



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 14 October 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.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:48 PM The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes

Cr A Budrikis

Cr K Clements

Cr S Grylls

Cr J Mark

Cr B Hollingworth

Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs Cobie MacLean	Administration Officer - Planning

There were seven (7) member(s) of the public in attendance.
There were nil (0) member(s) of the media in attendance.

Leave of Absence

Cr D Nye-Chart

Apologies

Cr J Moir

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONSPlantagenet Hotel – Mr V Hayes

Mr Hayes currently has an application for a Bottle Shop before Liquor Licensing. The building plans for the Bottle Shop have been approved by the Shire. Liquor Licensing has received two (2) objections to the application and Mr Hayes has been advised to collect as much support as possible. Currently he has forty-six (46) letters of support and two hundred and sixty-six (266) signatures of support on a petition. Mr Hayes is asking the Council for a Letter of Support. A sample of a letter has been provided. All support will be forwarded to Liquor Licensing through his lawyer.

Kendenup Skate Park Steering Committee (KSPSC) – Mr D Williamson

Mr Williamson is speaking on behalf of the KSPSC to assure the Council that the enthusiasm for establishing the skate park is continuing. You may have read the Update article in the last issue of Plantagenet News.

A key issue in revising the application for financial support from the Department of Sport and Recreation (DSR) was to establish an acceptable location for the Skate Park. There is a limited choice given the shortage of public open space in the townsite. The railway corridor adjacent to Hassell Avenue is the preferred site. This location provides adequate space for a rectangular skate park and provides the safest environment for this type of activity. There is good opportunity for supervision, both directly and passively, being close to the shopping centre and Town Hall. The location is easily and safely accessed from the townsite. There is room for the development of the rest of the railway corridor along Hassell Avenue as a recreation precinct in the future within a bushland setting.

It was interesting recently, when the YMCA Mobile Community Bus came to Kendenup. On the Sunday of the long weekend they could not find an area of hard surface large enough to set up their activities. Even the Agri-Grounds were unsuitable, and the location was too far from town to allow the young people and families to know they were in town.

In pursuing potential sources of sponsorship and donations towards the cost of constructing the Park, we have confirmed the advice given to us by similar groups that we need to work through an incorporated body. As a general rule grants are accessible only by groups registered as incorporated bodies. Consequently, we have begun the process of establishing an incorporated body to cover a wide range of community development activities. In the last issue of Plantagenet News there was a public notice indicating the intention of establishing the Kendenup Community Development Association Inc.

The objects of the Association are:

- a. To promote and support the establishment in Kendenup, and immediate surrounding district, of multi-purpose, visually appealing, and family friendly out-door, active and passive recreational facilities, particularly, but not exclusively, suited to youth and young families;
- b. To establish a recreational precinct including, but not exclusive of, a skate park, children's playground, picnic area, basketball court and walking / cycle ways in Kendenup;
- c. To ensure the appropriate use and maintenance of the out-door recreation facilities;
- d. To promote and support the use of recreation as a factor in achieving a healthy lifestyle for families; and
- e. To identify, promote and pursue actions which will achieve benefits for the health and well-being of the Kendenup community.

The process should see the association formed officially before the end of the year.

We are aware that the report from the Manager Community Services is before the Council today which includes the application for funding from DSR. We look forward to hearing of the Council's commitment to supporting the proposal.

Ayton Taylor Burrell – Ms D Baesjou

Addressing points 11.1.1 and 11.1.2

Warburton Road – the impact of the water pipe easement is something that can readily be accommodated. The fire break will be over the top of the water pipe. All lots needing Aerobic Treatment Units can be readily accommodated and all these issues can be addressed at the subdivision stage.

Ms Baesjou asked that the Officers Recommendation be adopted as it stands.

O'Neill Road – in regard to Item 1 of the Schedule of Modifications, Main Roads WA has supplied verbal 'No Objection' to the proposal. However, they are reluctant to provide any confirmation in writing.

Ms Baesjou asked that the Officer Recommendation be adopted as it stands.

Both developments are exciting opportunities for growth within Mount Barker.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr J Mark declared a Closely Associated Person (Member of Golf Club Committee) Interest in Item 11.1.2.

Cr J Mark declared a Proximity Interest in Item 11.1.3.

Ms N Selesnew declared a Closely Associated Person (Board Member of the Mount Barker Turf Club) Interest in Item 11.3.2 and 11.3.5.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

Previously Approved Leave of Absence

Cr D Nye-Chart	01 October to 20 October 2008 (inclusive)
Cr B Hollingworth	15 October to 24 October 2008 (inclusive)
Cr J Mark	27 October to 10 November 2008 (inclusive)
Cr B Hollingworth	09 December to 21 December 2008 (inclusive)

8 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr J Mark

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 September 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 199/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25 September 2008 – Meeting with Mount Barker / Plantagenet Emergency Services groups and businesses regarding the lack of volunteers. Sergeant Allan Spicer spoke on ABC today.
- 26 September 2008 – Attended the Art Exhibition opening at the Town Hall and presented the Art Acquisition prize to Mr Andy Dolphin for his 'Coastline' painting.
- 30 September 2008 – Mr R Stewart, Chief Executive Officer, and Mr J Fathers, Deputy Chief Executive Officer, and myself met with a Regional Infrastructure Group from the eastern states to listen to their proposal to purchase, develop and operate saleyards in Western Australia.
- 1 October 2008 – State Council Meeting.

- 4 October 2008 – Attended the opening of the Mount Barker Bowling Club's new synthetic greens by Hon. Terry Redman.
- 5 October 2008 – Opened the Mount Barker Golf and Bowling Club's new synthetic greens.
- 8 October 2008 – Mr Stewart, Crs Hollingworth, Budrikis and I met with Western Australian Local Government Association (WALGA) State President Cr Bill Mitchell and Acting Deputy Chief Executive Officer Michelle McKenzie. Discussions on Resources for Regions and funding scenarios and operations of WALGA.
- 10 October 2008 – Mr Fathers and I went to Midland and met with Western Australian Meat Industry Authority (WAMIA), Pastoralists and Graziers and Shire of Katanning to pursue the State Saleyard Strategy with the new Government and Minister Redman. It appears that all parties are pursuing the WAMIA proposal to develop the Strategy.
- 18 October 2008 – Auction of properties for unpaid rates – 1.00 pm.
- 21 October 2008 – Timber Industry Roads Evaluation Study (TIRES) meeting at 9.00 am at the Shire of Plantagenet.
- 23 October 2008 – State Administrative Tribunal Mediation session – Timbercorp / Rocky Gully v Shire of Plantagenet.
- 23 October 2008 – Meeting with Great Southern Development Commission and Landcorp to discuss development proposals.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr K Clements

- District Emergency Management meeting in Albany. Fire and Emergency Services Authority (FESA) has appointed a new advisor for Local Emergency Management Committee (LEMC) to help make sure everyone is doing the right thing. There are new rules (again) and the advisor is to help all groups to understand these changes.
- Townscape meeting. During a walk through town the committee was disgusted with the state of the footpaths. Mr Stewart has been asked to contact all business owners with the aim that they all maintain their part of the footpath. The Shire will need to pressure clean the footpaths to bring them back to a neat state.

Cr J Mark

- Roadwise – the meeting was cancelled due to a lack of quorum.
- Will be attending the Wine Show WA presentation dinner in Perth to present the Shire of Plantagenet trophy.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 TOWN PLANNING SCHEME NO 3 - AMENDMENT NO. 46 - LOTS 752 AND 2 WARBURTON ROAD, MOUNT BARKER

File No:	LP/181/46
Attachments (4):	Location Plan Subdivision Guide Plan with Modifications Summary of Submissions Schedule of Modifications
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 October 2008
Applicant:	Ayton Taylor Burrell

Purpose

The purpose of this report is to consider submissions received on a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Lots 752 and 2 Warburton Road from Rural to Rural Residential and to include appropriate provisions to control development in Schedule 5 of the Scheme.

Background

Shire records indicate the owners of the subject land as being:
Lot 752 Warburton Road – Keith and Marie Comer; and
Lot 2 Warburton Road – Warren and Linda Sheard

The Mount Barker Rural Strategy of 1997 refers to land on the south side of Warburton Road as being in Precinct 5. The Precinct abuts the south eastern corner of the Mount Barker Townsite and is bounded by Reserve 16447 to the north and east and the Golf Course to the south.

A Scheme Amendment Request (SAR) was submitted in March 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 8 May 2007 a report on the SAR was considered by the Council and Resolution 169/07 was as follows:

'THAT:

- (1) The Scheme Amendment Request for Lots 752 and 2 Warburton Road, Mount Barker be advertised to seek public feedback for a period of sixty days.*
 - (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 24 July 2007.'*
-

At the close of the public advertising the SAR was considered by the Council on 14 August 2007 where at Resolution 280/07 it was resolved:

'That the submissions received on the Scheme Amendment Request for Lot 752 and 2 Warburton Road be noted and:

- (1) The proponents be advised that the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
- (2) This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line protection and effluent disposal), servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc, being addressed and the owners of Lot 2 Warburton Road being consulted in the preparation process.'*

All Councillors were provided with a full copy of the Amendment document with the 12 February 2008 Agenda papers.

The Council at its meeting held on 12 February 2008 resolved at Resolution 14/08:

'That:

- 1. Amendment No. 46 to Town Planning Scheme No. 3 be initiated subject to the document being modified in the text and the Subdivision Guide Plan to show the creekline protection and tree planting area as forming part of three lots linked to another with a building envelope to allow three landowners to be responsible for the complete implementation of the foreshore management plan and possible Aerobic Treatment Unit (ATU) being added to three lots (marked with an asterisk on the plan) adjoining the creek to the east, west and south east.*
- 2. Once modified the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.*
- 4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 13 May 2008.'*

The consultants modified the documents as requested and submitted them on 20 May 2008. A copy was then referred to the Environmental Protection Authority (EPA). The EPA authorised the Amendment to proceed to advertising on 9 July 2008. The necessary forty-two (42) day advertising closed on 4 September 2008 and a total of seven (7) submissions were received (see Summary of Submissions).

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. The Council must consider any submissions lodged within forty-two (42) days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within twenty-eight (28) days.

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

Consultation

The SAR was advertised for comment for sixty (60) days prior to it being considered by the Council in August 2007.

The Amendment was advertised for forty-two (42) days by way of a newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign on site and a total of seven (7) submissions were received.

Financial Implications

The fee of \$3,300.00 has been paid.

Policy Implications

This proposal conforms with the proposals in the 1997 Mount Barker Rural Strategy.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

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

This land is within Precinct 5 of the 1997 Mount Barker Rural Strategy. That Strategy proposes that the Precinct could form a natural extension of rural residential lots located within the townsite. The major constraint is the creek line and detailed consideration is needed to minimise any impact. Lot sizes should be subject to detailed assessment, however, proximity to the townsite and possibility of connection to reticulated water suggest lot size 1ha and larger may be acceptable. This proposal, following the detailed assessment, has proposed lot sizes ranging from over 4000m² to cover 1.2ha. Given the close proximity to the urban areas of Mount Barker no difficulty is seen to this variety in lot sizes based on the detailed land capability.

Officer Comment

The Amendment documentation includes detailed land capability work and a fire management plan. The creekline is proposed to be protected by way of a development exclusion area and a prohibition on the erection of fencing in that area. It was not proposed to create a foreshore reserve over the creek area as this land would end up being the responsibility of the Council to maintain as relevant government agencies such as the DOW and DEC have been refusing to accept responsibility for such waterway areas in recent years. The Council does not have the resources to take on the responsibility of small foreshore reserves such as this one.

The lots adjoining and including the creek line were modified in accordance with the Council's resolution of 12 February 2008.

The submissions received raised some issues that require modifications to the Amendment documentation which are described below:

1. The water main from Bolganup needs to be shown on the Subdivision Guide Plan and indicative building envelopes need to be shown. The Report needs to

refer to the water main and the fact that easements will be required at the time of subdivision. The Special Provisions need to be amended to refer to the easements at the time of subdivision.

2. The Special Provisions need to be amended to refer to the foreshore management plan being prepared in consultation with the Department of Water.
3. The Subdivision Guide Plan design should be revisited to examine the possibility of relocating the proposed central entry road to be more off set from the existing residence on Lot 347 on the north side of Warburton Road.
4. The Report and Special Provisions need to be altered to require the use of ATU's for effluent disposal on all lots.
5. The Special Provisions and the Subdivision Guide Plan need to be altered to require 1.8m high dog/stock proof fence along the southern boundary of the zone.
6. The document will need modification to the Report, Special Provisions and Subdivision Guide Plan where necessary to address the issue of potential site contamination in an area to the west of the western entry road. This could result in changes to the Subdivision Guide Plan.
7. The Subdivision Guide Plan needs to be altered to relocate drainage infrastructure to suit the Department of Water.
8. The Special Provisions require modification to ensure the Foreshore Management Plan is designed to protect the passage of Quenda along the creekline to the satisfaction of the Department Environment and Conservation.

The copy of the Subdivision Guide Plan attached to the report has marked some of the above relevant changes.

A Schedule of Modifications is attached which describes the above changes and others to ensure the Amendment document reflects current standards.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That:

1. **The submissions lodged on Amendment No. 46 to Town Planning Scheme No. 3 be noted.**
2. **Amendment No. 46 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.**

3. Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 46 once approved by the Honourable Minister.

CARRIED (7/0)

NO. 200/08

11.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 45 - PORTION OF LOT 4815 O'NEILL ROAD, MOUNT BARKER

A Closely Associated Person Interest was disclosed by Cr J Mark.

Nature of Interest: Member of the Mount Barker Golf and Bowling Club committee.

3.10 pm Cr Mark withdrew from the meeting.

File No: LP/181/45

Attachments (5): [Location Plan](#)
[Subdivision Guide Plan](#)
[Subdivision Guide Plan with Modifications](#)
[Schedule of Modifications](#)
[Town Planning Scheme No. 3 - Amendment No. 46 - Full Document \(Separate Attachment\)](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 14 October 2008

Applicant: Ayton Taylor Burrell for Alta Property Group

Purpose

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 to rezone the southern portion of Lot 4815 O'Neill Road Mount Barker from Rural to Rural Residential.

Background

Council records indicate the present owners of Lot 4815 O'Neill Road is the Mt Barker Golf Club.

A Scheme Amendment Request (SAR) for this piece of land at the south end of the golf course land was initially submitted in February 2007. In accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure, Department of Water and Department of Environment and Conservation for comment.

All three (3) agencies provided comments on the SAR.

The Department for Planning and Infrastructure offered the following comments:

1. *The site is located in Precinct 6 of the Mt Barker Local Rural Strategy;*
 2. *The site is indicated as suited to Rural Retreats.*
 3. *Precinct 5 to the north suggests lot sizes not less than 1ha;*
 4. *We would expect Rural Retreats to be larger than 1ha, more likely around the same for Rural Small Holdings i.e. 4ha min.*
 5. *The site is not identified as suitable for Special Residential lots sizes (min 2000m²) as proposed in the SAR.*
-

Therefore DPI would NOT support a scheme amendment based on the SAR as proposed.'

