



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held in the Council Chambers  
2.45pm Tuesday 27 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.

### DISCLAIMER

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

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

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

### Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr 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
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

There were no members of the public present.

There were no members of the media present.

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Council held on 13 February 2007 be confirmed subject to:**

- (1) Page 63 – The Amendment vote on Page 63 being recorded as ‘Carried (8/0)’ and numbered ‘55A/07’.**
- (3) Page 71 – A reason for change being added as follows ‘Councillors agreed that it was best to leave the right-of-way (RoW) to enable street extensions in case of future development.’**

**CARRIED (9/0)**

**No. 60/07**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 15.02.07 – Cr Forbes – Shire President attended a meeting with the Department of Environment and Conservation (DEC) regarding issues arising from the recent Porongurup fire. The meeting lasted two (2) hours and raised several management issues. These issues will be considered again tonight (27.02.07) by Local Government Bush Fire Brigade Volunteers.
- 21.02.07 – Cr Forbes attended a meeting of the One Community One College Committee. Cr Forbes noted that the project is on track and construction is due to start in April 2007. Cr Forbes also noted that he was pleasantly surprised to see that the tender came in within budget.  
  
Cr Forbes noted that the Committee has revisited the Transport Plan but that he had not yet seen the changes. Cr Forbes also noted that the issue of parking will still need to be addressed by the Council as the carpark is officially part of the Recreation Centre and as such should not be utilised by students and parents after hours.
- 24.02.07 – A ‘post fire’ celebration was held at the Porongurup Hall which was attended by Cr Forbes. The barbecue function was a great social night and Cr Forbes noted that everyone within the area appears to be coping well.
- 01.03.07 – Cr Forbes will attend a meeting with Fire and Emergency Services Authority (FESA) representatives in Albany regarding Plantation Protection Guidelines. Cr Williss, Cr Hart, Mr Parry – Ranger and Mr Burcham – Chief Bush Fire Control Officer will attend. Cr Forbes noted that the Guidelines was an interesting document that does not fit into our Town Planning Scheme, Annual Fire Break Notice or the Industry Code of Practice.
- 02.03.07 – Mr Stewart – Chief Executive Officer will attend a meeting of the Area Consultative Committee at 8.30am.
- 02.03.07 – Cr Forbes will attend the launch of the Mount Barker Northern Bypass at 9.30am at Frost Park. The Hon Matt Benson-Lidholm who is a Member of the Upper House from Parliament, will also attend.  
  
Cr Forbes asked if a couple of Councillors could attend each event and asked that if they were able to attend, that they please advise him as soon as possible.
- 04.03.07 – Cr Forbes and his wife Lynne will attend the Sponsor’s Dinner for the Porongurup Wine Festival.
- 06.03.07 – Cr Forbes, Cr Moir and Mr Duncan – Manager Development Services will attend a meeting at Narrikup to discuss planning issues.
- 08.03.07 – Cr Forbes will attend a meeting with DEC to discuss these same issues which also arised during the recent fires at Dwellingup and Esperance.

- 09.03.07 – Cr Forbes will take part in a promotional video for the upcoming local government elections which is being organised by the Department for Local Government.
- 12.03.07 – Cr Forbes will attend a meeting of the Plantation Industry Ministerial Advisory Committee (PIMAC) in Perth. Cr Forbes also requested two (2) other meetings through Minister John Bowler (one (1) with the Minister for Education and the other with the Minister for Planning and Infrastructure). These are now unlikely.
- Cr Forbes noted that he had received several phone calls regarding water supplies for stock. It has been reported that people are having to queue for several hours. Cr Forbes noted that the possibility of putting a standpipe on the Bolganup Dam pipeline in Mount Barker had been discussed with Mr Bartlett – Manager Works and Services and Mr Stewart.

Cr Forbes also noted a survey of landowners being conducted on the Council's behalf by the Department of Agriculture and Food (DAF) which has been advertised on ABC Radio. The survey related to stock water requirements for the next three (3) months. There is already talk of cutting stock water supplies and it is important that the Council along with the Water Corporation and DAF consider the matter urgently.

Cr Forbes noted that there was a lack of water on the north western side of the Shire and plenty at the Bolganup end and that carting water from Mount Barker will cut approximately 20kms off the journey each way.

- Cr Forbes noted that if today's Council meeting finishes at a suitable time, the matters regarding the Tourist Bureau will be workshopped this afternoon.
- Cr Williss – Deputy Shire President and Mr Bartlett along with his wife Mae, attended the opening of the Ongerup Mallee Fowl Preservation Centre. Cr Williss noted that the Centre is well worth a visit.

**9 REPORTS OF COMMITTEES AND OFFICERS**

**9.1 EXECUTIVE SERVICES REPORTS**

Nil



## 9.2 CORPORATE SERVICES REPORTS

### 9.2.1 FINANCIAL STATEMENTS - JANUARY 2007

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Financial Statements - January 2007</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/65/1</b>
<b>Author:</b>	<b>Ross MacDonald - Accountant</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>19 February 2007</b>

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#### **Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 January 2007.

#### **Statutory Environment**

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amounts of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (ie: surplus / (deficit) position).

The statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Williss, seconded Cr M Skinner:**

**That the financial statements for the month ending 31 January 2007 be received.**

**CARRIED (9/0)**

**No. 61/07**

**9.2.2 LIST OF PAYMENTS – JANUARY 2007**

**Location / Address:** N / A  
**Attachments: (1)** List of Payments – January 2007  
**Name of Applicant:** N / A  
**File Reference:** FM/65/3  
**Author:** Rayona Evans - Accounts Officer  
**Authorised By:** John Fathers – Deputy Chief Executive Officer  
**Date of Report:** 16 February 2007

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**Purpose**

The purpose of this report is to present the list of payments that were made during the month of January 2007.

**Statutory Environment**

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

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Hart, seconded Cr B Hollingworth:**

**That the payment of accounts for the month of January 2007 covering electronic payments, cheques 36474 to 36592, totalling \$369,963.25, and trust cheques 155 and 156, totalling \$44.20, be noted.**

**CARRIED (9/0)**

**No. 62/07**

### 9.2.3 POLICY REVIEW - OP/HRS/2 - DRUG AND ALCOHOL

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PE/120/4
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	19 February 2007

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#### Purpose

The purpose of this report is to review Council Policy No. OP/HRS/2 – Drug and Alcohol.

#### Background

Council Policy No. OP/HRS/2 – Drug and Alcohol currently reads as:

OBJECTIVE: *The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and safety and health of other people.*

POLICY: *This policy applies to all personnel at the workplace, including staff, volunteers, contractors and management.*

*Persons under the influence of a drug or alcohol in the workplace pose a serious safety and health risk not only to the user, but to all those who work with the user. The workplace includes Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset.*

*The procedure for dealing with drug and alcohol abuse is divided into three stages:*

- *Discussion between the employee and immediate Supervisor*
- *Discussion between the employee, Supervisor, Manager and representative (optional)*
- *Disciplinary action.*

*If a Manager or Supervisor has justifiable cause to believe an employee is under the influence of alcohol or drugs, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. Reasonable action includes standing the employee down from work without pay.*

*Drug testing in the workplace may be carried out only if a substantial risk exists for the employee, co-workers or public. Testing is limited to the following circumstances:*

- *Where an employee's impairment by drugs poses a substantial and demonstrable safety risk to the employee or to other people.*
-

- *Where there is reasonable cause to believe that the employee to be tested may be impaired by drugs.*
- *Where the drug test can identify the presence of a drug at concentrations which may cause impairment.*

*All matters pertaining to this policy will be treated with the utmost confidentiality and any employee of the Shire of Plantagenet who is interested in receiving counselling services should seek approval from their Supervisor.*

*Social Occasions:*

*The Chief Executive Officer may approve the consumption of alcohol on Council premises under some circumstances, ie social functions. The Council has a “responsible host” attitude and on such social occasions, a range of drinks including non-alcoholic drinks, will be provided along with snack type foods. Employees are encouraged to organise alternative transport prior to the function to avoid the possibility of their driving under the influence.*

*Prescription or Over The Counter Drugs:*

*Prescription or over the counter drugs can be used for a wide range of reasons however it is also known that use of prescription or “over the counter” drugs may impair a person’s ability to perform safely or efficiently.*

*There are several types of drugs that may impair performance, including:*

- *Hypnotics and sedatives*
- *Antidepressants*
- *Antihistamines*
- *Stimulants and appetite suppressants*
- *Analgesics / Codeine.*

*Employees taking prescribed drugs should obtain written advice from their doctor as to the effects of the drug that may be relevant to their job performance. They should also advise their Supervisor / Manager that they are taking a medication which, on the advice of their medical practitioner, is likely to affect their job performance.*

*It is important to note that the employee has a responsibility to perform at a safe standard while at work. If prescription medication is impairing an employees safe standard of work, the employee has a responsibility to take time off work. If a work accident occurs due to the actions of an employee on prescribed medication, that employee will be asked to take sick leave (if available) or leave without pay until they are fit to return to work.’*

## **Statutory Environment**

The Occupational Safety and Health Act 1984 and the Occupational Safety and Health Regulations 1996 require a safe work place be provided and maintained.

