



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 9 September 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes AM - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
3	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
4	PUBLIC QUESTION TIME.....	1
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	1
6	DISCLOSURE OF INTEREST	1
7	APPLICATIONS FOR LEAVE OF ABSENCE	2
	APPLICANT: CR D NYE-CHART	2
	APPLICANT: CR J MARK.....	2
	APPLICANT: CR B HOLLINGWORTH.....	2
8	CONFIRMATION OF MINUTES.....	2
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
10	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	3
11	REPORTS OF COMMITTEES AND OFFICERS.....	5
11.1	DEVELOPMENT SERVICES REPORTS.....	5
11.1.1	LOT 15 (31) MONDURUP STREET, MOUNT BARKER PROPOSED TWO (2) GROUPED DWELLINGS	5
11.1.2	LOT 2 OATLANDS ROAD AND LOT 359 FELLOWS STREET, MOUNT BARKER - SIXTEEN (16) LOT SUBDIVISION	8
11.1.3	LOT 1 (41) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE	11
11.2	WORKS AND SERVICES REPORTS.....	15

11.3	COMMUNITY SERVICES REPORTS	16
11.3.1	MEDICAL CENTRE – TENDER FOR CONSTRUCTION C01-0809	16
11.4	CORPORATE SERVICES REPORTS	21
11.5	EXECUTIVE SERVICES REPORTS.....	22
11.5.1	ADMINISTRATION OFFICE - CHRISTMAS CLOSURE	22
11.5.2	COUNCIL MEETINGS - SCHEDULE 2009	24
11.5.3	EXTENDED TRADING HOURS - MOUNT BARKER COOPERATIVE LIMITED.....	26
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	30
13	CONFIDENTIAL.....	30
14	CLOSURE OF MEETING.....	30

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:52 PM The Presiding Member declared the meeting open.

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)Members Present:

Cr K Forbes AM
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr B Hollingworth
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mrs C MacLean	Administration Officer

There were nil (0) member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr A Budrikis disclosed a Financial Interest in Item 11.1.1.

Cr J Mark declared a Voluntary Disclosure (friend) Interest in Item 11.1.2.

Cr K Clements disclosed a Financial Interest in Item 11.5.3.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR D NYE-CHART

Cr D Nye-Chart requested Leave of Absence from 1 October to 20 October 2008 (inclusive).

APPLICANT: CR J MARK

Cr J Mark requested Leave of Absence from 27 October to 10 November 2008 (inclusive)

APPLICANT: CR B HOLLINGWORTH

Cr B Hollingworth requested Leave of Absence from 9 December to 21 December 2008 (inclusive).

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

That:

- 1. Cr D Nye-Chart be granted Leave of Absence from 1 October to 20 October 2008 (inclusive).**
- 2. Cr J Mark be granted Leave of Absence from 27 October to 10 November 2008 (inclusive).**
- 3. Cr B Hollingworth be granted Leave of Absence from 9 December to 21 December 2008 (inclusive).**

CARRIED 9/0

NO. 177/08

Previously Approved Leave of Absence

Cr M Skinner	15 September 2008 to 26 September 2008 (inclusive)
Cr S Grylls	27 September 2008 to 13 October 2008 (inclusive)
Cr D Nye-Chart	03 October 2008 to 20 October 2008 (inclusive)
Cr B Hollingworth	15 October 2008 to 24 October 2008 (inclusive)

8 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr M Skinner

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 August 2008 as circulated, be taken as read and adopted as a correct record subject to:

Page 3: Cr M Skinner's leave be adjusted to read 15 September 2008 to 26 September 2008.

Page 24: Further Amendment to read:

'That all reference to the Shire of Plantagenet as a funding source be removed from Project No. 3.'