The Department of Water offered the following comments:

'The Department of Water (DoW) does not have any concerns about the rezoning of the above land from Rural to Rural Residential but provides the following advice in relation to this matter.

Land Capability Assessment

The DoW suggests that a land capability assessment of the subject area be undertaken and the resulting report to accompany the amendment proposal document to ensure appropriate on-site effluent disposal.

Drainage Management

While the proposal states that a detailed nutrient stripping, sediment retention and drainage management plan will be provided at the subdivision stage, the DoW expects that stormwater provisions referring to water sensitive design principles to the satisfaction of the Shire of Plantagenet and the Department of Water will apply.'

The Department of Environment and Conservation offered the following comments:

Environmental Considerations

This proposal is not adjacent to any DEC land managed for nature conservation but is located 2km approximately to the west of A-Class reserve 10003 which is set aside for the purpose of Conservation of Flora and Fauna. It is considered that the proposed development will not have any environmental impact on nature conservation values in this reserve. It would however be of value if future landowners or occupiers were advised of the existence of this reserve, its purpose and the need to ensure it remains undisturbed.

The intention of the proponent to retain the remnant vegetation on the property is pleasing, particularly with the siting of building envelopes within cleared land. Future subdivision of the land into smaller individual lots should include an objective to either avoid or to minimize clearing of native vegetation to establish boundary fences.

It is also suggested that to further protect the integrity of the remnant vegetation an integrated fire management plan should treat the subdivided lots as a single fire management unit. This should include the continued maintenance of a boundary firebreak corresponding to the existing boundary of Lot 4815 on the western, southern and eastern boundary of the subject land and reliance on the existing golf course fairways to assist as strategic breaks on the northern aspect of the proposed subdivision.

The proposal has addressed the management of the generation of an increased stormwater volume in a relatively general manner and refers to sensitive design principles. These should be elaborated upon in more detail in a stormwater and waste water management plan that should be prepared at an early stage. The management of waste water generated from households is not addressed in the amendment proposal and it can only be assumed that this will be incorporated in the above mentioned plan. If individual waste water processing units are envisaged in each future allotment these should be an approved environmentally efficient design.

Visual Impacts

It would be preferable for building envelopes to be located in a way to enable housing sites to blend into the natural environment. Similarly, building materials should have textures, surfaces and colours that are sympathetic with the natural environment.'

The Council when it initially considered the SAR and the above comments at its meeting held on 8 May 2007 resolved at resolution 170/07:

'That:

- 1. The Scheme Amendment Request for Lot 4815 Albany Highway / O'Neill Road, Mount Barker be advertised to seek public feedback for a period of twenty-one days.*
- 2. At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 10 July 2007.'*

It was pointed out in the 8 May 2007 report that the DPI would not support an Amendment based on the SAR as the area was identified for rural retreat type lots and not special residential sized lots.

The SAR was advertised for twenty one (21) days closing on 8 June 2007 and eleven (11) submissions were received – two (2) petitions in support (both organised by Alta Property Group – but submitted at different times, three (3) letters of support, three (3) letters of objection and three (3) letters providing comments.

Main Roads WA provided comment about the bandicoot population, an issue from the 1999 Highway realignment but it did not mention traffic impacts on Albany Highway.

The Council at its meeting held on 24 July 2007 when considering the submissions on the SAR resolved at resolution 265/07:

'That the submissions received on the Scheme Amendment Request for Lot 4815 Albany Highway / O'Neill Road be noted and the proponent be advised the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to the various matters raised in the submissions including vegetation protection, Bandicoot population, variance from the Mount Barker Rural Strategy land capability, drainage, fire safety, any potential road works at Albany Highway etc, being addressed.'

The planning consultants have now submitted formal Town Planning Scheme Amendment documents including a Land Capability Assessment and a Flora and Vegetation Study.

A full copy of the Amendment document is included with these agenda papers for each Councillor.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. The Council must consider any submissions lodged within forty-two (42) days of the close of formal

advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within twenty-eight (28) days.

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

Consultation

If initiated by the Council and authorised by the EPA this Amendment will be advertised for forty-two (42) days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign onsite. As pointed out above the SAR was advertised for comment in 2007.

Financial Implications

The fee of \$3,300.00 has been paid.

Policy Implications

Council Policy No. TP/SDC/6 – Scheme Amendment Requests – the SAR was considered in accordance with this policy in 2007.

Strategic Implications

This land is within Precinct 6 of the 1997 Mount Barker Local Rural Strategy. That Strategy proposes larger rural retreat lots and lots clustered in the cleared part of the site. The current proposal is suggesting lots of between 2,000m² and 1.8ha. The Council's draft Local Planning Strategy contains similar proposals for this land as contained in the present 1997 strategy.

The Council's Strategic Plan at Key Result Area 4 includes initiatives to:

'Ensure a mix of housing types taking account of changing demographics and environmental conditions; and

Provide for a range of lot sizes, residential opportunities and adaptable housing.'

Officer Comment

It is clear from the submissions on the SAR that more work and detail was required in a formal Amendment to rezone the land. One central issue was the fact that the Department for Planning and Infrastructure (DPI) did not support the concept as the lot sizes proposed (2,000m² to 3,000m²) are smaller than conventional Rural Residential lots which differs from the Mount Barker Local Rural Strategy. Additional work was required here to convince the DPI. The Department of Environment and Conservation (DEC) also raised the issue of the remnant vegetation to the east of the site and that the concept put forward does not retain and protect native vegetation as stated in the text. This matter was raised with the consultants when they were preparing the SAR but it was not addressed. This matter needed to be addressed in the formal Scheme Amendment.

Although the Main Roads WA response during the SAR submission period involved the bandicoot population further to the south, the potential traffic impact on the O'Neill Road junction was not raised by that Department.

The Amendment document now received at parts 3.2, 8.2, 8.3 and 8.4 of the Report address the lot size variance raised by the DPI officers at the SAR stage. It also includes additional work on the vegetation issue raised by the DEC. As part of the legislation process the Amendment as initiated by the Council, will be firstly referred

to the EPA for its authorisation to proceed. If not satisfied the EPA will require additional information.

Section 7.1 of the Report makes comment on the issue of roads but it does not refer to any discussions with Main Roads WA about additional intersection treatment for the junction of Albany Highway and O'Neill Road. The Report and if necessary the Special Provisions should be modified to take account for any particular Main Roads WA requirements. It is suggested the consultants should liaise with Main Roads WA and if necessary modify the Amendment before EPA referral.

Some other modifications of a minor nature are required to clarify particular Special Provisions in the proposal. The Subdivision Guide Plan also requires modification to enlarge some building envelopes from 400m² to 600m², to show the 100m Hazard Separation Zone from the Fire Management Plan, to show additional building envelopes on some nominated lots, to refer to infill planting in the legend and to delete two of the proposed lots on O'Neill Road. A Schedule of Modifications is attached.

The modifications required should be carried out prior to the Amendment being referred to the EPA for its authorisation to proceed to advertising.

The Amendment is considered suitable to initiate subject to the changes listed in the Schedule of Modifications being carried out prior to referral to the EPA.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr S Grylls:

That:

- 1. Amendment No. 45 to Town Planning Scheme No. 3 be initiated subject to the document being modified in accordance with the Schedule of Modifications.**
- 2. Once modified the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.**
- 4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 10 March 2009.**

CARRIED (6/0)

NO. 201/08

11.1.3 LOT 138 LOWOOD ROAD CORNER MORPETH STREET, MOUNT BARKER - FIFTY (50) LOT SUBDIVISION

A Proximity Interest was disclosed by Cr J Mark.

File No: LP/158/3794, RV/182/138552
Attachments (3): [Location Plan](#)
[Plan of Subdivision](#)
[Amendment No. 47 Subdivision Concept Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 October 2008
Applicant: Dykstra Planning

Purpose

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a fifty (50) lot subdivision at Lot 138 Lowood Road corner Morpeth Street, Mount Barker.

Background

Council records indicate the current owners of this land are I.F. & A. Preece.

Amendment No. 47 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) proposes to rezone this land from its present Rural zoning to the Residential (R15) zone. Following formal advertising of the Amendment the Council considered submissions at its meeting held on 12 August 2008 and resolved at resolution 146/08:

'That:

- 1. The submissions lodged on Amendment No. 47 to Town Planning Scheme No. 3 be noted.*
- 2. Amendment No. 47 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.*
- 3. Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 47 once approved by the Honourable Minister.'*

The Amendment was forwarded to the WAPC on 15 August 2008 and to date no final decision has been made. Developers are at liberty to apply for a subdivision such as this one in anticipation of the Scheme Amendment being finalised.

Lot 155 Lowood / Mount Barker Roads was granted approval by the WAPC for a thirty five (35) lot residential subdivision in 2007 subject to a range of conditions. That lot 155 is to the north of Morpeth Street opposite the subject lot 138. The same planning consultants are involved in both applications. These consultants (Dykstra

Planning) have also applied for and received conditional subdivision approval of lot 211 Pugh Street to the north east of this lot 138. That Pugh Street subdivision included a significant drainage facility to cater for the subdivision of that land and also lot 155 and this lot 138.

Amendment No. 47 which will rezone the subject land included a Subdivision Concept Plan (copy attached) which provided an indication of how the land could be subdivided into forty six (46) lots and an indicative drainage / Public Open Space (POS) area. That Concept Plan also showed Morpeth Street accessing Mount Barker Road to the west.

Statutory Environment

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – Zoned Rural. Amendment 47 proposes to zone the land Residential (R15).

Consultation

This subdivision design now submitted has been discussed with the Planning Consultants and the Council's Manager Works and Services and Health and Building officers.

Financial Implications

There are no financial implications for this report.

Policy Implications

As this subdivision involves more than five (5) lots the matter needs to be determined by the Council.

Strategic Implications

This development meets the aims of the Shire of Plantagenet Strategic Plan, particularly 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 plan of subdivision now submitted differs from the Subdivision Concept Plan but the differences are an improvement to the design. The main differences are:

1. Morpeth Street will no longer connect to Mount Barker Road.
2. The three (3) western most lots have been removed and replaced with a road which will still allow access to lot 137 to the south should it be subdivided in the future. This western road will mean fire easements and AS3959 building standards will not need to be applied to the three (3) lots.
3. A western cul de sac is deleted.

Four (4) lots on the plan of subdivision, being lots 16, 17, 18 and 19, are noted as possibly being set aside as a reserve for drainage in the event that the proposed drainage basin on lot 211 Pugh Street is not constructed. These four (4) lots occupy an area of 2609m².

The fifty (50) lots proposed range in size from 576m² (580m² with truncation) to 1317m². The average lot size is 671m². These lot sizes comply with the R15 requirements of the Residential Design Codes. The main east west new internal road will be in a 16m wide road reserve and the new western road will be in a 14m wide road reserve.

Public open space is proposed to be provided by way of a cash in lieu payment rather than the standard 10% requirement and this is considered as acceptable.

Connection to reticulated sewer, water and power is possible. The land can be drained and a detailed design will be required as a condition of subdivision to ensure the drainage is managed well and does not adversely impact on properties to the east.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the subdivision of Lot 138 Lowood Road, Mount Barker (WAPC 138552) be supported subject to the following conditions:

- 1. Amendment No. 47 to Town Planning Scheme No. 3 being finalised.**
- 2. All lots being provided with access to a hot mix sealed road, designed drained and constructed to the satisfaction of the Manager Works and Services.**
- 3. Morpeth Street is to be constructed, drained and sealed to hot mix standard to the satisfaction of the Manager Works and Services.**
- 4. All roads being constructed, drained and sealed to hot mix standard with a minimum of a 6m wide seal to the satisfaction of the Manager Works and Services.**
- 5. Street lighting to the satisfaction of the Manager Works and Services.**
- 6. A landscaping plan being submitted detailing the appropriate planting and timing of planting of street trees.**
- 7. Dual Use Paths to be provided on one side of the subdivision roads and on one side of Morpeth Street and Lowood Road to the satisfaction of the Manager Works and Services.**
- 8. The preparation of a nutrient stripping, sediment retention drainage management plan. This may require the provision of land for a drainage facility in lieu of lots 16-19 inclusive.**
- 9. 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.**

10. All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the site.
11. The provision of reticulated water and sewer to all lots.
12. All lots being provided with underground power.
13. The subdivider providing a cash contribution to the Shire of Plantagenet in lieu of 10% Public Open Space in accordance with S153 of the Planning and Development Act 2005.
14. All buildings having the necessary clearance from the new lot boundaries.
15. No vehicular access to Mount Barker Road is to be provided from any lot or from Morpeth Street.
16. Truncations are to be provided at all intersections to the satisfaction of the Manager Works and Services.
17. The provision of uniform fire retardant fencing along the southern boundary of lot 138.
18. The provision of a vegetated buffer along the southern boundary of lot 138 as per the Subdivision Concept Plan in amendment No. 47.
19. Lowood Road is to be upgraded including hot mix surface, drainage and kerbing to the satisfaction of the Manager Works and Services.
20. Any existing onsite effluent disposal systems being decommissioned.

CARRIED (6/0)

NO. 202/08

3.15 pm Cr J Mark returned to the meeting.

**11.1.4 LOCATION 6589 GREEUW ROAD, NARRIKUP - TWO (2) LOT
SUBDIVISION**

File No:	LP/158/138322, RV/182/103473
Attachments (3):	Location Plan Subdivision Plan with aerial photo Subdivision Plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 October 2008
Applicant:	Stephen Robert Frost and Kerry Frost

Purpose

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a two (2) lot subdivision of Location 6589 Greeuw Road Narrikup. The smaller of the two lots is proposed as a homestead lot.

Background

Shire records indicate the owners of Location 6589 Greeuw Road as Stephen Robert Frost and Kerry Frost.

Location 6589 Greeuw Road is 216.76ha in area and is developed with pasture, plantation, two houses and various farm outbuildings. There are also areas of remnant vegetation. Other lots in the immediate locality vary in size from 311ha to the east and 28ha to the west.

Statutory Environment

Planning and Development Act 2005

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

Consultation

There has been no consultation with this report.

Financial Implications

There are no financial implications for 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.'

The Council's draft Local Planning Strategy states:

'6.1.14.3 The WAPC Policy DC 3.4, Subdivision of Rural Land, permits these subdivisions in the Wheatbelt which includes the Shire of Plantagenet. The creation of Homestead lots will be supported by Council where:

- the lot has an area of up to 20 ha where the lot size is intended to retain the home, infrastructure, water source and any other appropriate features;*
- the lot responds appropriately to the topography and will not require the clearing of existing remnant vegetation;*
- the lot has an adequate water supply for domestic, land management and fire management purposes;*
- the lot fronts a constructed public road; and*
- the homestead lot has not been previously subdivided from the farming property.*

6.1.14.4 The Council will also consider supporting the creation of a homestead lot where it:

- will contain an existing rural industry or other intensive economic activity associated with the residence and surrounding land; and*
- where Council believes the proposal is justified on its individual merits.'*

Officer Comment

The application as proposed will result in two (2) lots, one (1) being the bulk of the farming property which is 200.97ha and the smaller 'homestead' lot is 15.62ha.