**Consultation**

No consultation has occurred in relation to this report.

**Policy Implications**

This report recommends changes to Council Policy No. OP/HRS/2 – Drug and Alcohol.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

It is recommended that the Policy be expanded to provide additional details in regards to the procedures for dealing with drug and alcohol abuse to ensure that both management and staff are aware of what is expected during the three procedural stages.

Minor formatting changes have also been suggested.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

Moved Cr J Mark, seconded Cr J Moir:

That amended Council Policy No. OP/HRS/2 – Drug and Alcohol, as follows:

**OBJECTIVE:** The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and safety and health of other people.

**POLICY:** This policy applies to all personnel at the workplace, including staff, volunteers, contractors, management and councillors.

Persons under the influence of a drug or alcohol in the workplace pose a serious safety and health risk not only to the user, but to all those who work with the user. The workplace includes Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset.

If a Manager or Supervisor has justifiable cause to believe an employee is under the influence of alcohol or drugs, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Chief Executive Officer reserves the right to remove the

employee from duty pending an urgent medical examination to determine fitness for duty.

#### Drug and Alcohol Testing

Drug testing in the workplace may be carried out only if a substantial risk exists for the employee, co-workers or public. Testing is limited to the following circumstances:

- Where an employee's impairment by drugs poses a substantial and demonstrable safety risk to the employee or to other people.
- Where there is reasonable cause to believe that the employee to be tested may be impaired by drugs.

Where the drug test can identify the presence of a drug at concentrations which may cause impairment.

#### Procedure for dealing with Drug and Alcohol Use

The procedure for dealing with drug and alcohol abuse is divided into three stages:

- (1) Discussion between the employee and immediate Supervisor:
- (2) Discussion between the employee, Supervisor, Manager and representative (optional); and
- (3) Disciplinary action.

#### Stage One

The employee and immediate supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends.

This first discussion should be presented as a counselling session. Procedural fairness must be observed and the supervisor must clearly state the performance related reasons for the interview and the employee must be given the opportunity to respond. The supervisor must clearly state what standards of performance are required.

The supervisor should offer assistance by encouraging the employee to participate professional counselling sessions, although the employee is not obliged to accept.

A timeframe for review should be established. The employee should be informed of expected changes, on going performance monitoring by the supervisor and the compulsory interview at the end of the review period.

The employee should be made aware of possible consequences if there is no significant improvement.

The supervisor should prepare a brief summary of the interview and give two (2) copies to the employee. After reading the summary, the employee should sign one (1) of the copies and return it to the supervisor. This copy should be placed on the employees personnel file.

The review should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance based problems should be identified and discussed. The supervisor should again prepare a summary of the interview.

#### Stage Two

If there is still no improvement in the employee's performance a second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

The participants at Stage Two should be the employee, supervisor, manager and at the option of the employee a representative. An observer should be present if an employee representative attends.

#### Stage Three

Conduct by an employee while under the influence of alcohol or drugs is likely to be subject to disciplinary action in line with the Council's disciplinary procedures.

#### Social Occasions:

The Chief Executive Officer may approve the consumption of alcohol on Council premises under some circumstances, ie social functions. The Council has a 'responsible host' attitude and on such social occasions, a range of drinks including non-alcoholic drinks, will be provided along with snack type foods. Employees are encouraged to organise alternative transport prior to the function to avoid the possibility of their driving under the influence.

#### Prescription or Over The Counter Drugs:

Prescription or over the counter drugs can be used for a wide range of reasons however it is also known that use of prescription or 'over the counter' drugs may impair a person's ability to perform safely or efficiently.

There are several types of drugs that may impair performance, including:

- Hypnotics and sedatives;
- Antidepressants;
- Antihistamines;
- Stimulants and appetite suppressants; and
- Analgesics / Codeine.

Employees taking prescribed drugs should obtain written advice from their doctor as to the effects of the drug that may be relevant to their job performance. They should also advise their Supervisor / Manager that they are taking a



medication which, on the advice of their medical practitioner, is likely to affect their job performance.

It is important to note that the employee has a responsibility to perform at a safe standard while at work. If prescription medication is impairing an employees safe standard of work, the employee has a responsibility to take time off work. If a work accident occurs due to the actions of an employee on prescribed medication, that employee will be asked to take sick leave (if available) or leave without pay until they are fit to return to work.

All matters pertaining to this policy will be treated with the utmost confidentiality and any employee of the Shire of Plantagenet who is interested in receiving counselling services should seek approval from their Supervisor.'

be endorsed.

#### AMENDMENT

Moved Cr J Cameron, seconded Cr K Clements:

That Paragraph Two of Stage Two which reads 'The participants at Stage Two should be the employee, supervisor, manager and at the option of the employee a representative. An observer should be present if an employee representative attends.' be deleted.

CARRIED (9/0)

No. 63/07

#### COUNCIL DECISION

That amended Council Policy No. OP/HRS/2 – Drug and Alcohol, as follows:

**OBJECTIVE:** The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and safety and health of other people.

**POLICY:** This policy applies to all personnel at the workplace, including staff, volunteers, contractors, management and councillors.

Persons under the influence of a drug or alcohol in the workplace pose a serious safety and health risk not only to the user, but to all those who work with the user. The workplace includes Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset.

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believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Chief Executive Officer reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

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#### Procedure for dealing with Drug and Alcohol Use

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This first discussion should be presented as a counselling session. Procedural fairness must be observed and the supervisor must clearly state the performance related reasons for the interview and the employee must be given the opportunity to respond. The supervisor must clearly state what standards of performance are required.

The supervisor should offer assistance by encouraging the employee to participate professional counselling sessions, although the employee is not obliged to accept.

A timeframe for review should be established. The employee should be informed of expected changes, on going performance monitoring by the supervisor and the compulsory interview at the end of the review period.

The employee should be made aware of possible consequences if there is no significant improvement.

The supervisor should prepare a brief summary of the interview and give two (2) copies to the employee. After

reading the summary, the employee should sign one (1) of the copies and return it to the supervisor. This copy should be placed on the employees personnel file.

The review should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance based problems should be identified and discussed. The supervisor should again prepare a summary of the interview.

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There are several types of drugs that may impair performance, including:

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- Antidepressants;
- Antihistamines;
- Stimulants and appetite suppressants; and
- Analgesics / Codeine.

Employees taking prescribed drugs should obtain written advice from their doctor as to the effects of the drug that may be relevant to their job performance. They should also advise their Supervisor / Manager that they are taking a

medication which, on the advice of their medical practitioner, is likely to affect their job performance.

It is important to note that the employee has a responsibility to perform at a safe standard while at work. If prescription medication is impairing an employees safe standard of work, the employee has a responsibility to take time off work. If a work accident occurs due to the actions of an employee on prescribed medication, that employee will be asked to take sick leave (if available) or leave without pay until they are fit to return to work.

All matters pertaining to this policy will be treated with the utmost confidentiality and any employee of the Shire of Plantagenet who is interested in receiving counselling services should seek approval from their Supervisor.'

be endorsed.

**CARRIED (9/0)**

**No. 64/07**

## 9.2.4 POLICY REVIEW - OR/HRE/1 - SEXUAL HARASSMENT

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>PE/120/5</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>19 February 2007</b>

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### **Purpose**

The purpose of this report is to review Council Policy No. OR/HRE/1 – Sexual Harassment.