CARRIED 9/0

NO. 178/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 28 August 2008 – attended Porongurup Regional Red Cross Rally – presented a short spiel regarding volunteers and volunteering.
- 28 August 2008 – attended Interagency Meeting attended by Police and Juvenile Justice and Ms N Selesnew.
- 1 September 2008 – attended a farewell for the departing Chief Executive Officer of City of Albany – Mr Andrew Hammond, along with Lyn and the Chief Executive Officer.
- 5 September 2008 - Memorandum of Understanding (MOU) meeting with Western Australian Local Government Association (WALGA), Department of Environment and Conservation (DEC) and Mr L Handasyde in Mount Barker. Spent four (4) hours dealing with submissions and finalising documents.
- 8 September 2008 – attended a public meeting at Forest Hill Hall to discuss land for the Fire shed and Management Orders for the Council and Forest Hill Hall Committee for these parcels of land with Mr R Stewart.
- 12 September 2008 – Investiture of my AM Award at Government House. I was only able to invite six (6) guests – Mr R Stewart, Mrs K Skinner, 2 previous vice presidents, previous TIRES vice president and Mrs L Forbes.
- 15 September 2008 – attending a SSS Forum in Perth. Special WALGA meeting with Cr B Hollingworth and Mr R Stewart.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth

- 8 September 2008 – WALGA representative for Roadside Preservation.

Cr S Grylls

- 2020
- Forest Hill Hall Committee

Cr K Clements

- Regional Grants Group – interesting talks regarding how climate change will affect grants applications for the future. Every grant application must focus on waterwise initiatives. We already collect roadside water and

direct it to Government Dam. The Perth representatives were surprised at how advanced we already are.

- Viewed the Health and Community Care (HACC) building in Perth with Mr R Stewart and Ms N Selesnew. The building will be ready by the end of November.
- Cr J Mark will discuss the Roadwise meeting.

Cr A Budrikis

- Recreation Centre Advisory Committee had a SWOT analysis of the Recreational Needs Analysis by Ms T Martin. Discussed how this will help run and improve the Centre. It will also assist the future of organised sport in the Shire.

Cr J Mark

- Roadwise – crosswalk or not crosswalk. There is support for a one (1) year trial for a crosswalk at the current raised pedestrian device in Lowood Road. Will have more to say regarding this later. Also discussed traffic management at the Mount Barker Community College North Campus.

Cr K Forbes AM mentioned that the Interagency Committee has written to the Education Department raising this issue and asking for a resolution or assistance to a resolution.

Cr D Nye-Chart

- Visitor Centre meeting has been postponed.

Cr M Skinner

- Great Southern Saleyards Advisory Committee meeting – the new manager has fitted in well and has some very good ideas.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 LOT 15 (31) MONDURUP STREET, MOUNT BARKER PROPOSED TWO (2) GROUPED DWELLINGS

A Financial Interest was declared by the Cr A Budrikis.

3.11pm Cr Budrikis withdrew from the meeting.

File No: RV/182/1627; DA 52/08

Attachments: [Location Plan](#)
[Site Plan](#)
[Elevations](#)
[Department of Health Letter](#)
[Summary of Submissions](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 9 September 2008

Applicant: Jaxon Pty Ltd on behalf of Department of
Housing and Works

Purpose

The purpose of this report is to consider an application for two (2) grouped dwellings on Lot 15 Mondurup Street, Mount Barker.

Background

Council records show that the owner of Lot 15 Mondurup Street is the State Housing Commission (Department of Housing and Works).

The applicant submitted a proposal for two (2) grouped dwellings in January 2006 which was given conditional approval by the Council following advertising on 11 April 2006. That approval has expired and the applicant has now submitted a new application with a different site configuration.

The conditions of approval for the application in 2006 related to revised drawings being submitted at the Building Licence stage incorporating the relocation and redesign of Unit 2 to accord with the Residential Design Codes; landscaping, crossovers, stormwater and effluent disposal.

The Site was previously occupied by an old duplex pair of units.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – zoned Residential (R10/20). If connection to reticulated sewer is provided the lot may be developed to the R20 density.

Grouped dwellings are an 'SA' use on land zoned Residential which means the Council may at its discretion permit the use after advertising.

WAPC Residential Design Codes (RCodes)

Health Act 1911

Consultation

The proposal has been advertised for twenty one (21) days and one (1) submission has been received from the Water Corporation (See Summary of Submissions).

Financial Implications

The planning consent application of \$1,104.22 has been paid.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Key Result Area 4 Development Services of the Shire of Plantagenet Strategic Plan 2003, aims to:

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

Officer Comment

The proposed plans are a revision of the previous application. Unit 1 remains the same and Unit 2 has been realigned and brought forward to enable a possible third unit to be developed on the site once reticulated sewerage is connected. Unit 2 complies with the RCodes as per the April 2006 approval conditions. The April 2006 decision included a condition which read '(2) the future third dwelling to be orientated with one (1) habitable room window facing the street and the carport parallel with the southern boundary.'