The applicant in support of the proposed 'homestead' lot provided the following justification.

- 'Proposal to divide Lot 5 into 2 parcels, creating a homestead lot;*
- Application to create additional lot provided for under DC3.4 policy section 4.9;*
- The subject land is in the Wheatbelt Agricultural Policy Area (as defined in appendix 3);*
- The population in the locality is not increasing. This has been evident over recent years with the obvious impact of the plantation companies where many properties along Greeuw Road have converted to blue gum plantations. Government Policy has prohibited any rural infill in this area for many years, together with tree companies now owning an increasing number of holdings; families have been forced to move to surrounding towns. It is a definite statistic that the population of this area has declined over the last 20 years;*
- Proposed smaller lot is to be approximately 15ha due to the inclusion of a bush area to the south of the residence and dam in eastern corner;*
- There is adequate water supply for domestic, land management purposes;*
- Both lots front the constructed and public Greeuw Road;*

- *There has not been a previous homestead lot excised from Lot 6589;*
- *Subdivision is based on existing dwellings on the property;*
- *Both lots have access to power and telecommunications, and have access to water supply for fire fighting, including dams on the larger lot; and*
- *Balance lot is approximately 200ha and consists of pasture and some plantation timber.'*

The proposed subdivision is consistent with the Council's draft Local Planning Strategy and also the WAPC policy on the Subdivision of Rural Land. It will retain one house on each of the two resultant lots and the smaller 'homestead' lot will retain remnant vegetation, outbuildings and a dam.

The Manager Works and Services has advised gravel road access is available to the larger lot from the north and to the 'homestead' lot from the south and no improvements to Greeuw Road are required.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

That the proposal for a two (2) lot subdivision at Location 6589 Greeuw Road, Narrikup be supported subject to all buildings and effluent disposal systems having the necessary clearance from lot boundaries.

CARRIED (7/0)

NO. 203/08

11.1.5 LOT 123 (37) OSBORNE ROAD MOUNT BARKER - PROPOSED CONSULTING ROOM

File No:	RV/182/1502
Attachments (4):	<u>Location Plan</u> <u>Site and House Plans</u> <u>Summary of Submission</u> <u>Site Plan showing revised Car parking Configuration</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 October 2008
Applicant:	Linda Maitland

Purpose

The purpose of this report is to consider a proposal to use a house as a consulting room for a physiotherapist at Lot 123 (37) Osborne Road Mount Barker.

Background

The current owner of the property is Jamie Banks.

The proposal involves the use of the existing house fronting Osborne Road as a consulting room for a physiotherapist. There will only be one (1) physiotherapist working from the premises.

The property is a narrow lot that runs between Osborne Road and Albany Highway. The lot to the south is vacant, to the north east is vacant except for a double garage structure. The lot to the north west fronting Albany Highway contains a house. Lots to the east are occupied by houses and the Mount Barker Baptist Church.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential (R10/20).

Consulting Rooms are an 'SA' use in the Residential Zone and 'SA' uses may be approved by the Council at its discretion after advertising has been undertaken.

Consultation

The proposal was advertised in the Albany Advertiser, the Plantagenet News, a sign on site, a sign on the Shire notice board and letters to the adjoining landholders for a period of twenty-one (21) days.

Three (3) submissions were received (See Summary of Submissions)

Financial Implications

The \$123.00 application fee has been paid.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The proposal was advertised and no objections have been received. The plans submitted show four (4) car parking spaces at the front of the lot off Osborne Road. The site plan is not to scale and a site inspection revealed four (4) spaces could not be located between the front of the house and the front boundary. It will be possible to locate two (2) spaces at the front of the house and these are shown on a plan attached with a revised car parking configuration. The existing crossover will need to be widened for this parking configuration. As the lot is narrow there is no way to drive a vehicle from Osborne Road to the rear of the house. The lot does have frontage to Albany Highway, for rear access but Main Roads WA in its submission does not support vehicular access from the highway.

As only one physiotherapist will be working from the premises, the two (2) car spaces are considered adequate.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the proposed consulting room (physiotherapist) at Lot 123 (37) Osborne Road, Mount Barker be approved subject to:

- 1. Development being generally in accordance with the plans dated 19 August 2008.**
- 2. The crossover to Osborne Road being widened and constructed to the satisfaction of the Manager Works and Services.**
- 3. The provisions of two (2) car parking spaces at the front of the site which are constructed and sealed to the satisfaction of the Manager Works and Services. These spaces must be onsite and be in accordance with the revised carparking configuration plan dated 14 October 2008 attached.**
- 4. No vehicular access to Albany Highway unless with the approval of Main Roads WA.**
- 5. A building application is to be completed for a change in classification from a dwelling to a physiotherapist.**

6. The applicant is to comply with the Department of Health Massage Therapy guidelines.
7. Only one (1) physiotherapist may operate from the premises due to the inability to provide additional carparking on site.
8. Any advertising sign is not to exceed 0.2m² in area due to the residential nature of the area.

CARRIED (7/0)

NO. 204/08

11.1.6 RESERVE 23435 ARBOUR STREET ROCKY GULLY - CHANGE IN PURPOSE OF RESERVE

File No:	Reserve 23435
Attachments (3):	<u>Plan Showing DPI Proposal</u> <u>Suggested Alternative to Dividing Line</u> <u>Aerial Photo Showing Facilities</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 October 2008
Applicant:	Department for Planning and Infrastructure

Purpose

The purpose of this report is to consider a request from the Department for Planning and Infrastructure (DPI) for comment on a proposal to subdivide Reserve 23435 Arbour Street to excise the area containing the school oval. The oval will be set aside for 'Recreation' with management granted to the Council.

Background

In April 1993 the Ministry of Education Nomenclature Committee advised that the Minister for Education had approved the naming of the oval as 'Higgins Oval'. In February 1994 the Department of Land Administration advised the purpose of Reserve 23435 had been changed from 'Schoolsite' to 'Schoolsite and Recreation'.

In 1994 the preparation of a Deed of Licence over the oval portion of Reserve 23435 between the State and the Council was commenced. That Deed of Licence was to be for the Council maintaining the oval and the public having the ability to use the oval out of school times.

The Primary School was closed at the end of 2003.

The future use of the buildings has been under consideration by the Department of Education and Training (DET) and Council for many years. The most recent initiatives in this regard are contained in the Council's draft Local Planning Strategy. Earlier proposals for the buildings included industrial type zoning but no Amendments to the Town Planning Scheme were initiated formally.

Statutory Environment

Land Administration Act – Reserve 23435 is a Crown Reserve for 'Schoolsite and Recreation' with a Management Order with the Minister for Education.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Local Scheme Reserve – Public Purpose. A Scheme Amendment will be required once the draft Local Planning Strategy is finalised.

Consultation

The DPI staff have been liaising with Council staff on this matter for some time.

Financial Implications

Once the area of the oval has its purpose changed to 'Recreation' DPI will issue a Management Order in favour of the Shire and long term management and maintenance of the oval will become a Council responsibility. The Council presently does provide some basic maintenance in terms of occasional lawn mowing.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The proposal is generally in accordance with the Council's draft Local Planning Strategy.

Officer Comment

The proposed boundary between the two reserves is shown on the attached DPI plan. The area to be retained by DET is a long rectangular site in the order of 1.3ha. This will leave approximately 3.5ha vested in the Council for the oval.

The proposed boundary put forward by the DPI differs from that contained in the draft Local Planning Strategy but that draft can be modified after the formal advertising once the Western Australian Planning Commission (WAPC) grants its approval to advertise the draft. The proposed boundary also impacts on existing shed structures forming part of the school buildings in Arbour Street. It would be preferable if the boundary was relocated some 20m to the west so that the sheds are retained with the school buildings.

The proposed boundary is some 60m from the eastern boundary of the present reserve and this encroaches onto the edge of the oval. It would be preferable if the boundary was located 50m from the eastern boundary so as to not impact on the oval.

A proposed alternative boundary is shown on the attached plan. That alternative boundary will marginally reduce the area to be retained by DET to approximately 1.25ha (1.3ha in current proposal).

The oval itself is in fair condition with football goal posts still in place at the southern end. From the oval extremities to the west and southern boundary of the reserve are areas of remnant vegetation. There is a concrete water tank on the west side of the oval and a badly damaged shed incorporating a water pump. Part of the shed roof and walls are missing. The pump is electrically powered but the source of the power supply is not evident from the power lines in Bateman Street hence the power may come from an underground line from the school buildings. Various pieces of reticulation equipment are evident near the tank and shed and these include a large impact sprinkler and a series of surface pipes.

The remnant of two old portable grandstands is evident on the west side of the oval. These are in a very bad condition and part of any handover must include the removal of these dangerous grandstands.

Another condition of any handover must be the replacement of the damaged shed containing the pump with a new larger shed of a suitable size to house a 25hp ride on mower and maintenance equipment as well as the pump. The electrical power to the pump must be from a completely independent source from the school. This will involve an underground cable from Bateman Street or Arbour Street with an independent meter. The water pump must also be serviced and if necessary repaired to be in full working order.

As the oval and its maintenance will become a Council responsibility it is not considered unreasonable to also ask DET to provide a 25hp ride on lawn mower together with the above listed upgrades.

The proposed division of the reserve is considered acceptable subject to the matters detailed above being addressed to the Council's satisfaction.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the proposal to subdivide Reserve 23435 Arbour Street, Rocky Gully with the oval being set aside for 'Recreation' with management granted to the Council is supported subject to the following requirements:

- 1. The dividing boundary being adjusted as marked on the attached plan showing the suggested alternative dividing line to retain sheds with the school and all of the oval within the 'Recreation' area.**
- 2. The badly damaged shed housing the water pump being replaced with a larger new shed to accommodate the pump, a ride on mower and maintenance equipment.**
- 3. The reticulation pump and reticulation equipment being serviced and in good working order.**
- 4. Underground power connection to the shed being provided from an independent metered source from either Bateman Street or Arbour Street.**
- 5. The damaged portable grandstands being removed from the site and disposed of as they are in an unsafe condition.**
- 6. The provision of a new 25hp ride on lawn mower for oval mowing purposes.**

PROCEDURAL MOTION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements:

That the Council proceed to the next business.

CARRIED (7/0)

NO. 205/08

11.1.7 LOT 6 (13) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE

File No: RV/182/1170
Attachments (2): [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 14 October 2008
Applicant: Christine Porter

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 Mount Barker Country Bakery food premises located at Lot 6 (13) Lowood Road, Mount Barker.

Background

The operators of the bakery wish to locate four (4) small tables and seating for eight (8) 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 bakery business hours from 5.00am to 5.00pm.

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 8m² 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;
- 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;
- Whenever, 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, but further add to the vitality of the area. Alfresco patrons will have access to staff toilet facilities located at the rear of the bakery premises. The proposed dining area will not obstruct sight lines of vehicular traffic in the vicinity, and free pedestrian access and movement will not be unreasonably impeded. The applicant has submitted proof of public liability insurance covering the proposed outdoor eating facility.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Hollingworth, Cr J Mark:

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 C Porter to conduct an outdoor eating facility on a public thoroughfare adjacent to the Mount Barker Country Bakery, Lot 6 (13) Lowood Road, Mount Barker subject to:

1. **The outdoor eating facility occupying a maximum area of 8m² of public thoroughfare directly adjacent to the Mount Barker Country Bakery in accordance with the application dated 2 September 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; and**
 - 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.

AMENDMENT

Moved Cr K Clements, seconded Cr M Skinner:

That the word '8m²' in part 1 above be deleted and replaced with '4m² (consisting of a maximum of two (2) tables adjacent to the building)'.

CARRIED (7/0)

NO. 206/08

COUNCIL DECISION

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 C Porter to conduct an outdoor eating facility on a public thoroughfare adjacent to the Mount Barker Country Bakery, Lot 6 (13) Lowood Road, Mount Barker subject to:

1. The outdoor eating facility occupying a maximum area of 4m² (consisting of a maximum of two (2) tables adjacent to the building) of public thoroughfare directly adjacent to the Mount Barker Country Bakery in accordance with the application dated 2 September 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; and
 - 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 (7/0)

NO. 207/08

11.2 WORKS AND SERVICES REPORTS

11.2.1 POLICY REVIEW - ROAD BUILDING MATERIAL - GRAVEL

File No: RO/120/13
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to review Council Policy NRM/EI/1 – Road Building Materials – Gravel.

Background

Council Policy No. NRM/EI/1 – Road Building Materials – Gravel reads as follows:

'Policy: That wherever possible the council obtain gravel and other road building materials for road making purposes from private property by consultation with the landowner, in accordance with Schedule 3.1 and 3.2 of the Local Government Act 1995, with the Council responsible for:

- (1) Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.*
- (2) Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.*
- (3) Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.'*

Statutory Environment

The Local Government Act 1995 provides under Schedule 3.2 (Particular things local governments can do on land even though it is not local government property) the power for a local government to take from land (among other things) gravel that is required for making or repairing a thoroughfare.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Principal Works Supervisor, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Engineering Cadet, Mr Geoff Scott – Maintenance Supervisor, Mr Jamie Rutter – Parks and Gardens Supervisor, Mr Dave Cooper – Storeman and Ms Megan Sounness – Administration Officer who have responsibility for this area.

Financial Implications

There are no financial implications for this report.

Policy Implications

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

Strategic Implications

The Council's Strategic Plan, Key Results 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.'*

Officer Comment

It is considered that this Policy is adequate, however an objective has been added as was not previously stated.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That amended Council Policy NRM/EI/1 – Roads Building Materials – Gravel, as follows:

'Objective: To provide clear guidelines to staff and land owners regarding the acquisition of gravel for road making and maintenance purposes.

Policy: That wherever possible the Council obtain gravel and other road building materials for road making purposes from private property by consultation with the landowner, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Council responsible for:

- (1) Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.**
- (2) Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.**
- (3) Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.'**

be endorsed.

CARRIED (7/0)

NO. 208/08

11.2.2 POLICY REVIEW - PLANT - GENERAL POLICY

File No: PS/120/6
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to review Council Policy No. I/PM/1 – Plant – General Policy.

Background

Council Policy I/PM/1 – Plant – General Policy reads as follows:

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

HEAVY PLANT

<i>Graders</i>	<i>6 years</i>	<i>9,000hrs</i>
<i>Excavator</i>	<i>6 years</i>	<i>9,000hrs</i>
<i>Heavy Loader</i>	<i>6 years</i>	<i>9,000hrs</i>
<i>Backhoe/Loaders</i>	<i>5 years</i>	<i>6,000hrs</i>
<i>Heavy Trucks 6x4</i>	<i>4 years</i>	<i>250,000km</i>
<i>Med Trucks 4x2</i>	<i>4 years</i>	<i>250,000km</i>
<i>Light Trucks</i>	<i>4 years</i>	<i>200,000km</i>
<i>Misc Plant to the Council's adopted Schedule.'</i>		

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Principal Works Supervisor, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Engineering Cadet, Mr Geoff Scott – Maintenance Supervisor, Mr Jamie Rutter – Parks and Gardens Supervisor, Mr Dave Cooper – Storeman and Ms Megan Sounness – Administration Officer who have responsibility for this area.