### **Background**

Council Policy No. OR/HRE/1 – Sexual Harassment currently reads:

#### ‘OBJECTIVE:

*The Shire of Plantagenet strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.*

#### POLICY:

*The Shire of Plantagenet considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.*

*Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and/or rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered and expressed as being offensive to an employee, elected member or member of the general public:-*

- *Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.*
- *Subtle or explicit demands for sexual activities or molestation.*
- *Intrusive enquiries into a person’s private life.*
- *Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.*
- *Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.*

*The Shire of Plantagenet recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.*

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**Policy Review - OR/HRE/1 – Sexual Harrassment (Cont.)**

*Any complaints of sexual harassment made against any person associated with the Council will be viewed seriously, treated confidentially, and thoroughly investigated by appropriately trained persons.*

*Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.*

*An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way, as a result thereof.*

*A formal complaints/grievance procedure follows and will be utilised to effectively resolve complaints of sexual harassment.*

**COMPLAINTS/GRIEVANCE PROCEDURE**

*All complaints of sexual harassment will be treated confidentially and resolved promptly.*

*Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.*

*It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.*

***A complaint of sexual harassment may be lodged with any of the following persons:-***

- *Immediate Supervisor/Manager (except where this person is the alleged harasser)*
- *Division Manager (if applicable - except where this person is the alleged harasser)*
- *Chief Executive Officer (if the alleged harasser is a Divisional Manager or the Shire President)*
- *Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor).*

***A person receiving a complaint of sexual harassment will:-***

*Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management. Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.*

*Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow up reports are provided until the matter is resolved, (or, in the event that the complaint relates to the Chief Executive Officer, the report shall be prepared for the Shire President.)*

*Ensure no information regarding the complaint is discussed outside this procedure.*

***The person handling the complaint, whether it is the person who received the complaint or a more senior person will, with the approval of the complainant:-***

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**Policy Review - OR/HRE/1 – Sexual Harrassment (Cont.)**

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*As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.*

*Advise the alleged harasser of the right to contact his/her Union or advocate for advice and representation.*

*Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.*

*Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.*

***If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:-***

*The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union may be party to the investigation.*

*All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.*

***During the period of the investigation of a case of serious sexual harassment:-***

*The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witness's in attendance and to respond to any proposed adverse findings that may be made against them.*

*If requested by either party or by management, alternative working arrangements may be made.*

*Any reasonable request by either party for legal or union representation shall not be denied.*

***If, following investigation and resolution, a complaint is judged to have been proved:-***

*Remedial action will be taken.*

*A record of the detail of the remedial action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer (or Shire President in the event that the complaint relates to the Chief Executive Officer).*

***If, following investigation, a complaint is judged to have been unproven:-***

*The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.*

*Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.*

*While it is the Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.'*

**Statutory Environment**

The Occupational Safety and Health Act 1984 and the Equal Opportunity Act 1984 govern the necessity for employers to provide and maintain a workplace free from harassment.

**Consultation**

No consultation has occurred for this report.

**Policy Implications**

This report recommends no policy changes.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

As this policy clearly identifies the Council's no tolerance view of sexual harassment and outlines the complaint/grievance procedures that should be followed during a harassment report, no changes are being recommended.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr B Hollingworth, seconded Cr M Skinner:

That Council Policy No. OR/HRE/1 – Sexual Harassment as follows:

**OBJECTIVE:** *The Shire of Plantagenet strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.*

**POLICY:** *The Shire of Plantagenet considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.*

*Sexual harassment is any conduct of a sexual and / or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and/or rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered and expressed as being offensive to an employee, elected member or member of the general public:*

- *Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.*
- *Subtle or explicit demands for sexual activities or molestation.*
- *Intrusive enquiries into a person's private life.*



- *Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.*
- *Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.*

*The Shire of Plantagenet recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.*

*Any complaints of sexual harassment made against any person associated with the Council will be viewed seriously, treated confidentially, and thoroughly investigated by appropriately trained persons.*

*Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.*

*An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way, as a result thereof.*

*A formal complaints / grievance procedure follows and will be utilised to effectively resolve complaints of sexual harassment.*

#### **COMPLAINTS / GRIEVANCE PROCEDURE**

*All complaints of sexual harassment will be treated confidentially and resolved promptly.*

*Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.*

*It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.*

*A complaint of sexual harassment may be lodged with any of the following persons:*

- *Immediate Supervisor / Manager (except where this person is the alleged harasser)*
- *Division Manager (if applicable - except where this person is the alleged harasser)*
- *Chief Executive Officer (if the alleged harasser is a Divisional Manager or the Shire President)*
- *Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor).*

*A person receiving a complaint of sexual harassment will:*

- ***Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management. Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.***
- ***Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow up reports are provided until the matter is resolved, (or, in the event that the complaint relates to the Chief Executive Officer, the report shall be prepared for the Shire President.)***
- ***Ensure no information regarding the complaint is discussed outside this procedure.***

***The person handling the complaint, whether it is the person who received the complaint or a more senior person will, with the approval of the complainant:***

- ***As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.***
- ***Advise the alleged harasser of the right to contact his/her Union or advocate for advice and representation.***
- ***Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.***
- ***Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.***

***If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:***

- ***The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union may be party to the investigation.***
- ***All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.***

***During the period of the investigation of a case of serious sexual harassment:***

- ***The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them.***
- ***If requested by either party or by management, alternative working arrangements may be made.***
- ***Any reasonable request by either party for legal or union representation shall not be denied.***

***If, following investigation and resolution, a complaint is judged to have been proved:***

- ***Remedial action will be taken.***
- ***A record of the detail of the remedial action will remain on the employee's personal file for a period of twelve months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer (or***

*Shire President in the event that the complaint relates to the Chief Executive Officer).*

*If, following investigation, a complaint is judged to have been unproven:*

- *The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.*

*Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.*

*While it is the Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.'*

be endorsed.

CARRIED (9/0)

No. 65/07

## 9.2.5 ROAD NAME REGISTER – REQUEST TO INCLUDE THE NAME ‘THORN’

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RO/107/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>17 January 2007</b>

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### **Purpose**

The purpose of this report is to consider a request to include the name ‘Thorn’ on the Council’s Road Name Register.

### **Background**

The Council received a request from Ms Millicent Thorn to have the name ‘Thorn’ included on the Council’s Road Name Register.

Ms Thorn has provided history on the Thorn family, extracts of which are detailed below:

*‘The Thorn family first moved to Mount Barker in 1943 and purchased a home and land on Ingoldby Street.*

*They lived there until after Mr Albert (Bert) Thorn’s death in 1993.*

*The family consisted of Bert, his wife Charlotte, four daughters and a son.*

*Until his retirement, Bert worked as a cabinet maker for Duckett’s Timber and Trading Co. During his time there he made the large wooden table for the Council that is currently located in the Council’s Committee Room.*

*He was for many years active in several community affairs, the two main ones being the St John Ambulance, where he was made a life member for this services and the Methodist (now Uniting) Church.*

*He was also a member of the Masonic Lodge and a leader of the Boy Scouts.*

*Mrs Thorn was also an active church worker, a secretary of the Age Pensioner’s League and a life member of the Red Cross.’*

### **Statutory Environment**

There are no statutory implications for this report.

### **Consultation**

No consultation has been carried out for this report.

### **Policy Implications**

Council Policy No. I/RR/1 – Future Street and Reserve Names section states:

‘(2) Additions and deletions to the Road Name Register shall only be by Council decision.’

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**Road Name Register – Request To Include The Name ‘Thorn’ (Cont.)**

- (3) Applications for future road and reserve names shall be accompanied by sufficient information from the application to include the name on the Register, in addition to any further information being required by the Geographical Names Committee.’

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

It is considered that the name ‘Thorn’ could be added to the road name register. This will enable consideration to be given to applying that name to a future road if and when the Council considers appropriate.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr B Hollingworth:**

**That the name ‘Thorn’ be added to the Council’s Road Name Register.**

**CARRIED (9/0)**

**No. 66/07**

**9.3 COMMUNITY SERVICES REPORTS**

Nil

## 9.4 TECHNICAL SERVICES REPORTS

### 9.4.1 TENDER C12-0607 - SUPPLY AND DELIVERY OF TRACTOR

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>PS/165/20</b>
<b>Author:</b>	<b>Ian Bartlett - Manager Works and Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>8 February 2007</b>

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#### **Purpose**

The purpose of this report is to consider submissions from the advertising of Tender C12-0607 Supply and Delivery of Tractor.

#### **Background**

Tenders were recently called for the supply and delivery of one (1) Tractor. Tender C12-0607 closed at 12.00 noon on Wednesday 31 January 2007 and was advertised for a period of forty days.

At the close of submissions, seven (7) tenders were received from the following companies:

- Howard Machinery
- Bunbury Machinery
- C & C Machinery
- E & MJ Rosher 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.

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

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**Tender C12-0607 – Supply & Delivery Of Tractor (Cont.)****Policy Implications**

Council Policy No. F/FM/5 – Purchasing and Tendering applies.

**Financial Implications**

In the adopted Budget for 2006 / 2007, a total of \$54,875.00 (nett) has been allocated towards the purchase of a new Tractor.

**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.

Seven (7) Tenders were received from various suppliers for the purchase of a new Tractor in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each Tractor with relative trade price for the Council's John Deere 2250 Tractor (Registration No. PL 8524 – Plant No. TC3) is shown tabulated below:

Tender Price:

Tractor				
Supplier	Machine Make / Model	Purchase Price (exc GST)	Trade Offer (exc GST)	Nett Cost (exc GST)
Howard Machinery	John Deere 5225	\$53,720.00	\$9,800.00	\$43,920.00
Howard Machinery	John Deere 5425	\$57,050.00	\$9,800.00	\$47,250.00
Bunbury Machinery	Kubota M6040 4WD	\$55,000.00	\$12,500.00	\$42,500.00
Bunbury Machinery	Kubota M7040 2WD	\$52,500.00	\$12,500.00	\$40,000.00
Bunbury Machinery	Kubota M7040 4WD	\$57,500.00	\$12,500.00	\$45,000.00
C & C Machinery	Massey Ferguson 5435	\$59,000.00	\$9,000.00	\$50,000.00
E & MJ Rosher Pty Ltd	Kubota M7040FC	\$49,545.45	\$5,000.00	\$44,545.45

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness reviewed the tenders for each Tractor 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).



