



ORDINARY MINUTES

DATE: Tuesday, 14 July 2009

TIME: 2.45 pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45 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 AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President -Town Ward
Cr A Budrikis	Kendenup Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward

Cr J Moir South Ward
Cr M Skinner East Ward

In Attendance:

Mr Rob Stewart Chief Executive Officer
Mr John Fathers Deputy Chief Executive Officer
Ms Nicole Selesnew Manager Community Services
Mr Peter Duncan Manager Development Services
Mr Ian Bartlett Manager Works and Services
Mrs Kaye Skinner Executive Secretary

There were six (6) member(s) of the public in attendance.
There were nil (0) member(s) of the media in attendance.

Previously Approved Leave of Absence:

Cr D Nye-Chart 3 July 2009 to 29 July 2009 inclusive.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Lot 141 Henton Peak Heights, Mount Barker - House with reduced street boundary setback reconsideration (Agenda Item 12.1.1)

Ms Delma Baesjou of Ayton Baesjou Planning, representing the proponent - Scott Park Homes and the land owners K Bradley and S Hall.

Thank you for the opportunity to submit a fresh application.

We ask that the dwelling be approved and seek your support for the officer recommendation set out on page 6 of the Council Agenda.

It is regrettable that there was an administrative error and a mix up with the plans. This was a genuine mistake and work was halted immediately when it was brought to the attention of Scott Park Homes.

This delay disadvantaged the land owner. The frame is weathering as there is no roof on the structure. We are very keen to resolve this matter expeditiously, without having to go through the State Administrative Tribunal.

This development complies with the Residential Design Codes and thereby the Shire's Town Planning Scheme in regard to clause 5.3.

The front setback has been assessed against the 'Streetscape requirements' which is clause 6.2 of the Residential Design Codes. The setback for both the garage and house meets the Acceptable Development provisions of the Codes.

Ms Baesjou then spoke generally in relation to the Codes and advised that Clause 2.5.4 of the Codes stipulates that the Council shall not refuse to grant approval where the application complies with the relevant Acceptable Development provision and any relevant provisions of the Scheme and policy.

As there is no Scheme or local policy provision which modifies that standard, the dwelling should be approved at the setbacks shown on the Plan.

Mario Balatti General Manager of Scott Homes apologised to the Council for the administration oversight.

Lot 831 and 3551 Mount Barker-Porongurup Road, Porongurup - proposed Plantation in Special Control Area (Agenda Item 12.1.6)

Penni Hewett – Forests Products Commission advised that she was here to answer any questions that Councillors may have in relation to the proposed Plantation.

Ms Hewett advised that she had looked at the list of submissions and believed that the Council's concerns were addressed. The plantation will be changed slightly to the visual amenity along the road. It is proposed to plant Sandalwood (Jam Wattle which is the host species) and some Eucalyptus Saligna (Sydney Blue Gum).

Cr Mark asked how far back from the road.

Miss Hewett said about 20 metres from the road and another 15 metres for the firebreak. The land was sloping away from the Mount Barker -Porongurup Road. As they are only planting dispersed pocket plantings this will not adversely affect the views to the Stirling Ranges.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr A Budrikis declared a Financial Interest in Item 12.1.2

Cr A Budrikis declared a Financial Interest in Item 12.1.3

Cr B Hollingworth declared a Financial Interest in Item 12.1.6

Cr B Hollingworth declared a Financial Interest in Item 12.4.4

Cr K Clements declared a Financial Interest in Item 12.4.4

Mr J Fathers declared a Closely Associated Person Interest in Item 12.4.4

Cr K Forbes AM declared a Financial Interest in Item 12.4.3

Cr M Skinner declared a Financial Interest in Item 12.4.3

Cr J Moir declared a Financial Interest in Item 12.4.3

Cr B Hollingworth declared a Proximity Interest in Item 12.4.3

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

8 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr B Hollingworth:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 June 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

No. 192/09

9 COMMITTEE MINUTES

Moved Cr J Mark, seconded Cr K Clements:

[Minutes – 6 May 2009 - Bush Fire Advisory Committee](#)

[Minutes – 23 June 2009 – Great Southern Regional Cattle Saleyards Advisory Committee](#)

[Minutes – 5 May 2009 – Local Emergency Management Committee](#)

[Minutes - 4 June 2009 - RoadWise Steering Committee](#)

be received.