The plans as now submitted meet the requirements of the RCodes with the exception of Unit 1 which has only one (1) car parking space whereas two (2) are required.

The Department of Health has conditionally approved the interim use of Aerobic Treatment Units (ATU) for on site effluent disposal until the sewer infill works are carried out by the Water Corporation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart

That the proposal for two (2) grouped dwellings at Lot 15 Mondurup Street, Mount Barker be approved subject to:

1. Development being generally in accordance with the plans dated 15 July 2008.
2. Unit one (1) being provided with one (1) additional carparking space.
3. The submission of a landscaping plan for assessment and landscaping being installed in accordance with the approved plan.
4. The crossovers, access ways and vehicle parking areas being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
5. All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Manager Works and Services and details of the proposed method of stormwater disposal system being submitted for the approval of the Manager Works and Services.
6. Any existing conventional onsite effluent disposal systems remaining on site from the previous development being fully decommissioned and removed to the satisfaction of the Council's Environmental Health Officer.
7. Effluent disposal to be provided by way of approved Aerobic Treatment Units (ATU). Once reticulated sewer is provided then the dwellings will be required to be connected to that service and the ATU are to be decommissioned.
8. Any fencing to the front of the dwellings is to be a maximum height of 1.2m. No screen walls will be permitted to the Mondurup Street frontage.
9. The provision of two (2) street trees to the Mondurup Street road verge in accordance with the species list in the Mount Barker Townsite Review.

CARRIED 8/0

NO. 179/08

3.12pm Cr A Budrikis returned to the meeting.

11.1.2 LOT 2 OATLANDS ROAD AND LOT 359 FELLOWS STREET, MOUNT BARKER - SIXTEEN (16) LOT SUBDIVISION

A Voluntary Disclosure Interest was declared by Cr J Mark.

Extent of Interest: Friend with landowner.

Cr Mark noted that, pursuant to Section 5.63 (1) (f) his interest related only to his association with landowner and he was not otherwise required to disclose.

File No: LP/158/138199, RV/182/1390, RV/182/1541

Attachments: [Location Plan](#)
[Subdivision Plan](#)
[Subdivision Concept Plan](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Cobie MacLean
Administration Officer Planning

Proposed Meeting Date: 9 September 2008

Applicant Living Tempo Pty Ltd and AH and MG Moore

Purpose

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a sixteen (16) lot subdivision at Lot 2 Oatlands Road and Lot 359 Fellows / Booth Streets, Mount Barker.

Background

The subject Lot 2 Oatlands Road and Lot 359 Fellows / Booth Streets, from the western portion of the Subdivision Concept Plan forming part of Amendment No. 42 for the precinct bounded by Booth, Martin and Fellows Streets and Oatlands Road, Mount Barker. The purpose of the amendment was to recode the land to higher densities of residential development. The proposal complies with the Subdivision Concept Plan which formed part of that amendment.

Lot 2 Oatlands Road has an area of 1.258ha of which only 0.712ha is the subject of this subdivision. Lot 2 was granted subdivision approval into eight (8) lots in March 2008 which created this 0.712ha portion. The owner has not applied for or been granted clearance as yet for that subdivision. Lot 359 Fellows Street has an area of 1.389ha giving a total of 2.101ha for this subdivision application.

Shire records indicate the owners of Lot 2 Oatlands Road are Living Tempo Pty Ltd. The owners of Lot 359 Fellows Street are Anthony Hugh and Michelle Gail Moore.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R20)

Consultation

There has been no consultation with this report

Financial Implications

There are no financial implications in this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services aims to:

'encourage and guide development in accordance with the Strategic Plan and the TPS3.'

Officer Comment

The proposed subdivision is for sixteen (16) lots of which one (1) adjoins the constructed portion of Fellows Street, five (5) adjoin the unconstructed portion of the road reserve of Fellows Street and four (4) adjoin Booth Street. Other lots face new roads which are part of this subdivision. The applicant will be required to construct the new internal roads, the unconstructed portion of Fellows Street and if appropriate contribute to the upgrading of either Fellows Street or Booth Street. The Subdivision Concept Plan shows a dual use path along Fellows Street and one side of the internal road and the applicant will be required to construct the portion of these paths located alongside the subdivision.