**Tender C12-0607 – Supply & Delivery Of Tractor (Cont.)**

Mr Griffiths, Mr Seaman and relevant staff members also undertook inspections of a number of the tractors offered by the respective suppliers. Officers focussed on work output, operating systems and safety aspects of the items of plant offered.

With all of the tender submissions being below budget (excluding GST), the Tender Evaluation Team was then allowed more flexibility when comparing the tractors. Two (2) tractors tendered did not meet the specification of being 2WD and were excluded.

The tractors offered by Howard Machinery were not favoured as they did not meet all of the specifications; Howard Machinery offers a shorter warranty (being two (2) years or 2,000 hours) than other tenderers and also the John Deere 5225 would not be available for three to five months.

The Massey Ferguson 5435 was the highest price, did not meet all of the specifications and like Howard Machinery, C & C Machinery only offer a two (2) year warranty (as opposed to three (3) years offered by Bunbury Machinery and E & MJ Rosher Pty Ltd). The Tender Evaluation Team did recognise the locality of C & C Machinery (having a dealership in Albany); however the Massey Ferguson was not favoured by the Tender Evaluation Team due to its shortcomings in those areas mentioned above.

Being similar machines, the Kubota M7040 offered by Bunbury Machinery and the Kubota M7040FC offered by E & MJ Rosher Pty Ltd rated closely. The Kubota M7040 offered by Bunbury Machinery was however, favoured due to being the lowest price and also Bunbury Machinery was recognised for having outstanding safety (being the only tenderer to include a copy of their Occupational Safety and Health Policy).

It is therefore the opinion of the Tender Evaluation Team that the Kubota M7040 offered by Bunbury Machinery is the best value for money investment for the Shire of Plantagenet.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr J Mark:**

**That the Tender from Bunbury Machinery to supply and deliver one (1) Kubota M7040 2WD Tractor to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:**

<b>Purchase Price (exc GST)</b>	<b>Trade Offer (exc GST)</b>	<b>Nett Cost (exc GST)</b>
<b>\$52,500.00</b>	<b>\$12,500.00</b>	<b>\$40,000.00</b>

**CARRIED (9/0)**

**No. 67/07**

## 9.4.2 TENDER TO SUPPLY LABOUR

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>PS/165/21</b>
<b>Author:</b>	<b>Ian Bartlett - Manager Works and Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>20 February 2007</b>

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### **Purpose**

The purpose of this report is to consider the outcome of the Tender submitted by Jonor Construction Pty Ltd from an expression of interest to supply labour for the construction of multi cell culverts over the Hay River and Sleeman Creek, Spencer Road, Narrikup.

### **Background**

At its meeting held 28 November 2006, the Council declined to accept the tender that was received from Jonor Construction Pty Ltd for the Construction of a Multi Cell Culvert over the Hay River, Spencer Road and to instead invite expressions of interest through Opus International for the supply of labour to the abovementioned locations.

### **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**

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services and consultants from Opus International.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

The combined budget allocation for the 2006 / 2007 Road Construction and Maintenance Program is \$5,834,757.00. Incorporated in this amount is the allocation of \$415,317.00 for the construction of Spencer Road (incorporating the Hay River crossing) and the allocation of \$500,000.00 for the construction of the Narrikup Bypass, Spencer Road (incorporating the Sleeman Creek crossing).

## Tender To Supply Labour (Cont.)

**Strategic Implications**

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 – Infrastructure incorporates the following:

'Infrastructure aims to:

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

**Officer Comment**

The Shire of Plantagenet engaged Opus International to invite tender submissions for the supply of labour. Tenderers were provided with Technical Specifications by Opus International Consultants in conjunction with Mr Ian Bartlett – Manager Works and Services. Six (6) invitations to submit a Tender were issued, with one (1) tender received by the close of tender, 4:00pm Tuesday 6 February 2007. Results of the tender received from Jonor Construction Pty Ltd are shown tabulated below:

Construction of Multi Cell Culvert over Hay River				
	ITEM <i>(All costs are to exclude GST)</i>	Unit	Qty	PRICE (\$)
1.	<b>MOBILISATION, SITE ESTABLISHMENT, DEMOBILISATION.</b>			
1.1	Establishment on Site	Item		67,255.00
1.2	Traffic Control	Item	1	13,207.00
2.	<b>SURVEY, CONTROL AND TESTING.</b>			
2.1	Survey set out and Control	Item	1	6,277.00
2.3	Compliance Testing	Item	1	3,629.00
2.4	Provide As Constructed Drawings	Item	1	1,872.00
3.	<b>CLEARING &amp; DEMOLITION</b>			
3.1	Removal and disposal of existing culverts.	Item	1	3,629.00
3.2	Clearing and Disposal of Vegetation	m <sup>2</sup>	1200	6,000.00
3.3	Removal of Stumps, Silt and Debris	m <sup>2</sup>	1200	6,000.00
3.4	Removal of Existing Road Embankment	Item	1	11,749.00
4	<b>DRAINAGE</b>			
4.1	Install and backfill 375 dia RCP (Class 3)	m	32.7	9,003.00
4.2	Install and backfill 450 dia RCP (Class 3)	m	29.3	8,995.00
4.3	Install precast headwall to suit 375 dia	ea	1	479.00
4.4	Install precast headwall to suit 450 dia	ea	1	479.00
5	<b>DEWATERING</b>			
5.1	Dewater construction zone.	Item	1	11,810.00

## Tender To Supply Labour (Cont.)

Construction of Multi Cell Culvert over Hay River				
	ITEM <i>(All costs are to exclude GST)</i>	Unit	Qty	PRICE (\$)
<b>6.</b>	<b>CONCRETE WORKS</b>			
6.1	<b>BASE SLAB</b>			
6.1.1	Supply and deliver formwork	Item	1	8,532.00
6.1.2	Place and fix formwork	Item	1	10,873.00
6.1.3	Supply and deliver steel reinforcement	Item	1	47,735.00
6.1.4	Place and fix steel reinforcement	Item	1	13,826.00
6.1.5	Place, Finish and Cure 32 Mpa Concrete (includes management of supplier)	m <sup>3</sup>	170	32,810.00
<b>6.2</b>	<b>WINGWALLS &amp; HEADWALLS</b>			
6.2.1	Supply and deliver formwork	Item	1	34,277.00
6.2.2	Place and fix formwork	Item	1	28,660.00
6.2.2	Supply and deliver steel reinforcement	Item	1	21,502.00
6.2.3	Place and fix steel reinforcement	Item	1	9,073.00
6.2.4	Fix and cast in Guard Rail Brackets (Principle Supplied)	Ea	34	1,156.00
6.2.5	Place, Finish and Cure Class 32 Mpa Concrete (includes management of supplier)	m <sup>3</sup>	72	21,168.00
<b>7</b>	<b>REINFORCED CONCRETE BOX CULVERTS AND LINK SLABS</b>			
7.1	Install Pre Cast Concrete Box Culvert Units 2400x2400x1200mm (height, width, length)	ea	63	33,201.00
7.2	Install Pre Cast Concrete Link Slabs 2400x1200mm (width, length)	ea	54	14,958.00
7.3	Transport from yard to site	Item	1	19,130.00
<b>8.0</b>	<b>PROVISIONAL QUANTITIES</b>			
8.1	Sand Bedding	m <sup>3</sup>	140	15,660.00
8.2	Rock Pitching	m <sup>2</sup>	1250	31,250.00
8.3	Removal of Rock	m <sup>3</sup>	1	893.00
	<b>Total Lump Sum (including provisional items)</b>			<b>495,088.00</b>
	<b>Total GST</b>			<b>49,508.80</b>
	<b>Total Lump Sum (including provisional items including GST)</b>			<b>544,596.80</b>

**Tender To Supply Labour (Cont.)**

After evaluation of the tender submission received, it was concluded the Tender for Labour to construct the Multi Cell Culverts over the Hay River and Sleeman Creek, Spencer Road, Narrikup was above the budgeted value; it would be preferable not to accept the tender.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr K Clements:**

**THAT:**

- (1) No tender for the supply of labour for the Construction of Multi Cell Culverts over the Hay River and Sleeman Creek crossings, Spencer Road, Narrikup be awarded.**
- (2) The scope of works for the Construction of the Multi Cell Culvert over the Hay River and Sleeman Creek crossings, Spencer Road, Narrikup be amended and re-tendered.**

**CARRIED (9/0)**

**No. 67/07**

### 9.4.3 POLICY REVIEW – I/R/6 - ROADS - LOG HAUL REQUIREMENTS

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (2)</b>	<b>Template Letter of Approval - Log Haulage on Gravel Roads Log Haulage Clauses</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RO/120/19</b>
<b>Author:</b>	<b>Ian Bartlett - Manager Works and Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>19 February 2007</b>

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#### **Purpose**

The purpose of this report is to review Council Policy No. I/R/6 – Roads – Log Haul Requirements.