CARRIED (8/0)

No. 193/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 24 June 2009 - Lyn and I attended the Great Southern Development Commission's Natural Resource Management (NRM) Dinner at Carlyles. The award was won by Susanne Denning of the Malleefowl Preservation Group.
- 25 June 2009 - Cr Clements, Mr Stewart and I attended Southern Link Voluntary Regional Organisation of Councils (VROC) here in Mount Barker.
- 26 June 2009 Mr Stewart, Alison, Lyn and I attended the Mount Barker Wine Producers' Winter Dinner at Frasers Restaurant in Perth. A very good evening with approximately 200 guests in attendance.
- 26 June 2009 Mr Stewart and I met with Minister Simon O'Brien to discuss many Plantagenet issues. A very comfortable meeting with possible support.

We also met with the State Manager of Bendigo Bank to discuss local community grants and issues related to MIS timber projects in our community.

- 28 June 2009 - I spent $\frac{3}{4}$ hour with Minister O'Brien and his Chief of Staff and showed him around our town and district, (traffic device, goods shed, round house and Muirs Highway). Very useful time.

Also attended Lions Club changeover lunch and Mike O'Neill as the new President.

29 June 2009 - Mr Stewart, Mr Duncan, Cr Clements and I had an 8.00 am meeting in Albany with Minister John Day (Planning).

Mr Stewart and I attended the Cabinet Lunch at Middleton Beach Bowling Club.

Mr Stewart, Crs Clements, Skinner and I attended the regional meeting with Minister Castrilli here in Mount Barker. We also had a Plantagenet meeting with the Minister and his Chief of Staff to discuss Local Government Structural Reform.

- 2 July 2009 - Cr Clements, Mr Stewart and I attended a VROC meeting in Cranbrook.
- 5 July 2009 - Attended the Rotary Club Changeover lunch at Gilberts Winery. Small but successful function. Ms Irene Sprigg is their new President.

At both Lions and Rotary I gave a short address on Council projects for 2009/2010 and Structural Reform of Local Government.

- Mr Duncan and I attended the Department for Planning and Infrastructure state meeting and Mr Duncan gave a very well prepared presentation on our Local Planning Strategy and took questions from the members. We were given a full hour.
- Generally I have also been attending meetings every Monday at GSDC to investigate issues arising with the decline of MIS timber companies. This is a challenging process.
- We are planning meetings at Forest Hill, Narrikup, Porongurup, Kendenup and Mount Barker to consult on the issue of Structural Reform and Amalgamation.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth

- Attended the Cabinet Lunch at Middleton Beach Bowling Club on 29 June 2009.
- Attended the Recreation Advisory Committee Meeting on 30 June 2009.

Cr A Budrikis

- Attended the Recreation Advisory Committee Meeting on 30 June 2009 with Kendenup well under way.

Cr J Moir

- Attended the Local Government Reform Workshop on 7 July 2009.

Cr J Mark

- Attended a RoadWise Committee Meeting held on 25 June 2009.
- Unable to attend Tourist Bureau Meetings as these are clashing with other meetings.
- Attended an Audit Committee Meeting on 14 July 2009.

Cr M Skinner

- Attended an Audit Committee Meeting on 14 July 2009.
- Attended 5 Year Financial Planning Workshop on 14 July 2009.

Cr K Clements

- Attended a DEMC Meeting on 2 July 2009 with Ms Selesnew and advised that all Minutes will be sent to the CEO.
- Reports will be forwarded very shortly in relation to Frost/Sounness Park and Kendenup.