The proposed lot K (3,491m²) is shown as a potential six (6) lots under the Subdivision Concept Plan but the current proposal is for one (1) lot only. It could be further subdivided in the future.

The subdivision complies with the Subdivision Concept Plan in Amendment No. 42 and is acceptable subject to the impositions of appropriate conditions.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth

That the proposal for a sixteen (16) lot subdivision at Lot 2 Oatlands Road and Lot 359 Fellows Street, Mount Barker is supported subject to:

- 1. All roads being constructed, drained, kerbed and sealed with a minimum of a 6m wide seal to the satisfaction of the Manager Works and Services.**
- 2. A nutrient stripping / sediment retention stormwater drainage management plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site works. This may involve the setting of the verge at a particular gradient and / or the provision of land for a drainage facility.**
- 3. All stormwater shall be contained on site, however overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.**

4. All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the sites.
5. Land being filled and / or drained at the subdivider's cost and any easements and / or reserves necessary for the implementation thereof being granted free of cost.
6. The subdivider to provide street trees in accordance with the species list and specifications set out in the Mount Barker Townsite Review.
7. The subdivider to provide dual use paths along Fellows Street and the internal subdivision roads adjoining Lots 336 and K in accordance with the Subdivision Concept Plan.
8. The subdivider to contribute to the upgrade and construction of Fellows Street and Booth Street and this may involve the widening of the seal, provision of mountable kerbing on the east side of Fellows Street and south side of Booth Street and drainage to the satisfaction of the Manager Works and Services.
9. Connection of all lots to the reticulated sewer and water and underground power systems.
10. Decommissioning of any existing onsite effluent disposal systems in accordance with Council requirements.
11. All buildings having the necessary clearance from lot boundaries.
12. The provision of cash-in-lieu of 10% public open space in accordance with the provisions of the Planning and Development Act 2005.
13. Existing fencing to be either removed or to be relocated to be on the new boundaries of lots L, M, N, O and P.
14. Crossovers to be constructed, drained and sealed to the satisfaction of the Manager Works and Services for all lots.
15. Existing verge trees in Fellows Street to be retained wherever possible.
16. 8.5m truncations are to be provided to all corner lots.
17. Street lighting being provided to the satisfaction of the Manager Works and Services.
18. Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earthworks, roads and paths, drainage, clearing, landscaping rehabilitation and soil stabilisation measures, both during and after construction.

CARRIED 9/0

NO. 180/08

11.1.3 LOT 1 (41) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE

File No:	RV/182/1339
Attachments:	Location Plan Site Plan
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Eric Howard Environmental Health Officer
Proposed Meeting Date:	9 September 2008
Applicant	D & T Atkinson

Purpose

The purpose of this report is to consider an application for a permit to conduct an outdoor eating facility (alfresco dining) on a Public Thoroughfare adjacent to the Grocery Store food premises located at Lot 1 (41) Lowood Road, Mount Barker.

Background

The operators of the Grocery Store food premises wish to locate four (4) small tables and seating for sixteen (16) persons on the footpath directly in front of their store to enable customers to consume food purchased from the store. Alfresco dining will be available during normal business hours from between 7.30am to 5.00pm seven days per week.

The alfresco dining tables will be arranged in two (2) rows across the front of the premises and will occupy a total area of approximately 8.0m² leaving an unobstructed access pathway for pedestrian movement along the footpath between the rows of tables.

Statutory Environment

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001 (Local Law) - Part 6 Division 3 – Outdoor eating facilities on public places –This requires the issue of a permit and the Council may consider the following matters:

- (a) the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- (c) the facility will comply with any local law made under section 172 of the *Health Act 1911*;
- (d) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;

- (e) the facility would -
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

Health Act 1911

Health (Food Hygiene) Regulations 1993

Australia New Zealand Food Safety Standards 2000

Consultation

The Environmental Health Officer has been liaising with operators of retail premises to ensure appropriate applications are made to the Council for alfresco dining activities.

Financial Implications

The application fee of \$110.00 has been paid.

Policy Implications

Council officers utilise a 'Draft Information and Application Form' with this type of application.

Strategic Implications

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

'encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment.'

Officer Comment

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare, the following conditions may be imposed:

- The permit is valid for a period of twelve (12) months or unless otherwise stated in the permit and a period effective from 1 July to 30 June the following year is a preferred approach;
- The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period;
- The permit is transferable;
- The applicant providing proof of public risk insurance for the proposed trading area;
- A statement indemnifying the Local Government in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare by the permit holder; and
- The permit may be cancelled if the permit holder does not comply with any conditions of the permit or any other written law related to activities regulated

by the permit.