Financial Implications

There are no financial implications for this report.

Policy Implications

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

Asset Management Implications

This Policy relates to the changeover period for Council assets.

Strategic Implications

The Council's Strategic Plan, Key Results 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.'*

Officer Comment

It is considered that this Policy is adequate in its intent, however categories for Rollers, Tractors and Heavy Trailers have been added as they were not previously included. Also an objective has been added as was not previously stated.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

That amended Council Policy I/PM/1 – Plant – General Policy as follows:

'OBJECTIVE: To provide clear guidelines to Council staff relating to the replacement period for the Council's Heavy Plant.

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

HEAVY PLANT

Graders	6 years	9,000hrs
Excavator	6 years	9,000hrs
Heavy Loader	6 years	9,000hrs
Backhoe/Loaders	5 years	6,000hrs
Heavy Trucks 6x4	4 years	250,000km
Med Trucks 4x2	4 years	250,000km
Light Trucks	4 years	200,000km
Rollers	6 years	9,000hrs
Tractors	5 years	4,000hrs
Heavy Trailers	10 years	

Misc Plant to the Council's adopted Schedule.'

be endorsed.

CARRIED (7/0)

NO. 209/08

11.2.3 POLICY REVIEW - SCHOOL BUS ROUTES

File No: TT/120/2
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to review Council Policy No. I/R/10 – School Bus Routes.

Background

Council Policy No. I/R/10 – School Bus Routes reads as follows:

'Policy: That the Council will, with regard to School Bus Routes require:

- (1) A minimum of fourteen working days after the submission of application for the approval of School Bus Routes.*
- (2) Notification of alterations to School Bus Routes yearly by receipt of an updated map from each school highlighting any changes made. That maps be forwarded to the Council by 14 February each year. That a new map be forwarded each year regardless of whether a change has occurred or not.'*

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Principal Works Supervisor, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Engineering Cadet, Mr Geoff Scott – Maintenance Supervisor, Mr Jamie Rutter – Parks and Gardens Supervisor, Mr Dave Cooper – Storeman and Ms Megan Sounness – Administration Officer who have responsibility for this area.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Policy implications

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

Strategic Implications

The Council's Strategic Plan, Key Results 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.'*

Officer Comment

It is considered that the current policy is adequate, however an objective has been added as was not previously stated.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy I/R/10 – School Bus Routes as follows:

'OBJECTIVE: To provide clear guidelines to staff, School Bus Coordinators and members of the public relating to applications for and changes to School Bus Routes.

POLICY: The Council will, with regard to School Bus Routes require:

- (1) A minimum of fourteen working days after the submission of application for the approval of School Bus Routes.
- (2) Notification of alterations to School Bus Routes yearly by receipt of an updated map from each school highlighting any changes made by 14 February each year and that a new map be forwarded each year regardless of whether a change has occurred or not.'

be endorsed.

COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That amended Council Policy I/R/10 – School Bus Routes as follows:

'OBJECTIVE: To provide clear guidelines to staff, School Bus Coordinators and members of the public relating to applications for and changes to School Bus Routes.

POLICY: The Council will, with regard to School Bus Routes require:

- (1) A minimum of fourteen working days after the submission of application for the approval of School Bus Routes.

- (2) Notification of alterations to School Bus Routes yearly by receipt of an updated map from each school highlighting any changes made by 28 February each year and that a new map be forwarded each year regardless of whether a change has occurred or not.'

CARRIED (7/0)

NO. 210/08

Reason for Change

It was considered that 28 February gave a better opportunity for the school to respond with changes.

11.2.4 TENDER C02-0809 SUPPLY AND DELIVERY OF 4X4 BACKHOE LOADER

File No: PS/165/45
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C02-0809 Supply and Delivery of 4x4 Backhoe Loader.

Background

Tenders were recently called for the supply and delivery of one (1) 4x4 Backhoe Loader. Tender C02-0809 closed at 12 noon on Wednesday 17 September 2008 and was advertised for a period of eighteen (18) days.

At the close of submissions, eight (8) Tenders were received from the following companies:

- WesTrac;
- Hitachi Construction Machinery Australia;
- JCB Construction Equipment Australia; 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 \$100,000.00.

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 – Principal Works Supervisor and Mr Michael Seaman – Mechanic, prepared the Tender documentation and specifications.

Mr Bartlett and Mr Griffiths participated in the Tender Evaluation.

Consultation has also occurred with Mr Rob Stewart – Chief Executive Officer.

Financial Implications

In the adopted Budget for 2008 / 2009, a total of \$168,000.00 (net) has been allocated towards the purchase of a new 4x4 Backhoe Loader.

Policy Implications

Council Policy I/PM/1 – Plant – General Policy provides an indication of the changeover period for Council Plant, structured around a 10 year replacement program. According to the Policy, Backhoes / Loaders are at 5 years or 6,000 hours.

Asset Management Implications

This report relates to the purchase and disposal of Council assets.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian on Saturday 30 August and Wednesday 3 September 2008. A notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building and Mount Barker Library to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 17 September 2008, with delivery of submissions to the Tender box.

Eight (8) Tenders were received from various suppliers for the purchase of a new 4x4 Backhoe Loader in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each 4x4 Backhoe Loader submitted with relative trade price for the Council's JCB 4CX Backhoe Loader (Registration No. PL 1016 – Plant No. L10) is shown tabulated below:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
WesTrac	434E Backhoe Loader	\$189,520.00	\$57,000.00	\$132,520.00	12 months standard (optional Cat Extra Care - 36 months / 6,000 hours)	26 - 28 weeks from date of order
WesTrac	434ETC Backhoe Loader	\$195,570.00	\$57,000.00	\$138,570.00	12 months standard (optional Cat Extra Care - 36 months / 6,000 hours)	26 - 28 weeks from date of order
WesTrac	444E Backhoe Loader	\$198,840.00	\$57,000.00	\$141,840.00	12 months standard (optional Cat Extra Care - 36 months / 6,000 hours)	26 - 28 weeks from date of order
WesTrac	444TC Backhoe Loader	\$204,660.00	\$57,000.00	\$147,660.00	12 months standard (optional Cat Extra Care - 36 months / 6,000 hours)	26 - 28 weeks from date of order

Hitachi Construction Machinery Australia (non conforming tender)	John Deere 315 SJ	\$152,500.00	\$50,000.00	\$102,500.00	12 months / 2,000 hours	90 Days
JCB Construction Equipment Australia	JCB 4CX	\$188,485.00	\$66,000.00	\$122,485.00	12 months / 2,000 hours	2 - 4 weeks
JCB Construction Equipment Australia (alternative tender)	JCB 3CX PC	\$160,775.00	\$66,000.00	\$94,775.00	12 months / 2,000 hours	2 - 4 weeks
CJD Equipment	Volvo BL71 Backhoe Loader	\$157,000.00	\$55,000.00	\$102,000.00	CAP4F 4,000 hours or 36 months	late October 2008

The selection criteria for the Tender consisted of six (6) components, being:

- Make, model and specifications;
- Service and support;
- Mechanical inspection and demonstration;
- Performance history (relevant experience and track record attributes);
- Operator safety; and
- Price.

The Manager Works and Services and the Principal Works Supervisor reviewed each of the Tenders submitted, rating each tender against the selection criteria.

The original submission from JCB Construction Equipment Australia was favoured, being the same machine as that which the Council currently owns. It should be noted that this machine, although favoured, does not meet the specification for the seat. However it is considered that this is only minor and the Manager Works and Services and Principal Works Supervisor considered that the machine would still fulfil its function with this minor non compliance.

All of the other submissions rated well, however the original submission from JCB Construction Equipment Australia rated higher under make, model and specifications. Also with price accounting for 35% of the weighting, JCB Construction Equipment was favoured, being well under the budgeted amount, although not the lowest tender.

It is therefore the opinion of the Manager Works and Services and Principal Works Supervisor that the original Tender from JCB Construction Equipment Australia is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr B Hollingworth, seconded Cr K Clements:**

That the original Tender from JCB Construction Equipment Australia to supply one (1) new JCB 4CX 4x4 Backhoe Loader to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
JCB Construction Equipment Australia	JCB 4CX	\$188,485.00	\$66,000.00	\$122,485.00	12 months / 2,000 hours	2 – 4 weeks

CARRIED (7/0)**NO. 211/08**

11.2.5 TENDER C03-0809 SUPPLY AND DELIVERY OF 9 TONNE TIP TRUCK

File No: PS/165/46
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C03-0809 Supply and Delivery of 9 Tonne Tip Truck.

Background

Tenders were recently called for the supply and delivery of one (1) 9 Tonne Tip Truck. Tender C03-0809 closed at 12 noon on Wednesday 17 September 2008 and was advertised for a period of eighteen (18) days.

At the close of submissions, two (2) Tenders were received from the following companies:

- Albany City Motors; and
- WA Hino.

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 \$100,000.00.

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 – Principal Works Supervisor and Mr Michael Seaman – Mechanic, prepared the Tender documentation and specifications.

Mr Bartlett and Mr Griffiths participated in the Tender Evaluation.

Consultation has also occurred with Mr Rob Stewart – Chief Executive Officer.

Financial Implications

In the adopted budget for 2008 / 2009, a total of \$58,000.00 (net) has been allocated towards the purchase of a new 9 Tonne Tip Truck.

Policy Implications

Council Policy I/PM/1 – Plant – General Policy provides an indication of the changeover period for Council Plant, structured around a 10 year replacement program. According to the Policy, Medium Trucks (4x2) are at 4 years or 250,000km.

Asset Management Implications

This report relates to the purchase and disposal of Council assets.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian on Saturday 30 August and Wednesday 3 September 2008. A notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building and Mount Barker Library to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 17 September 2008, with delivery of submissions to the Tender box.

Two (2) Tenders were received for the purchase of a new 9 Tonne Tip Truck in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each 9 Tonne Tip Truck submitted with relative trade price for the Council's Hino GH1J Truck (Registration No. PL 9652 – Plant No. T3) is shown tabulated below:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
Albany City Motors	Isuzu FTR 900 Medium	\$110,510.14	\$54,545.45	\$55,964.69	Isuzu -New Vehicle: 3 years / 150,000km / 2,500hrs. Cab Perforation Corrosion: 3 years / unlimited kms. Evertrans - 12 months	13 weeks
WA Hino	Hino GH8JJKG Six	\$115,043.00	\$ 68,181.82	\$ 46,861.18	3 years / 200,000km	12 - 14 weeks

The selection criteria for the Tender consisted of six (6) components, being:

- Make, model and specifications;
- Service and support;
- Mechanical inspection and demonstration;
- Performance history (relevant experience and track record attributes);
- Operator safety; and
- Price.

The Manager Works and Services and the Principal Works Supervisor reviewed each of the Tenders submitted, rating each tender against the selection criteria.

Both submissions rated closely on all of the six (6) categories, however the submission from WA Hino scored higher for make, model and specifications and

service and support. Also the submission from WA Hino is the cheaper of the two submissions.

It is therefore the opinion of the Manager Works and Services and Principal Works Supervisor that the Tender from WA Hino is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the tender from WA Hino to supply and deliver one (1) new Hino GH8JJKG Six 9 Tonne Tip Truck to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
WA Hino	Hino GH8JJKG Six	\$115,043.00	\$68,181.82	\$46,861.18	3 years / 200,000km	12 - 14 weeks

CARRIED (7/0)

NO. 212/08

11.2.6 TENDER C04-0809 SUPPLY AND DELIVERY OF 6X4 TIP TRUCK AND PIG TRAILER

File No: PS/165/47
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C04-0809 Supply and Delivery of 6x4 Tip Truck and Pig Trailer.

Background

Tenders were recently called for the supply and delivery of one (1) 6x4 Tip Truck and Pig Trailer. Tender C04-0809 closed at 12 noon on Wednesday 17 September 2008 and was advertised for a period of eighteen (18) days.

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

- WA Hino;
- JEM Truck Sales;
- Kenworth DAF WA; and
- Albany City Motors.

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 \$100,000.00.

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 – Principal Works Supervisor and Mr Michael Seaman – Mechanic, prepared the Tender documentation and specifications.

Mr Bartlett and Mr Griffiths participated in the Tender Evaluation.

Consultation has also occurred with Mr Rob Stewart – Chief Executive Officer.

Financial Implications

In the adopted Budget for 2008 / 2009, a total of \$159,715.00 (net) has been allocated towards the purchase of a new 6x4 Tip Truck and Pig Trailer.

Policy Implications

Council Policy I/PM/1 – Plant – General Policy provides an indication of the changeover period for Council Plant, structured around a 10 year replacement program. According to the Policy, Heavy Trucks (6x4) are at 4 years or 250,000km.

Asset Management Implications

This report relates to the purchase and disposal of Council assets.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian on Saturday 30 August and Wednesday 3 September 2008. A notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building and Mount Barker Library to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 17 September 2008, with delivery of submissions to the Tender box.

Four (4) Tenders were received from various suppliers for the purchase of a new 6x4 Tip Truck and Pig Trailer in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each 6x4 Tip Truck and Pig Trailer submitted with relative trade price for the Council's Mitsubishi FV 500 Tandem Axle Tip Truck (Registration No. PL 1037 – Plant No. T31) is shown tabulated below:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
WA Hino	Hino FS1ELKD	\$243,154.00	\$81,818.18	\$161,335.82	Standard 36 months or 500,000km. Cab corrosion perforation 36 months. Engine component 60 months or 750,000km.	10 - 16 weeks
JEM Truck Sales	Isuzu GIGA CXZ 455	\$228,556.00	\$86,741.82	\$141,814.18	3 years / 500,000km (extended warranty available)	16 weeks from acceptance
Kenworth DAF WA	DAF FAT CF 85-410	\$278,993.00	\$90,909.00	\$188,084.00	36 months / 750,000km engine and driveline.	20 - 24 weeks
Albany City Motors	Isuzu GIGA CXZ 455	\$257,290.27	\$70,909.10	\$186,381.17	Isuzu - New Vehicle: 3 years / 500,000km. Engine: 5 years / 750,000km. Cab Corrosion: 3 years / unlimited km. Evertrans - 12 months	3-4 months

The selection criteria for the Tender consisted of six (6) components, being:

- Make, model and specifications;
- Service and support;
- Mechanical inspection and demonstration;
- Performance history (relevant experience and track record attributes);
- Operator safety; and
- Price.

The Manager Works and Services and the Principal Works Supervisor reviewed each of the Tenders submitted, rating each tender against the selection criteria.

All of the submissions rated closely on the six (6) components. The submission from JEM Truck Sales was seen as the most favourable, rating the highest, and was the only submission that came in under the budgeted amount of \$159,715.00 (net). Albany City Motors submitted the same model truck as JEM Truck Sales, however their submission was \$44,567.00 more.