Cr S Grylls

- Attended a Meeting at the Department of Agriculture and Food where the Hon Terry Redman addressed the meeting on the future of the Department.
- Attended the Structural Reform Workshop on 7 July 2009.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 LOT 141 HENTON PEAK HEIGHTS, MOUNT BARKER - HOUSE WITH REDUCED STREET BOUNDARY SETBACK - RECONSIDERATION

File No:	N11974
Attachments:	Locality Plan Supporting Letter from Ayton Baesjou Planning Site Plan Residential Design Codes - Street Setbacks
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 July 2009
Applicant:	Scott Park Homes/Ayton Baesjou Planning

PURPOSE

The purpose of this report is to consider a proposal for a house on Lot 141 Henton Peak Heights, Mount Barker, with a reduced street boundary setback.

BACKGROUND

Council records show the registered owners of lot 141 are Ms K Bradley and Mr S L Hall.

Scott Park Homes submitted an application for a building licence to construct a new house on Lot 141 Henton Peak Heights. The original application indicated the street boundary setback to be 4.5m where a setback of 6.0m is required by the Residential Design Codes (RCodes). The proposed house location was discussed with the applicant and an amended plan was received indicating a street boundary setback of 6.0m and this was subsequently approved.

The Principal Building Surveyor (Mr Alan Watkins) conducted a site inspection after receiving information from a local builder and ascertained that the concrete floor slab for the house was constructed with a 4.5m street boundary setback. Mr Watkins immediately informed the applicant and advised them to stop construction. At this stage the concrete slab and the internal pine frames had already been constructed. The applicant was further advised that the matter can only be resolved by the Council granting approval to a reduced street boundary setback. The applicant was requested to provide a letter explaining their request to reduce the street boundary setback. In addition the applicant was requested to consult with adjoining owners and provide their written support.

A letter of objection was received from the adjoining owners of lot 140 to the east. Those owners are concerned that a reduced street boundary setback would affect their privacy as the location of the media/lounge room of the proposed house would now look directly onto their ensuite bathroom. They are also concerned that the reduction in street setback would set a precedent for future inconsistent streetscape and devalue their property.

A letter of objection was also received from the adjoining owner of lot 142 to the west. This owner is concerned that a reduced street boundary setback will impede his view along Henton Peak Heights to the reserve located 100m to the east. He is also concerned about potential restriction of development options on his property and the devaluation thereof.

The reason provided by the proponent for the location of the house was that the builder provided the superseded site plan to the site works operator and the grano worker.

On 9 June 2009 the Council considered the application for the house with a reduced street boundary and did not accept the officer recommendation of support. In a letter of 10 June 2009 Scott Park Homes was requested to adjust the location of the existing works which had been carried out not in compliance with the approved plan.

Ayton Baesjou Planning has now submitted a letter providing additional information in support of the application and requests the matter to be presented to the Council (copy attached).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – Zoned Residential (R12.5/20).

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) Clause 5.3.3 as follows:

‘Unless otherwise provided for in the Scheme the development of land for any of the Residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those codes.’

Residential Design Codes (RCodes) April 2009.

Discretion exists for the Council to vary standards at clause 2.5.2 as follows:

‘Discretion shall be exercised having regard to the following considerations:

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*

- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.'*

RCodes Part 2 Code Approval Process 2.5.4 reads as follows:

'A council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council's planning scheme or local planning policy.'

RCodes Part 6 Design Element 6.2.1 A1.1 i reads as follows:

'corresponding to the average of the setback of existing dwellings on each side fronting the same street; or in accordance with figure 1a, reduced by up to 50% provided that the area of any building including the carport or garage, intruding into the setback area is compensated for by at least an equal area of continuous open space between the setback line and the line drawn parallel to it at twice the setback distance.'