In addition to the above mentioned suggested conditions, the permit holder should:

- Ensure that the facility is conducted at all times in accordance with the provisions of the Local Law and the Health Act 1911;
- Ensure that the eating area is kept in a clean and tidy condition at all times;
- Maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- Be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility; and

Whenever possible in the opinion of the Council, any work is required to be carried out to a facility, the Council may give a notice to the permit holder.

The proposed alfresco dining facility will not conflict with the town centre retail base. Adequate toilet facilities are provided within the premises. The proposed dining area will not obstruct sight lines of vehicular traffic in the vicinity and pedestrian free access and movement will not be unreasonably impeded.

A permit to conduct an outdoor eating facility on a public thoroughfare was granted to the previous owner of the Grocery Store however this was at a different location. The current owner did not realise that the previous permit was not transferable and now seeks the Council's approval at the new location.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Nye-Chart

That in accordance with Part 7 of the Shire of Plantagenet – Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit be issued to D & T Atkinson to conduct an outdoor eating facility on a public thoroughfare adjacent to The Grocery Store food premises, Lot 1 (41) Lowood Road, Mount Barker subject to:

1. **The outdoor eating facility occupying a maximum of 8.0m² of public thoroughfare directly adjacent to The Grocery Store food premises in accordance with the application dated 23 July 2008.**
2. **The facility being operated and maintained in accordance with the provisions of:**
 - a) **Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001;**
 - b) **Health Act 1911;**
 - c) **Health (Food Hygiene) Regulations 1993;**
 - d) **Australia New Zealand Food Safety Standards 2000.**

3. The permit is valid for a period of twelve (12) months or part thereof, effective from 1 July 2008 until 30 June 2009.
4. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period.
5. The applicant providing proof of public liability insurance to the value of \$5,000,000.00 for the proposed trading area.
6. A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.
7. All signage to be in accordance with Council requirements.

CARRIED 9/0

NO. 181/08

11.2 WORKS AND SERVICES REPORTS

Nil

11.3 COMMUNITY SERVICES REPORTS

11.3.1 MEDICAL CENTRE – TENDER FOR CONSTRUCTION C01-0809

File No: CP/165/6
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 9 September 2008

Purpose

The purpose of this report is to consider the outcome of Tender C01-0809 – construction of the Plantagenet Medical Centre on Lot 530, Reserve 49690 (formerly Lot 644, Reserve 23108) Marmion Street, Mount Barker.

Background

The Plantagenet Medical Group (PMG) approached the Council in 2003 to discuss the development of a new Medical Centre. The PMG presently occupy a converted house on Langton road which is fully occupied with no room for expansion. The demand for a medical service has increased to the point that doctors are sharing rooms within the building and additional doctors are required, however they cannot be accommodated. Doctors have indicated that they had been unsuccessful in raising the sufficient capital to construct a new building themselves.

The Council supported the concept of constructing a new Medical Centre and leasing the building to a medical practicing group.

At its Ordinary Meeting held 13 December 2005, the Council resolved:

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

The submission to the Rural Medical Infrastructure Fund was successful and \$400,000.00 was granted to the Shire for the purpose of constructing a Medical Centre.

On 12 December 2006 the Council considered a number of site proposals for the Medical Centre and resolved (in part):

'THAT:

- (1) Reserve 23108 (corner Marmion Street and Langton Road Mount Barker) be the preferred site for the construction of a Medical Centre in Mount Barker.*
- (2) The Chief Executive Officer be given authorisation to negotiate with the WA Country Health Service to obtain a 1 to 1.5 acre portion of Reserve 23108 and the power to lease the land for the purpose of a medical facility.'*

Negotiations commenced and on 12 June 2008 the Department for Planning and Infrastructure advised that a portion of Reserve 23108 had been subdivided and vested with the Shire for the purpose of a Medical Centre. The new land details are Lot 530, Reserve 49690 Marmion Street.

Development approval was granted by the Council at the Ordinary Meeting held on 11 September 2007 with a number of conditions. A further report was presented to the Council on 26 August 2008 seeking a variation to the development approval to install a conventional septic system rather than an aerobic treatment unit. The variation was supported.