#### **Background**

Council Policy No. I/R/6 – Roads – Log Haul Requirements reads as follows:

‘That the log haul requirements of tree / farm companies be accommodated where possible

- within the scope of routine maintenance
- within budgetary limitations
- but not to the extent of any higher priority or the disadvantage of other agricultural pursuits.

No policy exists for users other than the log haul industry although delegation number 23 states

- The Chief Executive Officer is delegated authority to determine any application recommending approval or refusal, with conditions, for refusal to use road trains and application for extra mass permits on any local road within the district.
- The approach adopted by Council will, potentially, affect existing policy.’

At its ordinary meeting of 13 December 2005 the Council adopted the Heavy Vehicle Control Approved Routes provided by Main Roads WA. Incorporated in the Heavy Vehicle Control Approved Routes are speed restrictions of 60kph on unsealed roads and 80kph on sealed roads without pavement markings.

#### **Statutory Environment**

Road Traffic (Vehicle Standards) Regulations 2002.

#### **Consultation**

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Wayne Griffiths - Works Supervisor, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer.

**Policy Implications**

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

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

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

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

To achieve this we will:

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

The Council's Strategic Plan Key Result Area 2 – Infrastructure provides the following:

'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**

It is believed that the current Policy, (where reference is made to accommodating tree farm companies), does not accurately reflect the process carried out in regards to log haul requirements. The reason for this is that the current wording suggests that the Council should spend time and money accommodating the needs of the tree farm companies, when it is the tree farm companies that are seeking the Council's support. Conditions have therefore been included in the Policy to outline the requirements of the tree farm companies in relation to log/woodchip haulage. The conditions cover the following:

- Heavy Haulage permits from Main Roads WA;
- Neighbouring properties;
- Speed;
- Sign posting;
- Wet weather;
- Cartage through townsites; and
- School buses.

These conditions have been taken from the letter of approval (Attachment No. 1) that is currently sent to companies requesting to use roads within the Shire of Plantagenet for log / woodchip haulage. The log haulage clauses (Attachment No. 2) that are attached to Haulage Agreements by the Manager Works and Services have also been included in the Policy. These clauses refer to the following:

- Grading of gravel roads;
- Seal failures on bitumen roads;

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**Policy Review – I/R/6 – Roads – Log Haul Requirements (Cont.)**

- Reinstatement of the road to pre-haulage condition;
- Post haulage inspections; and
- Christmas and New Year's Day.

It is believed that reference made in the current Policy to a Policy for users other than the log haulage industry should be removed as it is not relevant to this particular Policy.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

Moved Cr B Hollingworth, seconded Cr J Cameron:

That amended Council Policy No. I/R/6 – Roads – Log Haul Requirements as follows:

**OBJECTIVE:** To provide clear guidelines to the Council, its officers and tree farm companies regarding log / woodchip haulage on roads within the Shire of Plantagenet.

**POLICY:** THAT:

- (1) The Council will provide letters of support for Main Roads WA permits for log / woodchip haulage on roads within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed haulage route(s) and provided that the following conditions are adhered to by the tree farm companies:
  - All Heavy Haulage permits being obtained from Main Roads WA;
  - Neighbouring properties to access routes being notified of the commencement date and anticipated duration, at least one (1) week prior to the commencement of harvest;
  - Speeds being limited to 60kph on unsealed roads and 80kph on sealed roads without pavement markings or less where either appropriate for safety reasons or posted at a lesser speed;
  - Suitable sign posting for traffic as per Australian Standard AS1742.3-2002, with signs identifying truck movements to be placed at the entrance and exit of the property according to standard;
  - All owner / operators adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from driving road trains on roads affected by wet weather conditions;



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**Policy Review – I/R/6 – Roads – Log Haul Requirements (Cont.)**

- Cartage through townsites being limited to twelve hours daily between the hours of 6.00am and 6.00pm;
  - School bus operators being notified of the commencement date and the anticipated duration, at least one (1) week prior to the commencement of harvest;
  - All gravel roads covered under the letter of approval being graded during haulage as required;
  - The Council being advised of any seal failures on bitumen roads within twenty-four hours so that repairs can be carried out;
  - Roads being reinstated to pre-haulage condition, by the tree farm companies, at the completion of harvest;
  - Post haulage inspections being carried out on roads covered in the letter of approval, as advised by the Manager Works and Services; and
  - Cartage being ceased on Christmas Day and New Year's Day.
- (2) The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition / user safety is in question.'

be endorsed.

**AMENDMENT**

Moved Cr J Moir, seconded Cr D Williss:

That the words 'or less where either appropriate for safety reasons or posted at a lesser speed' be deleted from Part (1), dot point three and replaced with the words 'and 10kph lower than the posted speed limit of roads under 80kph or whichever is the lesser'.

CARRIED (9/0)

No. 68/07

**FURTHER AMENDMENT**

Moved Cr J Moir, seconded Cr D Williss:

That the words 'road trains' be deleted from Part (1) dot point five and replaced with the words 'heavy vehicles'.

CARRIED (9/0)

No. 69/07

**COUNCIL DECISION**

That amended Council Policy No. I/R/6 – Roads – Log Haul Requirements as follows:

**OBJECTIVE:** To provide clear guidelines to the Council, its officers and tree farm companies regarding log / woodchip haulage on roads within the Shire of Plantagenet.

**POLICY:** **THAT:**

- (1) The Council will provide letters of support for Main Roads WA permits for log / woodchip haulage on roads within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed haulage route(s) and provided that the following conditions are adhered to by the tree farm companies:
- All Heavy Haulage permits being obtained from Main Roads WA;
  - Neighbouring properties to access routes being notified of the commencement date and anticipated duration, at least one (1) week prior to the commencement of harvest;
  - Speeds being limited to 60kmh on unsealed roads, 80kmh on sealed roads without pavement markings, 90kmh on sealed roads with pavement markings and 10kmh lower than the posted speed limit of roads under 80kmh or whichever is the lesser.
  - Suitable sign posting for traffic as per Australian Standard AS1742.3-2002, with signs identifying truck movements to be placed at the entrance and exit of the property according to standard;
  - All owner / operators adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from driving heavy vehicles on roads affected by wet weather conditions;
  - Cartage through townsites being limited to twelve hours daily between the hours of 6.00am and 6.00pm;
  - School bus operators being notified of the commencement date and the anticipated duration, at least one (1) week prior to the commencement of harvest;
  - All gravel roads covered under the letter of approval being graded during haulage as required;
  - The Council being advised of any seal failures on bitumen roads within twenty-four hours so that repairs can be carried out;

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Policy Review – I/R/6 – Roads – Log Haul Requirements (Cont.)

- Roads being reinstated to pre-haulage condition, by the tree farm companies, at the completion of harvest;
  - Post haulage inspections being carried out on roads covered in the letter of approval, as advised by the Manager Works and Services; and
  - Cartage being ceased on Christmas Day and New Year's Day.
- (2) The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition / user safety is in question.'

be endorsed.

**CARRIED (9/0)**

**No. 70/07**

#### **9.4.4 TENDER C08-0607 - SUPPLY AND DELIVERY OF HYDRAULIC EXCAVATOR WITH MULCHING HEAD ATTACHMENT**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** PS/165/15  
**Author:** Ian Bartlett - Manager Works and Services  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 16 February 2007

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##### **Purpose**

The purpose of this report is to consider submissions from the advertising of Tender C08-0607 - Supply and Delivery of Hydraulic Excavator with Mulching Head Attachment.

##### **Background**

Tenders were recently called for the supply and delivery of one (1) Hydraulic Excavator with Mulching Head Attachment. Tender C12-0607 closed at 12 noon on Wednesday 31 January 2007 and was advertised for a period of forty (40) days.

At the close of submissions, nine (9) Tenders were received from the following companies:

- BT Equipment;
- Earthwest;
- Construction Equipment Australia;
- Hitachi Construction Machinery;
- WesTrac;
- Melroad Equipment; and
- CJD 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. 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 C08-0607 – Supply & Delivery Of Hydraulic Excavator With Mulching Head Attachment (Cont.)**

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

**Policy Implications**

Council Policy No. F/FM/5 – Purchasing and Tendering applies.

**Financial Implications**

In the adopted Budget for 2006 / 2007, a total of \$236,650.00 (nett) has been allocated towards the purchase of an Excavator.