The proposed street boundary setback of 4.5m to the garage of the house meets acceptable development provision 6.2.1 of the RCodes as above. A sketch of figure 1a is attached.

RCodes Part 6 Design Element 6.2.3 A3.5 reads as follows:

'Garages set back 4.5m from the primary street. In accordance with figure 1c this may be reduced where the garage adjoins a dwelling, provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch verandah or balcony) or set back 3m where vehicles are parked parallel to the street alignment.'

The proposed setback also meets this provision.

EXTERNAL CONSULTATION

The consultant has submitted a letter providing additional information in support of the application and requests the matter to be presented to the Council for further consideration. The Manager Development Services has also discussed the matter with the consultant.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Ayton Baesjou Planning in their letter state that there is no statutory requirement in the RCodes for the Council's practice of obtaining obtain neighbour consent for this development. RCodes Explanatory Guidelines Part 4 Neighbour Consultation reads as follows:

'Formal consultation should be confined to the circumstances where the council is called on to exercise discretion in relation to an aspect that directly affects an adjoining property. The opinions of affected adjoining property owners can inform, but cannot be a substitute for, the exercise of professional advice by council's officers.'

It is clear that the Council acted in a transparent and responsible manner in obtaining the views from the adjoining property owners and the RCodes do not preclude this approach.

Clause 5.3.3 of TPS3 allows residential development to be regulated by the RCodes and all residential development shall conform to the provisions of the RCodes.

The RCodes provide the basis for controlling the siting and design of development in Western Australia. The proposed setback of the garage and house falls within the extent of the streetscape requirements and performance criteria of the RCodes and meets the acceptable development provisions of the RCodes.

The proposed street boundary setback meets the acceptable development provisions of the RCodes and as such the proposed setback reduction is supported. As the proposal with the garage at 4.5m from the street boundary and the averaging provision of figure 1a of the RCodes being used, the Council is not in a position to refuse the setback of 4.5m to the garage and 5m to the house.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr J Moir:

That a reduced street boundary setback of 4.5m at Lot 141 Henton Peak Heights, Mount Barker be approved subject to development being in accordance with the plans dated 16 March 2009.

CARRIED (8/0)

No. 194/09

12.1.2 LOT 18 MENSTON STREET, MOUNT BARKER - 25 GROUPED DWELLING

A Financial Interest was disclosed by Cr A Budrikis.

3.10 pm Cr Budrikis withdrew from the meeting.

File No: N11973

Attachments: [Locality Plan](#)
[Site Plan](#)
[Strata Plan](#)
[Floor Plan and Elevations](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 14 July 2009

Applicant: Yaran Property Group

PURPOSE

The purpose of this report is to consider an application for 25 grouped dwellings at Lot 18 Menston Street, Mount Barker.

BACKGROUND

On 12 August 2008, following public advertising the Council conditionally approved an application for 19 grouped dwellings. At the same meeting the Council also supported a proposed 20 lot survey strata subdivision on Lot 18 Menston Street, Mount Barker subject to certain conditions.

On 24 March 2009, the Council received an application for the development of 31 single bedroom dwellings. A survey strata subdivision application was simultaneously lodged with the Western Australian Planning Commission (WAPC). On 31 March 2009, the Shire received email correspondence from the WAPC indicating that the preliminary assessment of the survey strata subdivision application did not comply with the Western Australian Planning Commission's Policies and Practices. The proponent subsequently amended the development application by reducing the number of single bedroom dwellings from 31 to 28. The Shire received the amended documentation on 8 April 2009. Single bedroom dwellings attract a density bonus of one-third under the Residential Design Codes.