Q3 Architecture was contracted to manage the tendering process. Tender documents were made available from 19 July 2008 with tenders closing on 26 August 2008. Four tenders were received ranging from \$1,457,313.00 to \$1,639,000.00, including GST.

Statutory Environment

The Local Government (Functions and General) Regulations 1996 detail the process required to tender for providing goods or services.

Consultation

Consultation has taken place with a number of health professionals including the doctors from the PMG, representatives from Q3 Architecture, various consulting services in relation to preparing building plans and specifications, service providers, Mr Rob Stewart – Chief Executive Officer, Mr Alan Watkins – Principal Building Surveyor, Mr Ian Bartlett – Manager Works and Services and the Western Australian Local Government Association (WALGA).

Financial Implications

The funds available to construct the Medical Centre have been sourced from Government Grants:

- Rural Medical Infrastructure Fund (Regional Partnerships Program) - \$400,000.00;
- Regional Infrastructure Funding Program - \$200,000.00; and
- Regional Headworks Program - \$20,000.00.

Funds have also been made available through the Council from the sale of Redman House of \$580,000.00.

An approach has been made to the Mount Barker Community Bank to source \$200,000.00 on a loan agreement which has received favourable support. Further negotiations are yet to commence however a positive outcome is most likely.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan details the following Community Service aim:

'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community.'

Officer Comment

The four tenders received for the Plantagenet Medical Centre are:

Company Name	Amount (inc GST)	Working Days to complete the building construction
George Rydell Constructions Pty Ltd	\$1,623,661.60	90
Wauters Enterprises	\$1,639,000.00	130
Parkzone Pty Ltd	\$1,526,988.00	260
Mt Barker Building Service	\$1,457,313.00	240

All tenders exceed the Council's capital revenue for the Medical Centre project of \$1.2million (excluding any financial arrangement with the Community Bank).

Consideration also needs to be given to headworks costs such as power (up to \$68,000.00), the internal building fit-out, contingency allowances and architect and project management fees.

Despite the tenders being over budget, several cost savings can be made which will result in an affordable building. This includes reviewing the gyprock specifications, air conditioning system and water storage tanks. The Shire may also be able to complete some of the building works such as car parking and drainage (although this will still need to be funded by the Shire).

Shire staff spoke with WALGA representatives regarding the procedure to follow when tenders exceed budgeted revenue, however with variations, tendered prices may be reduced to meet the budget. WALGA recommended that a report be prepared for the Council seeking endorsement of a preferred tenderer, with a delegation provided to the Chief Executive Officer to negotiate with the preferred tenderer prior to entering into a contract.

The preferred tenderer for the Medical Centre project is Mt Barker Building Service. Mt Barker Building Service has been contracted by the Shire in the past and the quality of the work is of a high standard. Mt Barker Building Service has also undertaken substantial projects such as Poachers Ridge winery, the Railway Station refurbishment and numerous dwellings. The length of time taken to build the centre is longer than preferred however the cost saving outweighs the estimated construction time.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr M Skinner, seconded Cr D Nye-Chart

That:

- 1. The tender from Mt Barker Building Service to construct the Plantagenet Medical Centre based on the requirements detailed in Tender C01-0809**

(including addendums), for \$1,457,313.00 (inc GST), at Lot 530, Reserve 49690 Marmion Street, be endorsed as preferred tenderer, subject to such alterations as are necessary to bring the project within the Council's adopted budget.

2. The Chief Executive Officer be authorised to negotiate with Mt Barker Building Service regarding cost savings that can be made on the Plantagenet Medical Centre before a contract is entered into and in the event that negotiations with Mt Barker Building Service do not result in the lump sum tender price falling within the adopted budget, the Chief Executive Officer be instructed that no contract be entered into.

AMENDMENT

Moved Cr A Budrikis, seconded Cr J Mark

That:

1. The words 'and the 'Chief Executive Officer be authorised to negotiate with Mt Barker Building Service regarding cost savings that can be made on the Plantagenet Medical Centre' be added after the word 'budget' in Part 1.
2. Part two be deleted and replaced with the following words:

'At the completion of the negotiations referred to in Part 1, a Special Meeting of the Council be called to address the project costs in full and the projected budget capital income for this project, with the view to confirming the Medical Centre construction.'