**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.

Nine (9) Tenders were received from various suppliers for the purchase of a new Excavator in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each Excavator is shown tabulated below:

Tender Price:

EXCAVATOR		
Supplier	Machine Make / Model (Including Mulching Head Attachment)	Purchase Price (Exc GST)
BT Equipment	Sumitomo SH210-5 (FAE UML/EX 150 Mulcher)	\$224,750.00
Earthwest	Hyundai R250LC-7 (FM500H-1100 Mulcher)	\$266,805.00
Earthwest	Hyundai R210LC-7 (FM500H-1100 Mulcher)	\$252,805.00
Construction Equipment	JCB JS220LC (FM500H-1100)	\$245,650.00
Hitachi Construction Machinery	Hitachi ZX200LC-3 (FAE Mulcher)	\$272,636.36
WesTrac	Caterpillar 320D (UML/EX 150 Mulcher)	\$290,153.00
Melroad Equipment	Kobelco SK200-8 (FM500H-1100 Mulcher)	\$260,600.00
CJD Equipment	Volvo EC210BLC (FAE UML/EX 150 Mulcher)	\$245,200.00
CJD Equipment	Volvo EC240B (FAE UMM/EX 125 Mulcher)	\$290,750.00

**Tender C08-0607 – Supply & Delivery Of Hydraulic Excavator With Mulching Head Attachment (Cont.)**

Mr Bartlett, Mr Griffiths, Mr Seaman and Ms Sounness reviewed the Tenders for each Excavator 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 submissions from WesTrac, Melroad Equipment, the two (2) submissions from Earthwest and the Volvo EC240B submitted by CJD Equipment were not preferred by the Tender Evaluation Team as they were simply too far above the budgeted amount of \$236,650.00.

Mr Griffiths, Mr Seaman and relevant staff members then undertook inspections of the remaining three (3) Excavators offered (these being the Excavators offered by BT Equipment, Construction Equipment and the Volvo EC210BLC offered by CJD Equipment). Officers focussed on work output, operating systems and safety aspects of the items of plant offered.

Following the inspections the Volvo EC210BLC offered by CJD Equipment was favoured the most. The reason for this is that this machine rated the highest for overall strength and also has a heavy duty boom (which the other two Excavators don't have) and strong undercarriage. Also the fuel tank is accessible from the ground, it has excellent vision and comes with a standard 1.3m<sup>3</sup> bucket (the other two (2) Excavators only have a 1.05m<sup>3</sup> bucket and a 0.8m<sup>3</sup> bucket).

It is the opinion of the Tender Evaluation Team that the Volvo EC210BLC Excavator with FAE UML/EX 150 Mulcher is the best value for money investment for the Shire of Plantagenet. Although this machine exceeds the budgeted amount of \$236,650.00 by \$8,550.00, it is believed that savings made from the purchase of other items of plant and the sale of surplus items justify the over budgeted amount for the right machine.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr B Hollingworth:**

**That the Tender from CJD Equipment to supply and deliver one (1) Volvo EC210BLC Excavator with FAE UML/EX 150 Mulching Head Attachment to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:**

<b>EXCAVATOR</b>		
<b>Supplier</b>	<b>Machine Make / Model (Including Mulching Head Attachment)</b>	<b>Purchase Price (Exc GST)</b>
<b>CJD Equipment</b>	<b>Volvo EC210BLC (FAE UML/EX 150 Mulcher)</b>	<b>\$245,200.00</b>

**CARRIED (9/0)**

**No. 71/07**

## 9.5 DEVELOPMENT SERVICES REPORTS

### 9.5.1 LOT 70 WESTFIELD STREET, ROCKY GULLY – RELOCATED DWELLING

<b>Location / Address:</b>	<b>Lot 70 Westfield Street, Rocky Gully</b>
<b>Name of Applicant:</b>	<b>WR &amp; CJ Dymock</b>
<b>File Reference:</b>	<b>RV/182/3392</b>
<b>Author:</b>	<b>Peter Duncan - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>12 February 2007</b>

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#### **Purpose**

The purpose of this report is to consider an application for a relocated dwelling at Lot 70 Westfield Street, Rocky Gully.

#### **Background**

This lot is currently vacant and Shire records show the owner to be C and W Dymock.

The house is located at 8 Booth Street, Mount Barker.

#### **Statutory Environment**

Planning and Development Act 2005

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

Zoning: Residential  
Density: R10

The Residential Design Codes Of Western Australia (2002)

#### **Consultation**

Public consultation has not been carried out for this proposal as it is not a mandatory requirement of TPS3. Due to the low level of development activity in Rocky Gully, it was felt that advertising was unnecessary.

#### **Policy Implications**

Council Policy No. TP/SDC/5 – Housing – Second Hand Houses requires (for houses more than twelve years old), various conditions to be imposed including a \$5,000.00 bond, engineer's certification and removal of asbestos cladding if being brought into the Shire.

#### **Financial Implications**

A \$5,000.00 bond will be required as a condition of approval.

#### **Strategic Implications**

This application is consistent with the Shire of Plantagenet Strategic Plan. In particular it will '*ensure a mix of housing types*' and '*improve the quality of life for residents of the Shire.*'

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Lot 70 Westfield Street, Rocky Gully – Relocated Dwelling (Cont.)

### **Officer Comment**

The subject lot is zoned Residential. The proposed dwelling complies with the R10 density coding provisions of the Residential Design Codes.

The applicant has obtained a report from a structural engineer which shows the building is structurally sound to relocate. That report also advises the external wall sheeting includes asbestos.

Council Policy No. TP/SDC/5 requires, amongst other things, a condition that asbestos cladding be removed before entry into the Shire. The house is located at 8 Booth Street, Mount Barker but it is considered worthwhile to have the asbestos removed and the house reclad in a safe material.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr B Hollingworth:**

**That Planning Consent be granted for Application 17/07 for a relocated dwelling at Lot 70 Westfield Street, Rocky Gully in accordance with the plans dated 1 and 6 February 2007 subject to:**

- (1) The payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.**
- (2) The asbestos wall sheeting material being removed and replaced to the satisfaction of the Council.**
- (3) The vehicle crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- (4) All stormwater being contained on site and disposed of to the satisfaction of the Manager Works and Services.**

### **ADVICE NOTES**

- (i) This Planning Consent is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Surveyor prior to commencing work.**
- (ii) The \$5,000.00 bond will only be refunded when the dwelling is completed to an acceptable standard both structurally and aesthetically.**
- (iii) This planning consent only applies to the house and not any other proposed structures such as a garage and garden shed.**
- (iv) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**

**CARRIED (9/0)**

**No. 72/07**



## 9.5.2 LOT 8 MUIRS HIGHWAY, ROCKY GULLY – RELOCATED DWELLING

<b>Location / Address:</b>	<b>Lot 8 Muirs Highway, Rocky Gully</b>
<b>Name of Applicant:</b>	<b>WR &amp; CJ Dymock</b>
<b>File Reference:</b>	<b>RV/182/2057</b>
<b>Author:</b>	<b>Peter Duncan - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>12 February 2007</b>

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### **Purpose**

The purpose of this report is to consider an application for a relocated dwelling at Lot 8 Muirs Highway, Rocky Gully.

### **Background**

This lot is currently vacant and Shire records show the owner to be C and W Dymock.

The house is located at 27 Webster Street, Mount Barker.

### **Statutory Environment**

Planning and Development Act 2005

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

Zoning: Residential  
Density: R10

The Residential Design Codes Of Western Australia (2002)

### **Consultation**

Public consultation has not been carried out for this proposal as it is not a mandatory requirement of TPS3. Due to the low level of development activity in Rocky Gully, it was felt that advertising was unnecessary.

### **Policy Implications**

Council Policy No. TP/SDC/5 – Housing – Second Hand Houses requires (for houses more than twelve years old), various conditions to be imposed including a \$5,000.00 bond, engineer's certification and removal of asbestos cladding if being brought into the Shire.

### **Financial Implications**

A \$5,000.00 bond will be required as a condition of approval.

### **Strategic Implications**

This application is consistent with the Shire of Plantagenet Strategic Plan. In particular it will '*ensure a mix of housing types*' and '*improve the quality of life for residents of the Shire.*'

**Officer Comment**

The subject lot is zoned Residential. The proposed dwelling complies with the R10 density coding provisions of the Residential Design Codes.

The applicant has obtained a report from a structural engineer which shows the building is structurally sound to relocate. That report also advises the external wall sheeting includes asbestos.