On 28 April 2009 the Council considered the application for the 31 single bedroom dwellings and resolved that:

- (1) *The proposal to develop twenty-five (25) grouped dwellings consisting of fifteen (15) single bedroom dwellings and ten (10) two (2) or more bedroom grouped dwellings on Lot 18 Menston Street, Mount Barker be supported for advertising subject to:*

-
- a. *The development must be in accordance with the strategies and actions of the Shire of Plantagenet draft Local Planning Strategy (2008);*
 - b. *The proposal must satisfy the consideration for the utilisation of discretion under clause 2.5.2 of the RCodes in terms of:*
 - i. *the provisions of parts 1-7 of the codes, as appropriate;*
 - ii. *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
 - iii. *any local planning strategy incorporated into the scheme; and*
 - iv. *orderly and proper planning.*
 - c. *The proposal must meet setback, frontage and carport design standards of the RCodes.*
- (2) *A further report is to be placed before the Council after advertising and no later than 14 July 2009.'*

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Residential R10/20 – Grouped Dwelling is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2. The application has been advertised in accordance with Clause 6.2 and no submissions have been received.

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.'

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

'Discretion shall be exercised having regard to the following considerations:

- (a) *the stated purpose and aims of the scheme;*
- (b) *the provisions of parts 1-7 of the codes, as appropriate;*
- (c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- (d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- (e) *any local planning strategy incorporated into the scheme;*

- (f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) *orderly and proper planning.'*

The RCodes - Appendix 1 – Definition as follows:

'Single bedroom dwelling

A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom.'

Residential Design Codes (R Codes) April 2009 Part 6 Design Element 6.1.3 A3 i states:

'for the purpose of an aged or dependant persons' dwelling or a single bedroom dwelling, the minimum site area my be reduced by up to one third, in accordance with part 7.1.2 and 7.1.3.'

Residential Design Codes (RCodes) April 2009 Part 6 Design Element 71.3 A3 states:

'Single bedroom dwellings with a maximum plot ratio area of 60m².'

Residential Design Codes (RCodes) April 2009 Part 6 Design Element 6.1.3 A3 iv states:

'in the case of grouped dwellings in areas coded R20 as at 4 October 2002 the average site area will be 450m².'

WAPC - Development Control Policy 1.3 Strata Titles (DC1.3).

WAPC - Development Control Policy 2.2 Residential Subdivision (DC 2.2).

EXTERNAL CONSULTATION

The proposal was advertised for comment for a 21 day period closing on 18 June 2009. Letters were sent to adjoining and nearby land owners, notices were placed in the Albany Advertiser, the Council's noticeboard, and a sign placed on site. At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$6,374.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.'

OFFICER COMMENT

This proposed development has been submitted to comply with the Government's Housing Stimulus Package and National Rental Affordability Scheme incentive package.

The proposed development consists of 15 single bedroom dwellings and 10 two bedroom dwellings. The floor area of all single bedroom dwellings in the development is 60m² and the floor area of all two bedroom dwellings is 73.1m². All the proposed dwellings are single storey and complementary to the traditional Mount Barker homes in the area. Of the 25 dwellings, three face Menston Street and 22 face the internal accessway which is to be common property.

The location of the proposed internal accessway has not changed from that of the previous approved development and is designed to connect to a proposed road on neighbouring Lot 177 Marmion Street. This will enable pedestrian and vehicular traffic connection between Marmion and Menston Streets. The internal accessway is 7.2m wide with a 6.0m paved traffic surface that accommodates two-way vehicular traffic with a 1.2m wide footpath to one side. Trees will be required with a landscaping plan to formalise the street appearance.

The RCodes require a total of 38 car parking spaces consisting of 35 car parking spaces for the units and three visitor car parking bays for the proposed development. The development exceeds the minimum parking requirement by providing two on-site car parking spaces on 21 lots and one on-site car parking space on four of the lots. Three visitor parking bays are also provided, giving a total of 49 car parking spaces. A good deal of the lot frontages are given to paved individual driveways. The RCodes require a maximum of 50% of the lot frontage to be used for car parking, no driveway may be wider than 6m and may not be closer than 0.5m from the boundary.