CARRIED 9/0

NO. 182/08

COUNCIL DECISION

That:

1. The tender from Mt Barker Building Service to construct the Plantagenet Medical Centre based on the requirements detailed in Tender C01-0809 (including addendums), for \$1,457,313.00 (inc GST), at Lot 530, Reserve 49690 Marmion Street, be endorsed as preferred tenderer, subject to such alterations as are necessary to bring the project within the Council's adopted budget and the Chief Executive Officer be authorised to negotiate with Mt Barker Building Service regarding cost savings that can be made on the Plantagenet Medical Centre.

2. At the completion of the negotiations referred to in Part 1, a Special Meeting of the Council be called to address the project costs in full and the projected budget capital income for this project, with the view to confirming the Medical Centre construction.

CARRIED 8/1

NO. 183/08

11.4 CORPORATE SERVICES REPORTS

Nil

11.5 EXECUTIVE SERVICES REPORTS

11.5.1 ADMINISTRATION OFFICE - CHRISTMAS CLOSURE

File No: CU/2/2
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 12 September 2008

Purpose

The purpose of this report is to seek approval to close the Shire's Administration Office, Recreation Centre and Libraries between Christmas and New Year December 2008 / January 2009.

Background

The Council has authorised the closure of its facilities for the period between Christmas and New Year for a number of years and this has not caused any community disquiet or inconvenience.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The closure of the administration office is an opportunity for all members of the staff to utilise the former holidays enjoyed by officers in local government being Easter Tuesday and 2 January. Although these holidays were repealed some years ago, at arbitration they were retained to be taken at mutually convenient times and have been recognised in the recently negotiated Collective Agreement. The Chief Executive Officer has informed staff members that he would prefer these holidays to be taken between Christmas and New Year wherever possible to minimise disruption to office routine.

This year, Christmas Day falls on a Thursday and the Council will be asked to close the Council's facilities from close of business on Wednesday 24 December 2008. This would mean that normal service would resume on Monday 5 January 2009.

- Thursday 25 December 2008 Public Holiday
- Friday 26 December 2008 Public Holiday
- Monday 29 December 2008 (Rostered Day Off in place of 26 December 2008)

- Tuesday 30 December 2008 Rostered Day Off
- Wednesday 31 December 2008 Public Holiday (formerly Easter Tuesday)
- Thursday 1 January 2009 Public Holiday
- Friday 2 January 2009 Public Holiday (as required in Collective Agreement)

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Nye-Chart

That:

- 1. The Shire of Plantagenet's Administration Office, Mount Barker Public Library and the Rocky Gully Library be closed from close of business on Wednesday 24 December 2008 with the resumption of normal services Monday 5 January 2009.**
- 2. The Mount Barker Community Recreation Centre be closed from Wednesday 24 December 2008 with the resumption of restricted services from Monday 5 January 2009. Normal services to be resumed from Monday 12 January 2009.**
- 3. The closures inclusive of public holidays be advertised locally.**

CARRIED 9/0

NO. 184/08

11.5.2 COUNCIL MEETINGS - SCHEDULE 2009

File No: GO/43/1
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 12 September 2008

Purpose

The purpose of this report is to consider the schedule of Council meeting dates, times and venues for February 2009 to January 2010.

Background

At the Ordinary Meeting of the Council held on 9 October 2007, meeting dates were set for January 2008 to January 2009 inclusive.

Statutory Environment

Section 5.3 and Section 5.25 (1) (g) of the Local Government Act 1995 and Regulation 12 of the Local Government (Administration) Regulations 1996 apply.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

As the fourth Tuesday in December 2009 falls on 22 December 2009 it is suggested that only one (1) Ordinary Meeting of the Council be held in that month being Tuesday 15 December 2009.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Nye-Chart

That:

1. Ordinary Meetings of the Council for 2009 be held as follows commencing at 2.45pm.

10 and 24 February 2009
10 and 24 March 2009
14 and 28 April 2009
12 and 26 May 2009
9 and 23 June 2009
14 and 28 July 2009
11 and 25 August 2009
8 and 22 September 2009
13 and 27 October 2009
10 and 24 November 2009
15 December 2009

- 2. No ordinary meeting of the Council be held in January 2010.**
- 3. All Council meetings be held in the Council Chambers, Lowood Road, Mount Barker.**
- 4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.**

CARRIED 9/0

NO. 185/08

11.5.3 EXTENDED TRADING HOURS - MOUNT BARKER COOPERATIVE LIMITED

A Financial Interest was declared by the Cr K Clements.