It should also be noted that although the submission from JEM Truck Sales is the most favoured, it didn't meet all of the specifications, being that it only has two (2) seats and not the requested three (3) seats. It is considered, however that this is only a minor issue and that the truck will still fulfil its requirements with only two (2) seats. The submission from Albany City Motors also only has two (2) seats not the requested three (3).

It is therefore the opinion of the Manager Works and Services and Principal Works Supervisor that the Tender from JEM Truck Sales is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That the Tender from JEM Truck Sales to supply and deliver one (1) new Isuzu GIGA CXZ 455 6x4 Tip Truck and Pig Trailer to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
JEM Truck Sales	Isuzu GIGA CXZ 455	\$228,556.00	\$86,741.82	\$141,814.18	3 years / 500,000km (extended warranty available)	16 weeks from acceptance

CARRIED (7/0)

NO. 213/08

11.2.7 TENDER C05-0809 SUPPLY AND DELIVERY OF 4X2 TIP TRUCK

File No: PS/165/48
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C05-0809 Supply and Delivery of 4x2 Tip Truck.

Background

Tenders were recently called for the supply and delivery of one (1) new 4x2 Tip Truck. Tender C05-0809 closed at 12 noon on Wednesday 24 September 2008 and was advertised for a period of eighteen (18) days.

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

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

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

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 – Principal Works Supervisor and Mr Michael Seaman – Mechanic, prepared the Tender documentation and specifications.

Mr Bartlett and Mr Griffiths participated in the Tender Evaluation.

Consultation has also occurred with Mr Rob Stewart – Chief Executive Officer.

Financial Implications

In the adopted Budget for 2008 / 2009, a total of \$33,000.00 (net) has been allocated towards the purchase of a new 4x2 Tip Truck.

Policy Implications

Council Policy I/PM/1 – Plant – General Policy provides an indication of the changeover period for Council Plant, structured around a 10 year replacement program. According to the Policy, Small Trucks (4x2) are at 4 years or 200,000km.

Asset Management Implications

This report relates to the purchase and disposal of Council assets.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian on Saturday 6 and Wednesday 10 September 2008. A notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building and Mount Barker Library to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 24 September 2008, with delivery of submissions to the Tender box.

Six (6) Tenders were received from various suppliers for the purchase of a new 4x2 Tip Truck in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each 4x2 Tip Truck submitted with relative trade price for the Council's Hino 4x2 FC4JGPA Dump Truck (Registration No. PL 99 – Plant No. T1) is shown tabulated below:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
WA Hino	Hino FC6JGKA Plus Extra Cost FD8JJKA	\$73,058.00	\$34,545.45	\$38,512.55	3 years / 150,000kms	8 - 12 weeks
WA Hino (Non Conforming Tender)	Hino FC6JGKA Dump	\$64,740.00	\$34,545.45	\$30,194.55	3 years / 150,000kms	4 - 5 weeks approx
Albany City Motors	Isuzu FRR 500 Factory Tipper	\$61,718.00	\$35,000.00	\$26,718.00	3 years / 150,000kms	30 days
Albany City Motors	Isuzu FRR 500 Single Cab / Evertrans Tipper	\$69,106.00	\$35,000.00	\$34,106.00	3 years / 150,000kms	90 days
Albany City Motors	Isuzu FRR 500 Crew Cab / Evertrans Tipper	\$93,215.00	\$35,000.00	\$58,215.00	3 years / 150,000kms	90 days
Skipper Trucks	Mitsubishi Fuso FK61FH1RFAA	\$70,300.00	\$34,545.45	\$35,754.55	3 years / 150,000kms	6 - 8 weeks from date of order

The selection criteria for the Tender consisted of six (6) components, being:

- Make, model and specifications;
- Service and support;
- Mechanical inspection and demonstration;
- Performance history (relevant experience and track record attributes);
- Operator Safety; and
- Price.

The Manager Works and Services and the Principal Works Supervisor reviewed each of the Tenders submitted, rating each Tender against the selection criteria.

All of the submissions rated closely for the six (6) selection criteria components, with price being the determining factor. A number of the submissions were over the budgeted amount of \$33,000.00 and were therefore seen as less favourable than others. Of the submissions that were below the budgeted amount, the submission from Albany City Motors for the Isuzu FRR 500 Factory Tipper was seen as the most favourable, being the cheapest.

It is therefore the opinion of the Manager Works and Services and Principal Works Supervisor that the Tender from Albany City Motors to supply the Isuzu FRR 500 Factory Tipper is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the Tender from Albany City Motors to supply and deliver one (1) new Isuzu FRR 500 Factory Tipper to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
Albany City Motors	Isuzu FRR 500 Factory Tipper	\$61,718.00	\$35,000.00	\$26,718.00	3 years / 150,000kms	30 days

CARRIED (7/0)

NO. 214/08

11.2.8 TENDER C06-0809 SUPPLY AND DELIVERY OF TRI AXLE WIDENING DECK LOW LOADER

File No: PS/165/49
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C06-0809 Supply and Delivery of Tri Axle Widening Deck Low Loader.

Background

Tenders were recently called for the supply and delivery of one (1) Tri Axle Widening Deck Low Loader. Tender C06-0809 closed at 12 noon on Wednesday 24 September 2008 and was advertised for a period of eighteen (18) days.

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

- Howard Porter;
- Evertrans; and
- Colron Industries 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 \$100,000.00.

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 – Principal Works Supervisor and Mr Michael Seaman – Mechanic, prepared the Tender documentation and specifications.

Mr Bartlett and Mr Griffiths participated in the Tender Evaluation.

Consultation has also occurred with Mr Rob Stewart – Chief Executive Officer.

Financial Implications

In the adopted Budget for 2008 / 2009, a total of \$90,000.00 (net) has been allocated toward the purchase of a new Tri Axle Widening Deck Low Loader.

Policy Implications

Council Policy I/PM/1 – Plant – General Policy provides an indication of the changeover period for Council Plant, structured around a 10 year replacement program. The Policy does not currently specify the changeover period for Heavy Duty Trailers, however a recent review of the Policy by the Works and Services Department has resulted in a report being prepared for the Council recommending that Heavy Duty Trailers be added with a changeover period of 10 years.

Asset Management Implications

This report relates to the purchase and disposal of Council assets.

Strategic Implications

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

Officer Comment

A request for Tenders was published in the West Australian on Saturday 6 September and Wednesday 10 September 2008. A notice was placed on the Shire of Plantagenet website and on the noticeboard in the Shire Administration Building and Mount Barker Library to inform prospective suppliers. The closing date for the receipt of Tenders was Wednesday 24 September 2008, with delivery of submissions to the Tender box.

Three (3) Tenders were received from various suppliers for the purchase of a new Tri Axle Widening Deck Low Loader in accordance with the Shire's Tender documentation and specifications.

A summary of the cost of each Tri Axle Widening Deck Low Loader submitted with relative trade price for the Council's Lombardi Tri Axle Drop Deck Low Loader (Registration No. PL 4501 – Plant No. LL1) is shown tabulated below:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
Howard Porter	Howard Porter HPDWLL13 - SPCL	\$132,600.00	\$25,000.00	\$107,600.00	12 months	12 - 14 weeks approx
Colron Industries Pty Ltd	Lusty by Colron Industries Pty Ltd 3x4 Deck Widening Low Loader	\$137,454.55	\$25,000.00	\$112,454.55	12 months	9 weeks
Evertrans	Evertrans Tri Axle Widening Deck Low Loader	\$129,000.00	\$26,000.00	\$103,000.00	12 months	90 days

The selection criteria for the Tender consisted of six (6) components, being:

- Make, model and specifications;
- Service and support;

- Mechanical inspection and demonstration;
- Performance history (relevant experience and track record attributes);
- Operator safety; and
- Price.

The Manager Works and Services and the Principal Works Supervisor reviewed each of the Tenders submitted, rating each tender against the selection criteria.

All of the submissions rated closely on each of the six (6) components of the selection criteria with the determining factor being price. The submission from Evertrans was favoured, being the cheapest, however is still \$13,000.00 over the amount allocated in the 2008 / 2009 Budget. Although this machine exceeds the budgeted amount of \$90,000.00 (net) it is believed that savings made on other items of plant justify its purchase.

It is the opinion of the Manager Works and Services and Principal Works Supervisor that the Tender from Evertrans is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Tender from Evertrans to supply and deliver one (1) new Evertrans Tri Axle Widening Deck Low Loader to the Shire of Plantagenet be accepted in accordance with the following pricing schedule:

Supplier	Machine Make / Model	Purchase Price (ex GST)	Trade Offer (ex GST)	Net Cost (ex GST)	Warranty	Delivery Date
Evertrans	Evertrans Tri Axle Widening Deck Low Loader	\$129,000.00	\$26,000.00	\$103,000.00	12 months	90 days

CARRIED (7/0)

NO. 215/08

11.3 COMMUNITY SERVICES REPORTS

11.3.1 ARSON – REWARD POLICY

File No:	CS/120/2
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	14 October 2008

Purpose

The purpose of this report is to establish a new Council Policy that addresses a reward for information relating to arson.

Background

The Council endorsed Council Policy No. RS/V/1 – Vandalism on 8 July 2008 but during the discussion, requested a policy be prepared that acknowledges a reward for people who offer relevant information which is used to successfully convict person/s committing arson.

In 2006 a payment of \$500.00 was made to a person that provided information in relation to arson to the police, which led to the conviction of two offenders. The payment was made under the Vandalism – Reward policy.

Statutory Environment

Local Government Act 1995.

Consultation

Consultation has occurred with Mr Rob Stewart, Chief Executive Officer and Mr Ian Bartlett, Manager Works and Services.

Financial Implications

There are no immediate financial implications for this report.

An allocation of \$2,000.00 is made in the budget under Security and Vandalism, as a result of the Vandalism – Reward policy. It is proposed that any payments made under the Arson – Reward policy be drawn from the same account.

Policy Implications

This report seeks the formation of a new Council policy.

Strategic Implications

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

'Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.'

To achieve this we will:

Review all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

The Shire allocated \$181,755.00 in the 2008 / 2009 Annual Budget for Fire Prevention activities. A further \$90,600.00 was received from the Fire and Emergency Service Authority (FESA) for Bush Fire Brigade operating expenditure.

A majority of these funds are spent on bush fire prevention, planning and fire fighting. Most of the fires in the Plantagenet district are caused by natural or unintentional activities, such as lightning strike or a header fire, however the impact that an arsonist can have on the Council and volunteer resources is significant.

The deliberately lit fires in Narrikup cost in excess of \$3,500.00 for response resources, excluding the cost to volunteers to attend each incident. A reward for information leading to the conviction of the arsonist/s was advertised in the Plantagenet News. Information was forthcoming, a successful prosecution occurred (including the court awarding costs for fighting the deliberately lit fires to the Shire) and the person that provided the information to the police which led to the successful prosecution was awarded \$500.00 by the Shire.

The cost of the reward was minimal compared to the ongoing costs of responding to the deliberately lit fires.

It is also recommended that the reward be offered for information on fires that occur on both Council owned and privately owned property, as the Council still incurs the cost of responding to fires regardless of the ownership of the land. The one exception is fires that occur within a Fire District Gazetted Townsite, such as Mount Barker, which is funded directly by FESA through their partnership with Town Volunteer Fire and Rescue Service organisations. Nevertheless it will be recommended that the policy cover the whole District.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr S Grylls:

That new Council Policy No. RS/V/2 'Arson – Reward' as follows:

'OBJECTIVE: To encourage the sharing of information relating to acts of arson and to enable conviction of persons committing arson.

POLICY: That:

- 1. A reward be offered for information leading to the conviction of persons committing arson within the Plantagenet district.**

2. An allocation be included annually in the budget by the Council to cover rewards for arson.'

be adopted.

CARRIED (7/0)

NO. 216/08

11.3.2 POLICY REVIEW - SKINNER PAVILION HIRE

An Interest pursuant to s5.70 of the Local Government Act (1995) has been declared by the Author of this report.

Nature of Interest: Board Member of the Mount Barker Turf Club Inc.

File No: CP/174/2
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 6 October 2008

Purpose

The purpose of this report is to review Council Policy CS/SC/2 – Skinner Pavilion.

Background

Council Policy CS/SC/2 – Skinner Pavilion reads as follows:

‘That the Mount Barker Turf Club, Mount Barker Agricultural Society, Mount Barker Football Club and the Southern Districts Stud Stock Breeders Association use Skinner Pavilion at Frost Park without independent charge being made by Council conditionally on keys required to gain access to the building being collected from the Council Office on the day of hiring and returned the following morning and that use of the premises will not involve Council in any cleaning responsibilities.’

Statutory Environment

There are no statutory implications for this report.

Consultation

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

Financial Implications

There are no financial implications for this report.

Policy Implications

This report seeks the review of the Council’s policy regarding the hire of Skinner Pavilion.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Mount Barker Turf Club and the Mount Barker Football Club regularly use Skinner Pavilion during their sporting seasons. Each club has a key to access the Pavilion and is responsible for cleaning the building after use.

The Mount Barker Agricultural Society is not an active group and the Southern Districts Stud Stock Breeders Association has disbanded. Neither group has used Skinner Pavilion for a number of years.

Skinner Pavilion is hired occasionally by sporting groups that require the change room facilities, such as the Mount Barker United Soccer Club and the Great Southern Branch of the Australian Stock Horse Society. When hired, the key for Skinner Pavilion must be obtained from the Shire and the facility cleaned after use.

Aside from the Turf Club and the Football Club, there are no other regular users of the Skinner Pavilion facilities.

It is recommended that the Skinner Pavilion Policy be amended to reflect the present situation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr J Mark:

That

1. Council Policy CS/SC/2 – Skinner Pavilion be amended to read:

‘OBJECTIVE: To allow the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club and Mount Barker Football Club without the need for ongoing bookings.

POLICY: That the Mount Barker Turf Club and Mount Barker Football Club use Skinner Pavilion at Frost Park without independent charge being made by the Council conditionally that use of the premises will not involve Council in any cleaning responsibilities and the Mount Barker Turf Club and Mount Barker Football Club be responsible for repairing any damages that may occur to the Pavilion while the facility is being used by the clubs.’

2. The Council consider the inclusion of other user groups in Council Policy CS/SC/2 – Skinner Pavilion after a formal application is made to the Council.

AMENDMENT

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the words ‘, Mount Barker Agricultural Society’ be inserted after the words ‘Mount Barker Turf Club’ wherever those words appear in the Objective and Policy.

CARRIED (7/0)

NO. 217/08

COUNCIL DECISION

That

1. Council Policy CS/SC/2 – Skinner Pavilion be amended to read:

'OBJECTIVE: To allow the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club without the need for ongoing bookings.

POLICY: That the Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club use Skinner Pavilion at Frost Park without independent charge being made by the Council conditionally that use of the premises will not involve Council in any cleaning responsibilities and the Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club be responsible for repairing any damages that may occur to the Pavilion while the facility is being used by the clubs.'

2. The Council consider the inclusion of other user groups in Council Policy CS/SC/2 – Skinner Pavilion after a formal application is made to the Council.