WAPC DC1.3 at 3.3.6 states:

'...it is accepted that participants within any such scheme should have some flexibility in determining the standards that they require for those services, e.g. the width, alignment, parking and drainage of roads and driveways where these do not directly affect public facilities or other adjoining land.'

Good tree planting can offset the effect of paved driveways dominating the frontage and make the development more attractive. A landscaping plan is a requirement of the RCodes.

The proponents intend to subdivide the dwellings by way of a survey strata subdivision with no public open space. This will attract a 10% public open space condition on the subdivision. This is to be provided by way of a cash-in-lieu payment to the Council.

The application submitted complies with the majority of the standards required for this R20 development set by the RCodes with the exception of the reduced front setback for two units on Menston Street. The front setback required is 6.0m and in this instance the carport for unit 1 is setback 3m and unit 25 is setback 3.3m. The Council can vary such a setback and in this instance it is supported.

Other areas which would need to be addressed as conditions of approval are:

1. A drainage management plan needs to be submitted.
2. Adequate signage to be provided to direct visitors to the visitor parking areas.
3. Dwellings to be constructed on site and are to be of a variety of materials, claddings and a colour scheme to provide variety in the overall development.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Clements:

That planning consent be granted for 25 grouped dwellings with a reduced front setback to Menston Street at Lot 18 Menston Street Mount Barker subject to:

1. **Development to be generally in accordance with the plans dated 20 May 2009.**
 2. **Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.**
 3. **Buildings to be constructed on site and are to be of a variety of materials, claddings and a colour scheme to provide variety in the overall development.**
 4. **The submission and approval of a landscape plan for the total development.**
 5. **Dwellings are not to be occupied until landscaping has been completed to the satisfaction of the Manager Development Services**
 6. **The submission and approval of a drainage management plan.**
 7. **The internal accessway is to be designed and aligned to meet the proposed road on Lot 177 Marmion Street to the west.**
 8. **Construct, drain and seal the internal accessway to the satisfaction of the Manager Works and Services to the boundary with Lot 177 Marmion Street.**
 9. **Construct, drain and seal all crossovers to the satisfaction of the Manager Works and Services.**
 10. **Connection of all dwellings to reticulated sewer and water, including the provision of fire hydrants.**
 11. **Fencing in front of the building setback line to be a maximum of 1.2m in height.**
-

12. Provision of adequate signage to direct visitors to the visitor parking areas.
13. External clothes drying facilities being provided for each dwelling in accordance with the RCodes ensuring clothes drying areas are screened from view from any primary street or public area.
14. Street trees to be provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Menston Street and the internal accessway.

CARRIED (7/0)

No. 195/09

**12.1.3 LOT 18 MENSTON STREET, MOUNT BARKER - 26 LOT SURVEY
STRATA SUBDIVISION**

A Financial Interest was disclosed by Cr A Budrikis.

File No: N11971
Attachments: [Locality Plan](#)
[Subdivision Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 14 July 2009
Applicant/Owners: Yaran Property Group

PURPOSE

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a 26 lot survey strata subdivision, consisting of 25 survey strata lots and one common property lot at Lot 18 Menston Street, Mount Barker.

BACKGROUND

On 12 August 2008 the Council conditionally supported a proposed 20 lot survey strata subdivision on Lot 18 Menston Street, Mount Barker. At the same meeting the Council, following public advertising conditionally approved an application for 19 grouped dwellings on this lot.

A development proposal for 25 grouped dwellings on this land has been received and the report on that proposal also forms part of this agenda.

Lot 18 Menston Street backs onto Lot 177 Marmion Street, which is subject to an approved 13 green title lot subdivision and as part of that subdivision a public road will end on the boundary with Lot 18. This proposal recognises the advantage of linking Marmion and Menston Streets and provides an internal accessway linking to Lot 177. This internal accessway is offset from the Margaret Street junction to the east and is considered a safer design than a four way intersection.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

Residential Design Codes (RCodes) April 2009 Part 6 Design Element 6.1.3 A3 i states:

'for the purpose of an aged or dependant persons' dwelling or a single bedroom dwelling, the minimum site area may be reduced by up to one third, in accordance with part 7.1.2 and 7.1.3.'