Council Policy No. TP/SDC/5 requires, amongst other things, a condition that asbestos cladding be removed before entry into the Shire. The house is located at 27 Webster Street, Mount Barker but it is considered worthwhile to have the asbestos removed and the house reclad in a safe material.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr B Hollingworth:**

**That Planning Consent be granted for Application 13/07 for a relocated dwelling at Lot 8 Muirs Highway, Rocky Gully in accordance with the plans dated 30 January 2007 subject to:**

- (1) The payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.**
- (2) The asbestos wall sheeting material being removed and replaced to the satisfaction of the Council.**
- (3) The vehicle crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- (4) All stormwater being contained on site and disposed of to the satisfaction of the Manager Works and Services.**

**ADVICE NOTES**

- (i) This Planning Consent is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Surveyor prior to commencing work.**
- (ii) The \$5,000.00 bond will only be refunded when the dwelling is completed to an acceptable standard both structurally and aesthetically.**
- (iii) This planning consent only applies to the house and not any other proposed structures such as a garage and garden shed.**
- (iv) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**

**CARRIED (9/0)**

**No. 73/07**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Moved Cr M Skinner, seconded Cr B Hollingworth:

That business of an urgent nature namely:

- Item 11.1 - Audit Report – Year Ending 30 June 2006
- Item 11. 2 - 2005 / 2006 – Annual Report
- Item 11. 3 - General Meeting Of Electors 2005 / 2006
- Item 11. 4 - Saleyards – Lease Of Site To The Albany Regional Cattle Association For Shed

be introduced into the meeting.

**CARRIED (8/1)**

**No. 74/07**

**MOTION TO ADJOURN THE MEETING**

Moved Cr K Hart, seconded Cr J Moir:

3.41pm That the meeting be adjourned until 3.55pm.

**CARRIED (8/1)**

**No. 75/07**

**RESUMPTION**

3.55pm The meeting resumed.

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr 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
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

## 11.1 AUDIT REPORT – YEAR ENDING 30 JUNE 2006

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>Attachment: (2)</b>	<b>Independent Audit Report and Management Report</b>
<b>File Reference:</b>	<b>FM/19/1</b>
<b>Author:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Authorised By:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>13 February 2007</b>

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### **Purpose**

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2006.

### **Background**

The Annual Financial Audit was performed on 11 and 12 December 2006 by Mr P Bresciani of the Council's appointed auditors, UHY Haines Norton. The initial visit between 20-22 November 2006 was abandoned as the books were not in a sufficient state of readiness. The audit was finalised in February 2007 with the assistance of UHY Haines Norton's manager of remote services.

It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

### **Statutory Environment**

Section 7.12A (3) and (4) of the Local Government Act (1995) states the following:

- (3) *A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to –*
- (a) *determine if any matters raised by the report, or reports require action to be taken by the local government; and*
  - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to –*
- (a) *prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and*
  - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.'*

### **Consultation**

There has been no consultation in regard to this report.

### **Policy Implications**

There are no policy implications for this report.

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## Financial Implications

The Management Report issued by UHY Haines Norton notes that rates debtors increased from \$287,826 in 2005 to \$321,829 in 2006, which represents approximately 10% in rates raised.

## Strategic Implications

There are no strategic implications for this report.

## Officer Comment

### Rate Debtors

A number of issues have impacted on our ability to follow up on rates debtors, the major ones detailed below:

- (1) **LOSS OF RATING OFFICER** - From June to August 2005 the Shire of Plantagenet had no Rating Officer, with the (then) Accountant undertaking the issue of the annual 2005 / 2006 rate notices and having very limited capacity to undertake any rating adjustments. Consequently a large volume of rating enquiries and adjustment substantially backlogged before the current Rates/Finance Officer could be appointed and effectively inducted.
- (2) **MARKET ACTIVITY – RATING ADJUSTMENTS** - Unprecedented market activity occurred in 2005 / 2006 with a substantial (five-fold) increase in the number of property transfers, especially in relation to residential blocks within the Kendenup townsite. The vast majority of these blocks being group rated (valued) by the Valuer General's Office.
- (3) **DEBT RECOVERY MANAGEMENT SYSTEM** - The Shire's (then) third party debt recovery agent (Pioneer Credit) had only recently taken over from a another agency who had apparently lapsed into liquidation with subsequent poor transfer of ratepayer debt history and actions. This issue was compounded by substantial Pioneer Credit staff changes and poor contact management with the Shire. Additionally, the Pioneer Credit reporting mechanism (action logs) were originally undertaken on a monthly basis, with subsequent unacceptable timeliness in the transfer of recovery activities, debtor status and balances. Finally, a number of payments, incorrectly and without authorisation by Pioneer Credit had not been paid to the Shire.
- (4) **INTERIM RATING VS ANNUAL REVALUATION** – The Department of Land Information (DLI) – Valuation Services (VGO) undertakes annual revaluations of all Unimproved Values (UV) for all appropriate land parcels, throughout the state of Western Australia. This process apparently commences in the latter months of the rating year, in readiness for the uptake of the new UVs by the respective LGA. Whilst this process is undertaken, VGO valuer staff set aside action on responding to LGA and Water Corporation initiated requests for Interim valuations. This causes a backlog of action on interim valuations which impeded the ability to recovery monies recorded as outstanding on the rating roll. This issue was exacerbated by the apparently unprecedented loss of VGO valuer staff.

All of these issues have had an impact, but there is still some backlog of issues, particularly interim rating requests that we are working through. This has had an impact on the 'Rates Salaries' budget item through a considerable amount of overtime. We also intend to engage another debt collection agency with a view to achieving better results in this regard.

Rates

The rolling reconciliations between the rate ledger and the Valuer General's Office records are currently being done by the Rates/Finance Officer and reviewed by the Accountant / Office Manager. It is intended that they will also be reviewed by the Deputy CEO, in line with the other monthly reconciliations.

Trust Account

The difference between the Trust bank and Trust liabilities has now been determined. The reconciliation of the Trust Account will also now be reviewed by the Deputy CEO, in line with the other monthly reconciliations.

Wages and Salaries

The reconciliation of Wages and Salaries will also now be reviewed by the Deputy CEO, in line with the other monthly reconciliations. The Senior Administration Officer / Human Resources Officer is also liaising with the Accountant to ensure the accuracy of the BAS report.

Month End Procedure

The reconciliation of rates receivable, sundry debtors, and creditors ledgers to their control accounts is also now being reviewed by the Deputy CEO, in line with the other monthly reconciliations.

Depreciation of Infrastructure

The auditors have suggested that the current method of recording and depreciating road infrastructure be reviewed with a view to implementing a system that will allow each road to be dissected into its component parts. Essentially they consider that the ROMAN system should be used as a basis for providing depreciation information. This issue will require further investigation in terms of the extent of detail and accuracy of current data in that system.

Allocations

It is agreed that some of the allocations and journals undertaken during 2005 / 2006 were incorrect and confused. In some cases, no supporting paperwork was evident for journals. Internal processes and documentation have been improved to overcome this.

Year End Balancing and Readiness

The preparation of this year's financial report has been a difficult one for staff due to a lack of experience with the LOGIS accounting software, a lack of recent experience with the preparation of end of financial year accounts, key staff were not employed with the Shire for the vast majority of the 2005 / 2006 financial year which was compounded by a lack of working papers. In the foreseeable future, exposure to the financial year in question should not be an issue. Staff have gained valuable experience in the preparation of these accounts. With some additional training we are confident that the accounts can be completed accurately and within a more appropriate timeframe.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr M Skinner:

**THAT:**

- (1) The Annual Financial Audit and Management Report for the year ending 30 June 2006 as issued by Mr David Tomasi of UHY Haines Norton be received.**
- (2) The comments provided by Financial Services staff in the report 'Audit Report – Year Ending 30 June 2006' and dated 13 February 2007 be noted.**

**CARRIED (9/0)**

**No. 76/07**

## 11.2 2005 / 2006 ANNUAL REPORT

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>Attachment: (1)</b>	<b>Draft 2005 / 2006 Annual Report</b>
<b>File Reference:</b>	<b>CM/139/1</b>
<b>Author:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Authorised By:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>13 February 2007</b>

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### **Purpose**

The purpose of this report is to receive the Shire of Plantagenet's 2005 / 2006 Annual Report.

### **Background**

The annual financial audit has now been conducted by representatives of the Council's auditors, Mr D Tomasi and Mr P Bresciani of UHY Haines Norton.

### **Statutory Environment**

Section 5.54 of the Local Government Act 1995 governs the acceptance of annual reports.

Section 5.54 (1) states '*subject to Subsection (2) the annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*'

Due to the difficulties in staff finalising the annual financial report this year, the report was not completed and forwarded to the auditors until 31 January 2007. A special dispensation was received from the Department of Local Government and Regional Development for this.

### **Consultation**

Officers across the organisation have provided input into the Annual Report of the operations of the organisation during 2005 / 2006. The Council's auditors consulted with staff during their on-site audit in November and December 2006.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

There are no strategic implications for this report.

### **Officer Comment**

The Shire of Plantagenet's 2005 / 2006 Income Statement shows a net result (increase in equity) of \$2,365,116.00, which is \$245,407.00 more than budgeted due mainly to an increase in grant funding and interest received on loan funds.