CARRIED (7/0)

NO. 218/08

**11.3.3 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF)
GRANT APPLICATIONS AND PRIORITISATION**

File No:	GS/125/1
Attachments:	<u>Kendenup Skate Park Benefits</u> <u>Kendenup Skate Park proposed site</u> <u>Kendenup Tennis Club toilet block</u> <u>refurbishment sketch plans</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	14 October 2008

Purpose

The purpose of this report is to seek the Council's support for three (3) applications to be submitted to the Department of Sport and Recreation's 2009 / 2010 Community Sport and Recreation Facilities Fund (CSRFF) and to prioritise the submitted applications.

Background

The CSRFF grant scheme is advertised annually by the Department of Sport and Recreation (DSR) and provides grant funding for facility and infrastructure provision / upgrades to incorporated community sporting clubs and local governments. The CSRFF grant scheme generally funds projects on the basis of a one-third contribution from the applicant, local government and DSR.

Applications are required to be submitted to the local government by 30 September annually. All applications are then assessed by the local government, identified as being supported or otherwise in principle and ranked in priority order. The regional DSR office then assesses each project and ranks them on a regional priority which is presented to the Great Southern Recreation Advisory Group for endorsement or amendment. The applications and regional priorities are then submitted to the DSR central office for final determination.

This year three (3) applications have been submitted:

- Shire of Plantagenet – installation of a pool blanket at the Mount Barker Memorial Swimming Pool (Pool);
- Shire of Plantagenet – construction of a skate park in Kendenup (previously submitted application); and
- Kendenup Tennis Club – establishing a basic servery including lockable vermin proof cupboards, sink with hot water system and a separate basin and extension and re-roofing the toilet block and minor refurbishments to the toilets.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with representatives from the Kendenup Tennis Club, Kendenup Skate Park Steering Committee (KSPSC) and Mark Bird, Manager of the Pool.

Financial Implications

Quotations for the installation of a pool blanket, including the powered winding mechanism and freight amount to \$34,980.00 (GST exclusive) with a contribution from the Council of \$24,486.00.

The Kendenup Skate Park project is based on an \$180,000.00 design (GST exclusive) which was costed in 2007. It is reasonable to assume a 12% cost escalation allowance which will result in a total project cost of \$221,760.00 and, if the Council was to fully fund the cost escalation, will result in the Council's contribution amounting to \$89,760.00.

The KSPSC is aiming to source \$38,400.00 of cash and \$27,600.00 of donated materials and volunteer labour. A majority of the donated materials and volunteer labour has been secured and the Committee is working on becoming an incorporated group to enable them to apply for a range of funding options. The group has secured \$5,500.00 cash to date.

The total project cost for the Kendenup Tennis Club improvements is \$11,125.00 (GST exclusive). The contribution requested from the Council is \$3,708.50.

Both the pool blanket and skate park project will incur ongoing maintenance costs. There are also cost savings associated with the installation of a pool blanket, these being a cleaner pool therefore less chlorine use and reduced evaporation.

The Kendenup Tennis Club will be responsible for maintaining the clubhouse and associated facilities.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council has recently completed a Sport and Recreation Needs Analysis which involved considerable community consultation. The Needs Analysis produced a series of recommendations for upgrades, new developments and rationalisation of sport and recreation facilities throughout the Shire.

The completion of a Strategic Plan, based on the research undertaken in the Needs Analysis, will provide the Shire with a clear blueprint for sport and recreation facilities and delivery. The process of preparing the Strategic Plan has been recommended for the Council's consideration in another item within this Council Agenda.

In the absence of an endorsed Strategic Plan, it is recommended that these CSRFF applications be considered based on their merit. All three projects have been identified in the Needs Analysis with the following recommendations:

- 5.5.2 That the feasibility of installing a pool blanket at the Mount Barker Memorial Swimming Pool be investigated.*
- 5.5.3 That, if feasible, a pool blanket be installed at the Mount Barker Memorial Swimming Pool.*

5.8.1. *That the Kendenup Community Skate Park Committee be requested to consider the proposed site for the Kendenup Outdoor Recreation Precinct to a site between Hassell Avenue and the railway line, adjacent to the Kendenup Community Church.*

5.8.4 *That the development of a Skate Park and appropriate perimeter fencing be defined as stage one of the Kendenup Outdoor Recreation Precinct.*

Kendenup Tennis Club. It is predicted that the shelter will be completed to a lock-up stage before the 2008 / 2009 playing season. Upon completion of this project, the Club indicated that the infrastructure meets their future needs.'

The Kendenup Community Sport and Recreation workshop, facilitated by the KSPSC held on 13 March 2008 and attended by Councillors and Shire staff identified a range of sport and recreation developments and upgrades for the Kendenup community. Community representatives who attended the workshop were asked to prioritise the listed sport and recreation developments and upgrades. The top three priorities for development (in order of priority) were public playgrounds, preparation of the Kendenup Recreational Plan and the skate park and recreational precinct.

Officer Comment

Installation of a Pool Blanket – Pool

The installation of a pool blanket will complement the passive solar heating system installed at the pool. A pool blanket will retain heat and increase the pool's temperature by up to 35%. Pool blankets also keep the pool clean by reducing the amount of debris that enters the water body when not in use, reducing the amount of chlorine usage. The blanket will also aid to reduce evaporation, again reducing chlorine usage and top-up water requirements.

An increase in pool temperature will make the pool environment more inviting for an increased number of swimmers and for an extended period of the day, rather than a majority of customers waiting for the afternoon when the water temperature has increased. Water related classes such as aqua aerobics and hydrotherapy exercises may be held earlier in the day, boosting pool revenue.

Pool Blanket quotations include the powered mechanism for winding the blanket out and drawing the blanket back.

Pool security must be addressed if a pool blanket is going to be installed. After speaking with other Local Government bodies that utilise pool blankets on outdoor pools they have recommended sensor lights and improvements to boundary fencing. In some instances, Shires have reported a decrease in the number of security breaches following the installation of a pool blanket as the difficulties associated with removing the blanket to swim in the pool outweighed the benefits.

Kendenup Skate Park

The Kendenup Skate Park project application was presented to the Department of Sport and Recreation in 2007 / 2008 (for funding in 2008 / 2009). The Council endorsed the project and listed it as priority two of two projects, acknowledging the extensive benefits of the development to the Kendenup community (please refer to the attached copy of the information provided to the Council previously regarding the benefits of a skate park).

The project was acknowledged as a community need but unfunded due to DSR's concerns about the proposed location of the skate park which was the eastern side of the railway line, adjacent to Hassell Street, Kendenup. The concerns were based on encouraging young people to cross the railway line to access the skate park and the lack of passive supervision over the area.

The KSPSC has considered several other sites around Kendenup over the past months. This includes the:

- Community Agricultural Ground and Kendenup Country Club – not supported due to the distance from the townsite for young children to travel unsupervised, the speed of the traffic passing by the area, lack of pathways to the site, lack of passive supervision and limited access to toilets near the Kendenup Tennis Club;
- Kendenup Golf Club (land adjacent to the Town Hall area) – not supported by the Golf Club due to the considerable amount of redesigning that would need to occur to the golf greens to accommodate an area for a skate park; and
- The western side of the railway line, adjacent to Hassell Street (opposite the Mount Barker Community Church) – preferred option due to the amount of space available, ease of access to the site from children throughout the town, slow pace of passing traffic, regular passive supervision and access to toilets at the Community Church.

Westnet Rail has been approached regarding the use of the land adjacent to the railway line corridor (a 20m zone either side of the railway line) and is supportive of the development. Westnet Rail is willing to lease a portion of land to the Shire provided the area does not impede on the railway corridor land.

Pending the size and layout of the skate park it may also require approval to close a portion of the Hassell Avenue road reserve. Please refer to the attached diagram and photographs of the proposed location.

Concept design plans were sourced from Convic Design Pty Ltd in 2007, a specialised skate park design company, based on feedback from the KSPSC and the design parameters of the Denmark skate park designed to suit a population of 4,000. A 38m long by 9m wide design incorporating features such as a quarter pipe, jump box, stairs, rail and a small seating area was costed at \$180,000.00. It is fair to assume this price would have escalated at least 12% since the initial quote was sourced.

When the Kendenup Skate Park project was last presented for CSRFF funding consideration, Officers raised concerns about the scale of the project with the knowledge that the Mount Barker community was requesting a similar facility.

A Steering Committee has recently formed in Mount Barker with the focus of liaising with the Council regarding a new skate park development for the Mount Barker townsite. This group has been very active in seeking community, youth and government agency support and is preparing this information in a format for the Council's consideration. Shire Officers have also received numerous letters from students at the Mount Barker Community College, providing suggestions for the development of a skate park.

Despite these concerns the application identifies the Council's contribution of \$66,000.00 (GST exclusive), or \$89,760.00 if the Council is going to fund the cost escalations since the initial design plan, which is a modest contribution for a skate

park development of this scale. If the proposed development is reviewed and scaled back after the CSRFF application has been submitted, it is highly likely that DSR funding would also be scaled back in line with the revised costs of the new development.

The Council may wish to consider capping funding towards the proposed Kendenup Skate Park which will give the KSPSC the option to fundraise or source the required funds through grants, or scale the design back to match the budget.

Kendenup Tennis Club

The Kendenup Tennis Club application seeks to complete a basic servery within their new clubhouse and to refurbish the toilet building (please refer to the attached sketch plan). Both developments mark the final stage in the clubhouse and tennis court redevelopment which the Council has contributed \$56,540.00 over the past three years as a partner in the staged development.

The Club has contributed considerable funding towards the court and clubhouse redevelopment, financing approximately \$85,000.00 of the total project cost.

Feedback provided during the Needs Analysis consultation identified this project as one of the final stages of the Club redevelopment which will see the infrastructure meet the Club's future needs. The Club has recently negotiated a lease with the Council for the Tennis Club site.

Given the above details, it is recommended that the projects be ranked in the following priority order:

- (1) Pool blanket for the Pool;
- (2) Servery and toilet block refurbishments at Kendenup Tennis Club; and
- (3) Kendenup skate park.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr B Hollingworth:

That:

- 1. The applications submitted to the 2009 / 2010 Community Sport and Recreation Facilities Fund be supported and prioritised as follows:**

Priority One

Applicant: Shire of Plantagenet

Project: Installation of a pool blanket at the Mount Barker Memorial Swimming Pool

Total Cost: \$34,980.00 (GST exclusive)

Priority Two

Applicant: Kendenup Tennis Club Incorporated

Project: Establish a basic servery and refurbish the toilet block at the Kendenup Tennis Club clubhouse

Total Cost: \$11,125.51 (GST exclusive)

Priority Three**Applicant: Shire of Plantagenet****Project: construction of the Kendenup Skate Park****Total Cost: \$221,760.00 (GST exclusive)**

2. The Council's contributions of \$24,486.00 for the installation of a pool blanket, \$3,708.50 for the establishment of a servery and toilet block refurbishments in the Kendenup Tennis Club clubhouse and \$89,760.00 for the construction of the Kendenup Skate Park be listed for consideration in the 2009 / 2010 annual budget.
3. The recommendation in Part (2) is conditional on the recognition of the identified needs in the Shire of Plantagenet Strategic Recreation Plan.

AMENDMENT**Moved Cr M Skinner, seconded Cr S Grylls:****That:**

1. The words 'Priority Three
Applicant: Shire of Plantagenet
Project: construction of the Kendenup Skate Park
Total Cost: \$221,760.00 (GST exclusive)'
be deleted from part 1 of the motion.
2. The words 'and \$89,760.00 for the construction of the Kendenup Skate Park' be deleted from part 2 of the motion.

LOST (3/4)**AMENDMENT****Moved Cr B Hollingworth, seconded Cr A Budrikis:****That a part 4 be added to the motion as follows:**

- '4. That the Kendenup Skate Park Steering Committee be advised that although the Skate Park proposal is going forward this is not a guarantee of funding as no budget allocation has been made.'

CARRIED (5/2)**NO. 219/08****COUNCIL DECISION****That:**

1. The applications submitted to the 2009 / 2010 Community Sport and Recreation Facilities Fund be supported and prioritised as follows:

Priority One**Applicant: Shire of Plantagenet****Project: Installation of a pool blanket at the Mount Barker Memorial Swimming Pool****Total Cost: \$34,980.00 (GST exclusive)****Priority Two****Applicant: Kendenup Tennis Club Incorporated**

Project: Establish a basic servery and refurbish the toilet block at the Kendenup Tennis Club clubhouse

Total Cost: \$11,125.51 (GST exclusive)

Priority Three

Applicant: Shire of Plantagenet

Project: construction of the Kendenup Skate Park

Total Cost: \$221,760.00 (GST exclusive)

2. The Council's contributions of \$24,486.00 for the installation of a pool blanket, \$3,708.50 for the establishment of a servery and toilet block refurbishments in the Kendenup Tennis Club clubhouse and \$89,760.00 for the construction of the Kendenup Skate Park be listed for consideration in the 2009 / 2010 annual budget.
3. The recommendation in Part (2) is conditional on the recognition of the identified needs in the Shire of Plantagenet Strategic Recreation Plan.
4. That the Kendenup Skate Park Steering Committee be advised that although the Skate Park proposal is going forward this is not a guarantee of funding as no budget allocation has been made.

CARRIED (4/3)

NO. 220/08

11.3.4 MEDICAL CENTRE – CONTRACT FOR CONSTRUCTION

File No: CP/165/6
Attachments: Australian Building Industry Contract
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to authorise the Shire President and the Chief Executive Officer to affix the common seal of the Shire of Plantagenet onto the Australian Building Industry Contract ABIC SW-1 2002 Simple Works Contract, to commence the construction of the Plantagenet Medical Centre at Lot 530, Reserve 49690 Marmion Street, Mount Barker.

Background

The Council, at its Ordinary Meeting held on 23 September 2008, resolved:

‘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) and including revisions detailed on the Revised Construction Cost provided by Mt Barker Building Service (dated 17 September 2008) with the exception of changes to the air conditioning system, be accepted.*
- (2) \$80,000 be made available from the Shire Development Reserve Fund for the Plantagenet Medical Centre contingency budget.*
- (3) Pursuant to s6.20(3) of the Local Government Act 1995, unspent loan funds raised through Loan Number 89 (Remedial Works – Saleyards) amounting to \$143,000 be redirected to the Plantagenet Medical Centre project.’*

Following that decision the project architect, Q3 Architecture, has been finalising the tender specifications, construction plans and contract. All documentation is now complete and requires signing by three parties, Q3 Architecture, Mt Barker Building Service and the Shire of Plantagenet, and affixing of the Shire’s common seal.

A copy of the Australian Building Industry contract is attached. Copies of the revised Tender Specifications and Construction Plans are available at the Councillors Meeting Room, Shire of Plantagenet Administration Office, Lowood Road, for review.

Statutory Environment

Use of the Council’s Seal is evidenced with a resolution and recorded in the Seal Register.