3.49pm Cr Clements withdrew from the meeting

File No: GR/97/76
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 9 September 2008

Purpose

The purpose of this report is to advise that an approach by the Mount Barker Cooperative (IGA) has been received to seek an extension of trading hours for retail establishments to include Sundays.

Background

Retail Trading Hours beyond those stipulated in the Retail Trading Hours Act 1987 must be endorsed by the appropriate local authority prior to consideration by the Department of Consumer and Employment Protection.

Statutory Environment

Retail Trading Hours Act 1997

Consultation

Prior to placing any request before the Department of Consumer and Employment Protection a local government is required to canvas widely the proposed extension of hours, including retail and tourism interests affected.

Financial Implications

Advertising costs will be incurred. The Mount Barker Cooperative has indicated a willingness to meet in full or contribute to such costs.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes a Council aim is to:

'attract and retain small to medium sized enterprises to Plantagenet.'

Further at Key Result Area 4 (Development Services) notes a Council aim is to:

'retain local business and encourage new businesses that will create long term sustainable local employment.'

Officer Comment

The Mount Barker Cooperative is seeking to extend its retail trading hours to include Sundays to provide a better service to its customers, endeavour to develop a new customer base and to successfully compete with Sunday shopping opportunities in Denmark and Albany.

The Mount Barker Cooperative has also raised concerns that with the growth of its business, car parking is beginning to be 'stretched' and extended trading hours may relieve this pressure.

The Cooperative representatives have indicated that they will not proceed unless Council support is in evidence.

This report seeks that support and authority for the Chief Executive Officer to commence the necessary canvassing which will be required prior to any consideration by the Department of Consumer and Employment Protection.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr B Hollingworth

That:

- 1. The Mount Barker Cooperative Limited be advised that the Shire of Plantagenet is pleased to authorise the commencement of canvassing in the Mount Barker Townsite to seek feedback regarding an adjustment to retail trading hours in Mount Barker to include Sundays.**
- 2. A further report be presented to the Council at the conclusion of advertising and, in any case, no later than the Council meeting to be held on 28 October 2008.**

CARRIED 8/0

NO. 186/08

3.59pm Cr K Clements returned to the meeting.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

'That the Chief Executive Officer conducts a Council briefing session on Local Government Reform, and that the briefing session be held on 23 September 2008 and include the following:

- A summary of the SSS report, the Local Government Managers Australia (LGMA) stronger, more effective Local Government report and the Local Government Advisory Board (LGAB 2006 Local Government reform in WA report).
- Factors that may influence a beneficial outcome for the Plantagenet Shire and / or the Great Southern region.
- Any other issues that the Chief Executive Officer considers relevant.'

Comment

Although unconfirmed it appears that some degree of structural reform is imminent. The briefing information may assist Councillors in future deliberations regarding this matter.

Moved Cr J Moir, seconded Cr J Mark

That the Chief Executive Officer conducts a Council briefing session on Local Government Reform, and that the briefing session be held on 23 September 2008 and include the following:

- **A summary of the SSS report, the Local Government Managers Australia (LGMA) stronger, more effective Local Government report and the Local Government Advisory Board (LGAB 2006 Local Government reform in WA report).**
- **Factors that may influence a beneficial outcome for the Plantagenet Shire and / or the Great Southern region.**
- **Any other issues that the Chief Executive Officer considers relevant.**

AMENDMENT

Moved Cr B Hollingworth, seconded Cr M Skinner

That the date '23 September 2008' be deleted and replaced with the date '28 October 2008'.

CARRIED 6/3

NO. 187/08

COUNCIL DECISION

That the Chief Executive Officer conducts a Council briefing session on Local Government Reform, and that the briefing session be held on 28 October 2008 and include the following:

- **A summary of the SSS report, the Local Government Managers Australia (LGMA) stronger, more effective Local Government report and the Local**

Government Advisory Board (LGAB 2006 Local Government reform in WA report).

- **Factors that may influence a beneficial outcome for the Plantagenet Shire and / or the Great Southern region.**
- **Any other issues that the Chief Executive Officer considers relevant.**

CARRIED 9/0

NO. 188/08

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

Nil

13 CONFIDENTIAL

Nil

14 CLOSURE OF MEETING

4:17 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____