amendment Request - Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker
Porongurup Road (Cont.)

Wastewater

If not already considered, advice should be sought from the Department of Environment and Conservation (DEC) in relation to any possible licensing requirements for the future wastewater treatment facility proposed for the area.'

Statutory Environment

Planning and Development Act 2005

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

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – all lots zoned Rural. Karribank Guest House is listed in Schedule 11 as a place of heritage value.

Consultation

The SAR has been referred to the three government agencies in accordance with the Council's SAR Policy to obtain early feedback.

Policy Implications

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

Financial Implications

The fee of \$550.00 has been paid.

Strategic Implications

This proposal is in accordance with the principals of the Porongurup Rural Strategy of 1996.

The proposal is consistent with the Shire of Plantagenet Strategic Plan. Key Result Area 4 Development Services aims to:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

Officer Comment

It is clear from the comments provided by the government agencies that there are many issues requiring attention. These issues will need to be addressed by the proponents consultants as part of the rezoning process and the consultants are aware the Amendment to the Town Planning Scheme will be a complex one and many issues will need to be resolved.

In accordance with the Council's SAR Policy No. TP/SDC/6 the Council can decide to seek community feedback on the SAR if the application warrants it. In this case as the concept is significant it is considered worthwhile to advertise the proposal to gain input before the Council makes a decision on whether the proposal proceeds to the detailed Scheme Amendment stage or not. A 60 day advertising period is appropriate and notification should involve letters to adjoining property owners, a sign erected in a prominent location and notices in the press and on the Council's notice board.

Voting Requirements

Simple Majority

5.17pm Cr Forbes returned to the meeting and resumed the Chair.

Scheme Amendment Request - Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker
Porongurup Road (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.**
- (2) After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.**

CARRIED (7/2)

No. 57/07

9.4.6 RIGHT-OF-WAY CLOSURE (LOT 166) – REAR OF LOT 51 MUIR STREET, MOUNT BARKER

Location / Address:	RoW (Lot 166) Lot 51 Muir Street, Mount Barker
Attachments: (2)	Locality Plan Copy of Diagram Of Survey (January 1996)
Name of Applicant:	Tony Smith
File Reference:	RO/157/4; RO/99/23
Author:	Peter Duncan – Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	5 February 2007

Purpose

The purpose of this report is to consider the closure of a small Right-of-Way (RoW) known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker.

Background

In 1995 / 1996 when a two (2) lot subdivision of the original Lot 160 Muir Street, Mount Barker was being considered by the Council and the Western Australian Planning Commission (WAPC), the Chief Executive Officer, in a letter to the surveyors, requested a 7.5m to 9.5m RoW be provided. The reason for that request was that it would allow for the provision of a service road to facilitate the subdivision of lots east of Gorman Street and terminating near the Catholic Church.

Since that time, no other subdivisions have provided a RoW in that area and this subject 272m² RoW is the only piece of RoW. There is a substantial house located close to the northern boundary of Lot 17 Gorman Street, Mount Barker which would preclude a further 7.5m strip being taken off this lot to allow for an adequate road width.

A cul-de-sac in this location and terminating near the Church would not be a desirable outcome. It would have been preferable for any road to extend through to Lord Street which would involve road construction over Lot 6 Lord Street which is part of the Council's Redman House landholding which is currently being offered for sale.

The owner of the adjoining Lot 51, Mr T Smith of Bouverie Nominees (the original subdivider) has requested the RoW be returned to them 'free of any charges'. He also comments that as the RoW has not been fenced for nearly eleven years then the RoW is 'null and void'. He also believes that the decision to create the RoW was not advertised and that 'may also be illegal'.

There is no requirement to fence a RoW when it is created unless a particular fencing condition is imposed by the WAPC at the time of subdivision. In this instance, no fencing condition was imposed when the subdivision was conditionally approved in July 1995.

There is also no requirement to publicly advertise the creation of a RoW at the time of subdivision.

The Department for Planning and Infrastructure (DPI) will charge its fees for the closure procedure which include amalgamation fees, survey fees, lodgement fees,

Right-of-Way Closure – Rear Lot 51 Muir Street, Mount Barker (Cont.)

graphics requirements and so on and these could be in the order of \$1,000.00. The applicant will need to take this up with DPI to see whether the fees can be waived. There will also be the cost of the land purchase from the Crown which again is a matter the applicant will need to take up with DPI.

Statutory Environment

Local Government Act 1995

Land Administration Act 1997 – S.58

Land Administration Regulations 1998

Local Government (Miscellaneous Provisions) Act 1960

Consultation

The closure will need to be advertised to the public and letters sent to a range of State Government Agencies giving them thirty-five days to comment before the Council considers any submissions received.

The closure has been discussed with Mr Ian Bartlett – Manager Works and Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

The applicant will be required to pay the various fees required by DPI for the RoW closure procedure. These fees are paid to DPI directly. If the closure is successful, the applicant will also need to purchase the land off the Crown.

The Council will need to pay the cost of advertising the closure at the commencement of the process. This will involve letters to owners and Government agencies and a notice in the press and will cost approximately \$500.00.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The DPI has an extensive process for the closure of a RoW and the first step is writing to adjoining landowners and relevant Government Agencies eventually leading to the RoW being amalgamated into the adjoining Lot 51 Muir Street, Mount Barker.

This RoW and its future eventual connection through to Lord Street has been discussed with the Manager Works and Services who feels there will not be the need for a future road.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr J Cameron:

That the closure procedure pursuant to the Land Administration Act and the Department for Planning and Infrastructure Policy on Right-of-Way Closure be commenced for the Right-of-Way (Lot 166) at the rear of Lot 51 Muir Street, Mount Barker subject to all costs being met by the applicant and this includes payment to the Council of \$500.00 to cover the cost of advertising the proposal.

Pursuant to Standing Order 9.11 Crs Moir and Cameron withdrew the motion with the consent of the Council.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That the closure procedure pursuant to the Land Administration Act and the Department for Planning and Infrastructure Policy on Right-Of-Way Closure not be commenced for the Right-of-Way (Lot 166) at the rear of Lot 51 Muir Street Mount Barker.

CARRIED (9/0)

No. 58/07

Reason for Change

Councillors agreed that it was best to leave the right-of-way (RoW) to enable street extensions in case of future development.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Clements has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

‘That the Western Australian Local Government Association be requested to:

- (1) Research decisions by the State Administrative Tribunal (SAT) that have the effect of reversing legitimately and democratically made decisions by local government (excluding Town Planning decisions) so that an analysis can be made of such decisions and their impact on the local government industry from both a cost point of view and the effective disenfranchisement of local communities through the overruling of lawfully made Council decisions.
- (2) Comment on the failure of the SAT to provide for a cost effective process to handle applications before it of questionable merit or where jurisdiction is in doubt. ‘

COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

That the Western Australian Local Government Association be requested to:

- (1) Research decisions by the State Administrative Tribunal (SAT) that have the effect of reversing legitimately and democratically made decisions by local government (excluding Town Planning decisions) so that an analysis can be made of such decisions and their impact on the local government industry from both a cost point of view and the effective disenfranchisement of local communities through the overruling of lawfully made Council decisions.**
- (2) Comment on the failure of the SAT to provide for a cost effective process to handle applications before it of questionable merit or where jurisdiction is in doubt.**

CARRIED (9/0)

No. 59/07

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

5.38pm The Presiding Member declared the meeting closed.

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