Consultation

Consultation has taken place with Mr Jeff Jennings – Mt Barker Building Service, Mr Richard Currie – Q3 Architecture, Mr Rob Stewart – Chief Executive Officer and Mr Alan Watkins – Principal Building Surveyor.

Financial Implications

Signing the Building Industry Contract will commit the Council to the Plantagenet Medical Centre project. The project expenditure is \$1,542,839.00 (excluding GST) including the project contingency budget of \$80,000.00.

The Council decision from the Ordinary Meeting held on 23 September 2008 was to allocate the funds from:

- Account 50722.0252 – Plantagenet Medical Centre (2008 / 2009 Annual Budget allocation);
- \$80,000.00 from the Shire Development Reserve Fund for the Plantagenet Medical Centre contingency budget; and
- unspent loan funds raised through Loan Number 89 (Remedial Works – Saleyards) amounting to \$143,000.00

The renegotiated contract price with Mt Barker Building Service is \$1,202,072.73 (excluding GST)

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan details the following vision:

'We see families and economic development as the mainstay for creating a community that will provide everything that is needed: economic security, safety and social networks within an environment that is clean and safe.'

A district where people will come to raise families because of educational opportunities, health facilities, economic infrastructure and a variety of housing opportunities.'

The Medical Centre proposal addresses the provision of health facilities, which will in turn support a growing population and assist economic development.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That the Shire President and the Chief Executive Officer be authorised to affix the common seal of the Shire of Plantagenet to the Australian Building Industry Contract (ABIC SW-1 2002 Simple Works Contract), as attached and including:

- **Tender specifications 0620-080930**
- **CD01 – Site Plan Rev 2**

- CD02 – Floor Plan Rev 2
- CD03 – Elevations Rev 2
- CD04 – Sections Rev 1
- CD05 – Sections Rev 2
- CD06 – Details Rev 1
- CD07 – Details Rev 1
- CD08 – Floor Finishes Plan Rev 2
- CD09 – Electrical and Reflected Ceiling Plans Rev 3
- CD10 – Roof and Stormwater Plan Rev 2
- CD11 – Room Layouts Rev 2
- CD12 – Room Layouts Rev 2
- CD13 – Door and Window Schedule Rev 2
- S01 – Structural Details Rev 0
- H01 – Legend Notes and Details Rev 2
- H02 – Hydraulic Services Rev 2
- H03 – Sewer Layout Rev 2
- H04 – Water Layout Rev 2
- H05 – Building Stormwater Rev 2

with Q3 Architecture and Mt Barker Building Service, for the construction of the Plantagenet Medical Centre at Lot 530, Reserve 49690 Marmion Street, Mount Barker, for the total contract price of \$1,202,072.73 (excluding GST).

CARRIED (7/0)

NO. 221/08

11.3.5 MOUNT BARKER TURF CLUB - REQUEST TO INSTALL A CHILLER ROOM AND PRESENTATION AREA AT FROST PARK, MOUNT BARKER

An Interest pursuant to s5.70 of the Local Government Act (1995) has been declared by the Author of this report.

Nature of Interest: Board Member of the Mount Barker Turf Club Inc.

File No: CP/99/14

Attachments: [Photographs of Chiller Room](#)
[Site Map - Chiller Room](#)
[Presentation Area Design](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Nicole Selesnew
Manager Community Services

Proposed Meeting Date: 14 November 2008

Purpose

The purpose of this report is to seek Council approval for the installation of a chiller room and a presentation area at Frost Park, Mount Barker.

Background

The Mount Barker Turf Club Inc (MBTC) has requested approval to install a chiller room at the rear of Frost Pavilion to store alcohol. The purchase of the chiller room will be made in conjunction with the Mount Barker Football Club (MBFC) and both clubs propose to use the facility to store and chill alcohol during their sporting seasons, which will then be transferred to the bar for sale.

The MBTC is also seeking approval to construct a presentation area in front of the Michelle Parsons Memorial Rose Garden, to be made from locally mined Woogenellup stone.

Statutory Environment

There are no statutory implications for this report. However, as the structure's proposed to be placed on Council property, it is preferable to issue a licence to acknowledge that the structure is on Council property but that it is not owned by the Council.

Consultation

Consultation has taken place with representatives from the MBTC, Mount Barker Electrical and Mr Alan Watkins, Principal Building Surveyor.

Financial Implications

The chiller room purchase and installation (including electrical work) will be funded by the MBTC and MBFC. The presentation area will be funded by the MBTC.

The chiller room will be operational during both the MBTC and MBFC sporting seasons and therefore their existing annual rental contributions of \$2,100.00 and

\$1,800.00 respectively would cover the cost of electricity. Both clubs will be responsible for maintaining the chiller room, including repairs arising from vandalism and / or security breaches.

Policy Implications

There are no policy implications for this report.

Strategic Implications

Key Result Area 3 of the Council's Strategic Plan aims to 'deliver, or facilitate the delivery of, arrange of services which respond to, and reflect, the physical, social and cultural well being of the community.'

Officer Comment

Chiller Room

The MBTC and MBFC have a licence to sell alcohol during their sporting seasons. Both Clubs have to remove alcohol from the bar after each meeting due to the lack of security on site. The existing bar fridges are not able to cool drinks within a short period of time, therefore clubs need to pre-chill alcohol prior to restocking the bar fridges prior to each event.

The popularity of events such as the Grapes and Gallops racing day which is planned to become a profile event in the region has resulted in more demand for refrigeration than is currently provided at Frost Park.

The joint purchase of a chiller room will alleviate these issues for both clubs. The proposed chiller from Royal Wolf manufacturing company is 6m x 2.44m in dimension, requires single phase power up to 15amps and features lighting, shelving, a ramp, easy access doors, stainless steel interior and high security locking. Photographs of the proposed chiller room are attached.

The preferred location for the chiller room is on the northern end of the Frost Pavilion car park, adjacent to the public toilets (refer to the site map provided in Attachment Two). This area is accessible to the main powerboard from which there is sufficient power to operate the chiller room. The site is also within close proximity to the Frost Pavilion and Taylor Denis Pavilion bars, enabling the easy transfer of alcohol from the chiller to the bar fridges and joint use of the chiller room by other clubs that provide services during the Turf Club and Football Club meetings, such as the Catholic Church who operate the canteen and the Mt Barker Wine Producers Association.

The preferred site will not impact on the number of car parking spaces, although adjacent parking may need to be rotated 90°.

There is concern about the potential for break-ins if the chiller room is clearly visible to the public. The potential security issues have been discussed with the MBTC and the Club is confident that the high security locking system, similar to the same system used by the Mount Barker Hotel in their alcohol storeroom located at the rear of the Hotel, will withstand acts of vandalism.

If the chiller room was relocated to a non-visible area such as the Exhibition shed, potential thieves would have the same temptation but within an enclosed environment where more intense break-in techniques may be employed. Further, Mt Barker Electrics has advised that while there is sufficient power within the Exhibition

shed to run a chiller room during normal sporting days, when high profile days such as the Grapes and Gallops are held and there is a strong draw on the Exhibition shed power, the power supply would fail.

Presentation Area

The MBTC's proposal to establish a presentation area will provide a focal point for the Michelle Parsons Memorial Rose Garden. The presentation platform will provide all sporting groups with an area clearly visible from the sloping lawn area by the Pavilion for presentations. The use of Woogenellup stone will also compliment the natural surrounds. A proposed design of the presentation area is provided in Attachment Three.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That a licence be granted to the Mount Barker Turf Club Inc. to construct and install:

1. A chiller room up to 6m long x 2.44m wide at the rear of Frost Pavilion, Mount Barker as per the site diagram provided in Attachment Two subject to the Club:
 - a) funding the purchase and installation cost of the chiller room;
 - b) being responsible for maintaining the chiller room including repairs from vandalism;
 - c) being granted a Building Licence for the structure; and
 - d) removing or relocating the structure if requested by the Council.
2. A presentation area in front of the Michelle Parsons Memorial Rose Garden from locally mined Woogenellup stone, as per the diagram provided in Attachment Three, be supported subject to the Club:
 - a) funding the construction costs; and
 - b) the construction meets the approval of the Council's Building Surveyor.

Breaking Down of Complex Question

Pursuant to Standing Order 9.4 the Presiding Member directed that Parts 1 and 2 of the Officer's Recommendation be moved separately as discrete motions with Part 2 of the recommendation be dealt with first.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That a presentation area in front of the Michelle Parsons Memorial Rose Garden from locally mined Woogenellup stone, as per the diagram provided in Attachment Three, be supported subject to the Club:

- a) **funding the construction costs; and**
- b) **the construction meets the approval of the Council's Building Surveyor.**

CARRIED (7/0)

NO. 222/08

COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr J Mark:

That a licence be granted to the Mount Barker Turf Club Inc. to construct and install A chiller room up to 6m long x 2.44m wide at the rear of Frost Pavilion, Mount Barker as per the site diagram provided in Attachment Two subject to the Club:

- a) funding the purchase and installation cost of the chiller room;
- b) being responsible for maintaining the chiller room including repairs from vandalism;
- c) being granted a Building Licence for the structure; and
- d) removing or relocating the structure if requested by the Council.

AMENDMENT

Moved Cr B Hollingworth, seconded Cr S Grylls:

That further parts e) and f) be added as follows:

- 'e) covering the cost of operation of the chiller room; and
- f) modifying the exterior of the chiller room to fit in with the surrounding environment.'

CARRIED (6/1)

NO. 223/08

COUNCIL DECISION

That a licence be granted to the Mount Barker Turf Club Inc. to construct and install A chiller room up to 6m long x 2.44m wide at the rear of Frost Pavilion, Mount Barker as per the site diagram provided in Attachment Two subject to the Club:

- a) funding the purchase and installation cost of the chiller room;
- b) being responsible for maintaining the chiller room including repairs from vandalism;
- c) being granted a Building Licence for the structure;
- d) removing or relocating the structure if requested by the Council;
- e) covering the cost of operation of the chiller room; and
- f) modifying the exterior of the chiller room to fit in with the surrounding environment.

CARRIED (6/1)

NO. 224/08

11.4 CORPORATE SERVICES REPORTS

11.4.1 ELECTORAL WARD AND REPRESENTATION REVIEW

File No:	GO/25/2
Attachments:	<u>Review of Wards and Representation Report</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Stevens Senior Administration Human Resource Officer
Proposed Meeting Date:	14 October 2008

Purpose

The purpose of this report is to review the Shire's electoral ward boundaries and councillor representation.

Background

The Local Government Advisory Board instructed the Council to undertake a review of its existing electoral wards and councillor representation to address the existing imbalances in councillor to elector representation.

There are a number of imbalances in representation with East, Rocky Gully/West and South Wards being over represented and the Kendenup and Mount Barker Town Wards being under represented.

At its ordinary meeting held 24 June 2008 the Council resolved:

'That:

- 1. Pursuant to schedule 2.2 of the Local Government Act 1995, a review of electoral wards and representation be undertaken.*
- 2. A further report be presented to the Council on conclusion of the statutory public submission period.'*

The public submission period closed on 18 September 2008, with no submissions being received.

A number of different options have been explored in an effort to find a suitable alternative for the Shire. These have included:

- Modification of Existing Wards (altering the existing ward boundaries to attempt to achieve a close to zero deviation);
 - Two Wards - East and West (using Albany Hwy as a dividing boundary);
 - Utilising previous ward boundaries prior to the 2005 ward boundary change;
 - Three Wards – Town, West & East (having a large Mount Barker Town Ward and separating the remainder of the Shire using Albany Hwy as the dividing boundary); and
 - Six Wards – North, Kendenup, South, West, East and Mount Barker Town (each ward being represented by one Councillor at a near zero deviation with Mount Barker Town being a larger ward with a higher Councillor representation).
-

Alternatives were also explored which altered the number of Councillors.

With all of the above options it was not possible to achieve a balanced representation between councillors and electors, with the deviations being quite significant.

Statutory Environment

Schedule 2.2 of the Local Government Act 1995 governs the changing of ward boundaries and representation.

Consultation

A discussion paper and survey was made available to the community for public comment for a six week period. No submissions were received.

Financial Implications

There are advertising costs associated with the review.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

As prescribed by schedule 2.2 of the Local Government Act the following factors have been taken into consideration in the review process:

- Community of Interest;
- Physical and Topographical Features;
- Demographic Trends;
- Economic Factors; and
- Ratio of Councillors to Electors.

Of the large number of options that were explored only two options were able to satisfactorily address the above factors:

Option One (1) – No Wards

Option one would mean eradicating the existing electoral boundaries so that there are no ward boundaries within the Shire.

Option Two (2) – Three Wards (East, West and South)

Option two involves:

- Combining the current Kendenup Town Ward and East Ward;
- Combining the current Mount Barker Town and Rocky Gully/West Ward; and
- Removing approximately 20 electors from the Rocky Gully/West Ward and adding them to the South Ward.

These wards could be known as East, West and South respectively. There would be no change to the number of councillors for either option. Also, neither of these options requires a complete spill of elected members.

It will be recommended that of the options considered by the Council in the attached Review of Wards and Representation Report, that Option One (1) be chosen as the

preferred option. As detailed in that report, it is considered that option one best meets the key factors that are required to be considered under Schedule 2.2 of the Local Government Act.

There has been a recent increase in the number of local governments opting for a no ward system, with a total of 60 local governments in total having no wards. Local Governments that currently have no wards include:

Boddington, Bruce Rock, Bunbury, Busselton, Capel, Carnamah, Chittering, Christmas Island, Cocos Island, Collie, Coolgardie, Coorow, Corrigin, Cunderdin, Dardanup, Derby-West Kimberley, Donnybrook Balingup, Dundas, Exmouth, Gnowangerup, Harvey, Jerramungup, Kalgoorlie-Boulder, Katanning, Kellerberrin, Kojonup, Kondinin, Kwinana, Meekatharra, Merredin, Moora, Morawa, Mount Magnet, Mount Marshall, Narrogin Shire, Narrogin Town, Ngaanyatjarraku, Peppermint Grove, Perth, Pingelly, Port Hedland, Quairading, Sandstone, Tammin, Three Springs, Trayning, Upper Gascoyne, Wagin, Waroona, West Arthur, Wickepin, Williams, Wiluna, Wongan Ballidu, Woodanilling, Wyalkatchem, Wyndham-East Kimberley, Yalgoo, Yilgarn and York.

There is no similarity among these local governments with the number of electors varying from 71 to 20,868, the number of councillors varying from 6 to 12 and the size of local governments varying from 14 sq km to 159,948 sq km. The Shire of Plantagenet currently has 3,111 electors, 9 councillors and an area of 4,792 sq km.

One of the disadvantages with this proposal is that there is a greater likelihood of there being fewer councillors elected from the outer regions of the Shire due to the relative populations. It may also be argued that the abolition of wards could make it more difficult to stand for and to undertake the role of a councillor due to the larger number of constituents. This, however should largely be balanced by the increase in councillors available to those constituents. It should also be remembered that the Local Government Act specifies that one of the roles of a councillor is to represent the interests of electors, ratepayers and residents of the (whole of the) district.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

That in accordance with Schedule 2.2(9) of the Local Government Act 1995, it be recommended to the Local Government Advisory Board that an order be made to abolish ward boundaries within the Shire of Plantagenet.

COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That in accordance with Schedule 2.2(9) of the Local Government Act 1995, it be recommended to the Local Government Advisory Board that:

- 1. An order be made to abolish ward boundaries within the Shire of Plantagenet.**

2. Those Councillors whose terms are set to expire in 2011 continue in office and represent the district as a whole from the time of the 2009 local government ordinary elections.

CARRIED (6/1)

NO. 225/08

(ABSOLUTE MAJORITY)

Reason for change:

Councillors believed it was not necessary to have a complete spill of Councillors. Therefore extra direction was needed to ensure continuing Councillors represented the whole district.

11.5 EXECUTIVE SERVICES REPORTS

11.5.1 AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT – ATTENDANCE BY SHIRE PRESIDENT

File No:	Hold
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	14 October 2008

Purpose

The purpose of this report is twofold. Firstly, it will seek authority from the Council for the Shire President to attend the inaugural meeting of the Australian Council of Local Government (ACLG) to be hosted by the Prime Minister at Parliament House Canberra on 18 November 2008 with a welcoming function on the prior evening.

Secondly it will propose a cost sharing arrangement with the Shires of Broomehill-Tambellup, Cranbrook and Kojonup for attendance of one elected representative at the Local Government Constitutional Summit to be held in Melbourne from 8 to 11 December 2008.

Background

The inaugural meeting of the ACLG fulfils an election promise by the Federal Government and '*...will give communities a real voice in addressing issues of vital national and local interest, including priorities for national and local infrastructure... and examining a process for recognition of local government in the commonwealth constitution.*'

Financial Implications

Accommodation will be approximately \$500.00 with air fares approximately \$900.00 for Cr Forbes AM. The Council contribution for the December meeting is likely to be \$600.00 (accommodation \$750.00, airfare \$900.00 and registration \$770.00, divided by four).

Policy Implications

Council Policy CE/CS/1 - Elected Member Expenses to be reimbursed applies.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

There is little doubt that it is vitally important for Local Government to be represented at meetings such as that proposed by the Prime Minister as it goes directly to the core of local government relationship with the Federal Government and the ongoing funding of Local Government by the Federal Government.

Attendance by Councillor Forbes AM is recommended.

Councillors will also be aware of a further meeting relating to Constitutional Recognition of Local Government which was organised by the Australian Local Government Association (ALGA). The Summit is to be held in Melbourne from 8 to 11 December 2008. In a spirit of cooperation with our potential Voluntary Regional Organisation of Councils (VROC) colleagues a letter has been sent to the Shires of Broomehill -Tambellup, Cranbrook and Kojonup suggesting that our four (4) Councils send one representative to the Melbourne meeting with costs being shared equally. It has been suggested that whichever elected representative goes to that Meeting (to be chosen from Broomehill – Tambellup, Cranbrook or Kojonup) that that representative should make an address to each of the other Councils.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

THAT:

- (1) Shire President Councillor Kevin Forbes AM be authorised to attend the Australian Council of Local Government Meeting to be held in Canberra on 17 to 18 November 2008 and that accommodation and airfare costs be charged to Account 20026.0084.**
- (2) The Shires of Broomehill-Tambellup, Cranbrook and Kojonup be advised that if one elected representative on behalf of those Councils and Plantagenet attend the Local Government Constitutional Summit to be held 8 to 11 December 2008 in Melbourne, Plantagenet would contribute 25% of registration, accommodation and travel expenses provided each of the other Shires agreed to the proposal.**

CARRIED (7/0)

NO. 226/08

11.5.2 DISPOSAL OF ASSETS - PRIVATE TREATY

File No: Hold
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to seek the Council's endorsement regarding the disposition of property pursuant to Section 3.58 of the Local Government Act (1995) where that property does not exceed twenty thousand dollars (\$20,000.00) in value, especially in regard to motor vehicles.

Background

In the recent past, the Council's administration has experimented with the disposition of Council vehicles when they are being replaced. Generally vehicles are traded on a new vehicle but, given the low prices being offered, vehicles have been offered by public tender or through the auction process.

These actions have not resulted in any extra return to the Council and have simply increased some administrative workload.

It will now be suggested that where the market value of a vehicle is less than \$20,000.00 then the vehicle could be disposed of by private treaty.

Delegation LG014 relating to the Property – Acquisitions and Disposals, was reviewed by the Council at the Ordinary Meeting held 13 May 2008.

Statutory Environment

Section 3.58 of the Local Government Act (1995) sets out the process that a Council must follow when disposing of property.

Regulation 30 of the Local Government (Functions and General) Regulations 1996 sets out the conditions when Section 3.58 of the Act does not apply. In this regard, the Regulations specifically exempt dispositions where the market value is less than \$20,000.00.

Councillors may recall that much of the office equipment surplus to requirements during the move into the new Administration Centre was disposed of by private treaty.

Consultation

This matter has been discussed with an officer of the Department of Local Government and Regional Development.

Financial Implications

It will be recommended that where the market value of an asset is less than \$20,000.00, that the asset be offered by private treaty. In the case of a motor vehicle

a reserve price of \$1.00 more than has been received as the trade value would be set. This would be undertaken through sealed offers. In this way the Council will maximise revenue. For example, the vehicle allocated to the Shire President was recently traded and the trade-in value was \$16,000.00. This vehicle (in excellent condition) could have been sold by private treaty with a reserve of \$16,001.00 and may have attracted bids of \$17,000.00 or \$18,000.00.

Policy Implications

This report will be suggesting amendments to Delegation LG014 Property – Acquisitions and Disposals. Strictly speaking though it could be argued that a policy or delegation is not necessary as the Act and Regulations already authorise the disposition of property under \$20,000.00 without the need to apply Section 3.58 of the Act. Delegation LG014 authorises the Chief Executive Officer to acquire or dispose of any goods and services other than land valued at an amount not exceeding \$99,999.00 (provided that statutory processes are abided by of course).

The Department of Local Government and Regional Development considers the issue as 'prudent' to place before the Council.

Asset Management Implications

Timely disposal of assets.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Other Councils already operate such a system. For example vehicles are offered to staff and Councillors stating the reserve price and stating that sealed offers will be received. As Council vehicles are well maintained and driven responsibly they should be seen as an attractive option.

Delegation LG014 reads:

'That the Chief Executive Officer be delegated authority to acquire or dispose of any goods and services (other than land) valued at an amount not exceeding \$99,999, whether or not a tender process is undertaken, providing that appropriate provision is made in the Council's Budget.'

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

That Delegation LG014 be amended to read:

'That the Chief Executive Officer be delegated authority to acquire or dispose of any goods and services (other than land) valued at an amount not exceeding \$99,999.00 whether or not a tender process is undertaken, providing that appropriate provision is made in the Council's budget in accordance with the following guidelines.'

Plant and Machinery:

Plant and machinery with a value of greater than \$20,000.00 can only be sold in compliance with Section 3.58 of the Local Government Act, 1995.

Plant and machinery with a value of less than \$20,000.00 is to be disposed of in accordance with Regulation 30 of the Local Government (Functions and General) Regulations.

Furniture and Equipment:

Furniture and Equipment with a value of greater than \$20,000.00 can only be sold in compliance with Section 3.58 of the Local Government Act, 1995.

Furniture and Equipment with a value of less than \$20,000.00 is to be disposed of in accordance with Regulation 30 of the Local Government (Functions and General) Regulations.

If it is considered appropriate, furniture and equipment which is available for sale may be donated to suitable community groups or schools.

Unsaleable Items:

When an item remains unsold after an auction or fails to attract a bid by tender, the Chief Executive Officer may authorise its destruction and disposal. A certificate shall be signed by the persons undertaking the destruction and disposal, such certificate being retained in the Council's central records.

Disposition of Property in Accordance with Regulation 30

Land – below value of \$5,000.00

Plant and Machinery – below value of \$20,000.00

Furniture and Equipment – below value of \$20,000.00

Assets, which fall into the above category, shall be disposed of by private treaty.'

CARRIED (7/0)

NO. 227/08

11.5.3 RECREATION ADVISORY COMMITTEE

File No: RC/125/3
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 14 October 2008

Purpose

The purpose of this report is to recommend the appointment of a committee to advise the Council with relation to the development of a Recreation Strategic Plan for the Shire of Plantagenet.

Background

The Council commissioned a Sport and Recreation Needs Assessment Study which was undertaken by Ms Tricia Martin and completed in July 2008. This report should now be developed into a Strategic Plan.

Statutory Environment

Pursuant to Section 5.8 of the Local Government Act a Local Government may establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.9(2)(a) relates to committees comprised of Council members only.

Consultation

This matter has been discussed with Crs Budrikis, Clements and Hollingworth, who have endorsed the formation of a committee.

Financial Implications

There are no financial implications for this report although one would expect the committee to develop costings and the like for any new initiatives.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area 3 – Community Services aims to:

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

Officer Comment

Should the recommendation be adopted, it would be opportune for the Council to seek nominations from Councillors for the Committee and make the appointment (by absolute majority) immediately.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

That:

1. A committee to be known as the Recreation Advisory Committee be created pursuant to Section 5.9 (2)(a) of the Local Government Act 1995.
2. The membership of the committee be set at three consisting of three members of the Council.
3. The duties of the committee shall be:
 - i) prepare a draft Shire of Plantagenet Recreation Strategic Plan for the consideration of the Council;
 - ii) utilise the July 2008 Plantagenet Sport and Recreation Needs Assessment and any other report considered pertinent by the Committee; and
 - iii) liaise as necessary with community groups Recreation Centre Advisory Group, the Department of Sport and Recreation and other bodies.

COUNCIL DECISION

Moved Cr J Mark, Cr B Hollingworth:

That:

1. **A committee to be known as the Recreation Advisory Committee be created pursuant to Section 5.9 (2)(a) of the Local Government Act 1995.**
2. **The membership of the committee be set at four consisting of four members of the Council.**
3. **The duties of the committee shall be:**
 - i) prepare a draft Shire of Plantagenet Recreation Strategic Plan for the consideration of the Council;**
 - ii) utilise the July 2008 Plantagenet Sport and Recreation Needs Assessment and any other report considered pertinent by the Committee; and**
 - iii) liaise as necessary with community groups Recreation Centre Advisory Group, the Department of Sport and Recreation and other bodies.**

CARRIED (7/0)

NO. 228/08

(ABSOLUTE MAJORITY)

Reason for Change:

It was believed that four Councillors should constitute the committee.

FURTHER MOTION

Moved Cr K Clements, seconded Cr J Mark:

That Crs Budrikis, Hollingworth, Nye-Chart and Clements be appointed to the committee.

**CARRIED (7/0)
NO. 229/08
(ABSOLUTE MAJORITY)**

**11.5.4 VOLUNTARY REGIONAL ORGANISATION OF COUNCILS -
BROOMEHILL-TAMBELLUP, CRANBROOK, KOJONUP AND
PLANTAGENET**

File No:	GR/97/41
Attachments (2):	<u>Partnering Agreement</u> <u>Working Better Together Guide</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	14 October 2008

Purpose

The purpose of this report is to seek the Council's endorsement for the formation of a Voluntary Regional Organisation of Councils (VROC) with the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet as members.

Background

Councillors will recall informal discussions after the close of the Council Meeting which was held on 12 August 2008.

During those discussions Councillors commented on structural reform of Local Government especially in the form of regional cooperation.

Further discussion indicated that Councils to Plantagenet's immediate north (Broomehill-Tambellup, Cranbrook and Kojonup) possibly had more relevance to Plantagenet than did Albany or Denmark to the south. Councillors noted that Albany was obviously very much bigger than Plantagenet and that Denmark, as a coastal Council, was possibly developing different communities of interest.

As a result of those discussions the Chief Executive Officer undertook to meet with the Chief Executive Officers of Broomehill-Tambellup, Cranbrook and Kojonup to float the idea of a VROC. That meeting took place on Thursday 14 August 2008 at the Kojonup Shire Offices. At that meeting each of the Chief Executive Officers indicated a positive response and a willingness to take the matter to the next level.

Given the positive reaction of the Chief Executive Officers, Shire President Councillor Kevin Forbes AM indicated that he would contact the Shire Presidents of each of those Councils to arrange a further meeting with the Shire Presidents and Chief Executive Officers. That meeting was held on 10 September 2008 at the Cranbrook Shire Offices. Again the response was positive and a draft Partnering Agreement was settled for presentation to each of the Councils.

The Shire of Woodanilling was also invited and has asked to be kept informed of progress.

Statutory Environment

Section 3.61 of the Local Government Act (1995) relates to the establishment of a Regional Local Government. A Regional Local Government established pursuant to the Act is constituted as a Body Corporate with perpetual succession and a common

seal. Opponents to the creation of a Regional Local Government indicate that this creates a further level of government with the attendant overheads.

A VROC on the other hand is not constituted as a Body Corporate and only exists while the members of such an alliance continue to cooperate for joint initiatives. A draft Partnering Agreement is attached to this report setting out the terms of such a possible alliance.

Consultation

This matter has been discussed with the Shire Presidents and Chief Executive Officers of the Shires of Broomehill -Tambellup, Cranbrook, Kojonup and Plantagenet. The Shire of Woodanilling has been involved in those discussions. The matter has further been discussed with the Chief Executive Officer of the Shire of Denmark.

Financial Implications

The setting up of a VROC has no cost to the Council.

However, projects that are endorsed by the VROC do need to be funded.

Councillors will be aware that the Shire of Plantagenet has been a member for many years of the Rainbow Coast Regional Council which is, in reality, a VROC, as it was never formally constituted as a Regional Council. As no project has ever been funded by the member Councils of the Rainbow Coast Regional Council it is understood that no project was ever in fact completed.

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 an aim of the plan is:

'the fostering of regional cooperation and the development of strategic partnerships.'

Further, the Council is very aware of the move for Structural Reform in Local Government. The Systemic Sustainability Study (SSS) recently published by the Western Australian Local Government Association was endorsed at a Special Meeting of the State Council on 15 September 2008. The major finding of the SSS centred on the regional local government model recommending either the formation of Regional Councils or the formation of VROCs.

Officer Comment

The development of a VROC is supported. The level of cooperation between the proposed member Councils is very high and the working relationships between each of the Chief Executive Officers is also of a high standard. The attached report prepared by Mr John Gilfellon lists many possible joint initiatives including:

- Joint Tendering and Purchasing;
- Bitumen Works;
- Information Communications Technology;
- Town Planning Services;
- Engineering Services;

- Standardised Procedures and Terminology;
- Records Management;
- Payroll/Costing; and
- Refuse Site Management.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr M Skinner:

That:

- 1. The Partnering Agreement between the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet for shared projects within the areas of those Councils be adopted.**
- 2. The Shires of Broomehill-Tambellup, Cranbrook and Kojonup be encouraged to also adopt the Agreement.**

CARRIED (7/0)

NO. 230/08

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

14 CONFIDENTIAL

Nil

15 CLOSURE OF MEETING

4:50 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____