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**2005 / 2006 Annual Report (Cont.)**

The debt service ratio has increased from 4.0% to 6.7%, which reflects the debentures for the Administration Centre and Cattle Saleyards taken out in the preceding financial year. The outstanding rates ratio has risen from 9.2% in 2004 / 2005 to 9.9% in 2005 / 2006. A number of issues have impacted on this, as discussed in the report on the 2005 / 2006 Audit Report.

This year's comment on the Council's summary of activities has been refined and all aspects should now comply with relevant legislation.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr K Hart:**

**That the Shire of Plantagenet's 2005 / 2006 Annual Report be accepted.**

**CARRIED (9/0)**

**No. 77/07**

### 11.3 GENERAL ELECTORS MEETING - 2005 / 2006

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CU/103/1</b>
<b>Author:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Authorised By:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>13 February 2007</b>

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#### **Purpose**

The purpose of this report is to establish the date of the Electors General Meeting at which the 2005 / 2006 Annual Report will be considered.

#### **Background**

The Council has previously set a clear direction for staff to convene the Electors General Meeting prior to the end of the calendar year. This did not occur last year and unfortunately, staff had difficulties finalising the financial report this year. This has meant that the audit was not able to be finalised until February 2007.

#### **Statutory Environment**

Section 5.27 of the Local Government Act 1995 governs the procedure for selecting the day of electors' meetings. Of particular importance, Section 5.27 (2) states 'A general meeting is to be held on a day selected by the local government....'

Section 5.29 of the Local Government Act 1995 stipulates the procedures for the Chief Executive Officer to convene an electors' meeting.

#### **Consultation**

Consultation has occurred with Mr Rob Stewart - Chief Executive Officer.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Officer Comment**

In consultation with the Chief Executive Officer it was determined that in order to hold the annual Electors General Meeting as soon as possible within the statutory timeframe and at a time most likely to be convenient to electors, the date for the Electors General Meeting was established as Monday 26 March 2007. This date will be advertised in accordance with Section 5.29 of the Local Government Act 1995 to ensure the highest possible elector attendance at the meeting.

This report seeks to obtain the Audit Committee's recommendation to the Council to establish the date of the Electors General Meeting for Monday 26 March 2007 to be held in the Council Chambers commencing at 8.00pm.

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General Electors Meeting (Cont.)

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr J Mark, seconded Cr J Moir:**

**That the date of the 2006 General Meeting of Electors at which the 2005 / 2006 Annual Report will be considered, be selected as Monday 26 March 2007 to be held in the Council Chambers commencing at 8.00pm.**

**CARRIED (9/0)**

**No. 78/07**

**AMENDMENT**

**Moved Cr J Cameron, seconded Cr K Hart:**

**That the words 'Monday 26' be replaced with the words 'Tuesday 27'.**

**CARRIED (9/0)**

**No. 79/07**

**COUNCIL DECISION**

**That the date of the 2006 General Meeting of Electors at which the 2005 / 2006 Annual Report will be considered, be selected as Tuesday 27 March 2007 to be held in the Council Chambers commencing at 8.00pm.**

**CARRIED (9/0)**

**No. 80/07**

## 11.4 SALEYARDS – LEASE OF SITE TO THE ALBANY REGION CATTLE ASSOCIATION FOR SHED

A Financial Interest was disclosed by Cr K Forbes for Item 11.4

Nature of Interest: Cattle Producer

Extent of Interest: 240 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 11.4

Nature of Interest: Cattle Producer

Extent of Interest: 400 head of mixed cattle

A Financial Interest was disclosed by Cr J Cameron for Item 11.4

Nature Of Interest: Cattle Producer

Extent of Interest: Part owner - approximately 500 cattle

A Financial Interest was disclosed by Cr J Moir for Item 11.4

Nature Of Interest: Cattle Producer and casual employee of Elders

Extent of Interest: Employee Of Elder's and Cattle Producer

A Financial Interest was disclosed by Cr B Hollingworth for Item 11.4

Nature Of Interest: Adjacent landholder

Extent of Interest: Owner of Lots 1414 & 1415 Albany Highway, Mount Barker

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

Approval has been received from the Department of Local Government and Regional Development via letter 24 November 2006, giving permission for Cr Forbes, Cr Cameron, Cr Skinner, Cr Hollingworth and Cr Moir to fully participate in discussion and vote in decisions that may lead to expenditures in excess of those indicated in the Business Plan, relating to the Great Southern Regional Cattle Saleyards. This approval is valid until the next general local government elections in 2007.

The Chief Executive Officer read aloud the attached letter.

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Saleyards Site Plan Shed Drawing</b>
<b>File Reference:</b>	<b>CA/126/1</b>
<b>Author:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Authorised By:</b>	<b>John Fathers – Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>16 February 2007</b>

### **Purpose**

The purpose of this report is to present to the Council a request from the Albany Region Cattle Association (the Association) to erect a shed at the Great Southern Regional Cattle Saleyards (GSRCS) for the storage of portable yards for their annual bull sale.

### **Statutory Environment**

Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the disposal of property. It is not

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**Saleyards – Lease Of Site To The Albany Region Cattle Association For Shed (Cont.)**

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expected that this will be an exempt disposition and therefore the advertising requirements of the Local Government Act will need to be adhered to.

**Consultation**

There has been consultation with Warren Lloyd, Manager Saleyards.

**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 Association has requested permission to erect a shed (5.87m x 4.35m) at the Great Southern Regional Cattle Saleyards so that portable yards owned by the group can be securely stored. The request appears reasonable and can be considered positively. No cost would be incurred by the Council.

The options for an agreement are a Memorandum of Understanding or a more formal lease agreement. A formal lease is preferred by staff as it is more likely to be enforceable, but is subject to a formal advertising process under Section 3.58 of the Local Government Act. The cost of advertising would be met by the Association

It is envisaged that the lease provisions will generally be as follows:

- Lease Rental – One (1) dollar per annum.
- Lease Term – Ten (10) years, with an option for renewal at agreement of both parties.
- Location – As shown on the attached plan of the site.
- Use – Storage of temporary yards.
- No option to sub-lease.
- The group will be responsible for shed maintenance and keeping the shed in good order.
- The group will be responsible for insurance of the shed and its contents and public liability indemnity insurance.
- Access to the shed should be restricted to business hours and access to the shed should always be by permission.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr D Williss, seconded Cr J Cameron:**

**THAT:**

- (1) **The proposal to lease a 55.54m<sup>2</sup> portion of the Great Southern Regional Cattle Saleyards to the Albany Region Cattle Association with the following provisions, as shown hatched on the attached plan, be**

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**Saleyards – Lease Of Site To The Albany Region Cattle Association For Shed (Cont.)**

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advertised in accordance with Section 3.58 of the Local Government Act, with all costs being met by the applicant:

- Rental to be one (1) dollar per annum;
  - Term of the lease to be ten (10) years, with an option for renewal at the agreement of both parties;
  - Location – As shown on the attached plan of the site;
  - Use – Storage of temporary yards;
  - No option to sub-lease;
  - The group will be responsible for shed maintenance and keeping the shed in good order;
  - The group will be responsible for insurance of the shed and its contents and public liability indemnity insurance; and
  - After hours access to the shed should be by notification to the manager.
- (2) If no submissions are received from the advertising in (1) above, that authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the lease Agreement between the Shire of Plantagenet and the Albany Region Cattle Association relating to a lease of 55.54m<sup>2</sup> portion of the Great Southern Regional Cattle Saleyards.

**AMENDMENT**

Moved Cr Hollingworth, seconded Cr Skinner:

That a further provision be added to the Motion reading 'Ownership of the building will remain with the association before, during and at the conclusion of the lease'.

CARRIED (9/0)

No. 81/07

**COUNCIL DECISION**

THAT:

- (1) The proposal to lease a 55.54m<sup>2</sup> portion of the Great Southern Regional Cattle Saleyards to the Albany Region Cattle Association with the following provisions, as shown hatched on the attached plan, be advertised in accordance with Section 3.58 of the Local Government Act, with all costs being met by the applicant:
- Rental to be one (1) dollar per annum;
  - Term of the lease to be ten (10) years, with an option for renewal at the agreement of both parties;
  - Location – As shown on the attached plan of the site;
  - Use – Storage of temporary yards;
  - No option to sub-lease;
  - The group will be responsible for shed maintenance and keeping the shed in good order;

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**Saleyards – Lease Of Site To The Albany Region Cattle Association For Shed (Cont.)**

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- The group will be responsible for insurance of the shed and its contents and public liability indemnity insurance;
  - Ownership of the building will remain with the association before, during and at the conclusion of the lease; and
  - After hours access to the shed should be by notification to the manager.
- (2) If no submissions are received from the advertising in (1) above, that authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the lease Agreement between the Shire of Plantagenet and the Albany Region Cattle Association relating to a lease of 55.54m<sup>2</sup> portion of the Great Southern Regional Cattle Saleyards.

**CARRIED (9/0)**

**No. 82/07**

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

4.10pm The Presiding Member declared the meeting closed.

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