In this case the 15 single bedroom dwellings can have an average site area down to 333.33m².

Residential Design Codes (RCodes) April 2009 Part 6 Design Element 6.1.3 A3 iv states:

'in the case of grouped dwellings in areas coded R20 as at 4 October 2002 the average site area will be 450m².'

In this case the 10 two bedroom dwellings can have an average site area down to 450m².

WAPC - Liveable Neighbourhoods

WAPC - Development Control Policy 2.2 Residential Subdivision (DC 2.2).

EXTERNAL CONSULTATION

This proposed Survey Strata Plan is a result of discussions with the proponent regarding the proposed development and subdivision.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Delegation LG035 – as the subdivision involves more than five lots the matter needs to be determined by the Council.

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

The proposed development consists of a combination of 15 lots for single bedroom dwellings and 10 lots for two bedroom dwellings. The development has been advertised in accordance with the requirements of TPS3 and no submissions have been received.

The proposal provides 15 single bedroom lots at an average site area of 333.33m² and 10 two bedroom lots at an average site area of 450m². This meets the requirements set by RCodes on land zoned Residential R20.

No public open space has been provided and a cash-in-lieu contribution will be required to be paid in respect to the 10% allocation required.

The survey strata application matches the planning consent for the development also presented to the Council at this meeting and as such can be supported subject to appropriate conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That the proposed survey strata subdivision of Lot 18 Menston Street be supported subject to:

- 1. A nutrient stripping/sediment retention stormwater drainage plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site works. This may involve setting of the verges to a particular gradient to the satisfaction of the Manager Works and Services.**
- 2. The internal accessway being constructed, drained and sealed to meet with the adjoining future road reserve on Lot 177 Marmion Street and the accessway design is to include a 1.2m footpath on the north side to the specifications and satisfaction of the Manager Works and Services.**
- 3. Suitable arrangements being made for a cash-in-lieu contribution for the 10% Public Open Space, in accordance with Section 153 of the Planning and Development Act 2005.**
- 4. An indicative Strata Management Plan including how rubbish collection, mail delivery, internal infrastructure and maintenance will be managed is required to be sighted by the Manager Development Services.**
- 5. Adjust the common property and the relevant survey strata lot boundaries to ensure the three visitor car parking bays shown in the development application are located within the common property and visually separate from individual lot car parking bays as required for the development application.**
- 6. Provision of underground power to all lots.**
- 7. Provision of fire hydrants.**
- 8. All lots are to be connected to reticulated water and sewerage systems.**
- 9. All cleared material is to be mulched and retained/stockpiled on site and used to mulch the cleared areas.**
- 10. Menston Street is to be upgraded, drained, kerbed and sealed to the satisfaction of the Manager Works and Services. This will include the construction of a footpath.**

11. The provision of street trees on the Menston Street verge, in accordance with the Mount Barker Townscape Review 2002 species list to the satisfaction of the Manager Development Services.
12. The provision of street trees along the boundary of the internal accessway at one tree for each lot and in accordance with the Mount Barker Townscape Review 2002 species list to the satisfaction of the Manager Development Services.
13. The provision of street lights to the internal driveway and also at its intersection with Menston Street to the satisfaction of the Manager Works and Services.

CARRIED (7/0)

No. 196/09

3.12 pm Cr Budrikis returned to the meeting.

**12.1.4 LOT 47 SOUNNESS STREET - OVERSIZE OUTBUILDING WITH
REDUCED SIDE BOUNDARY SETBACK**

File No: N11972

Attachments: [Locality Plan](#)
[Site plan](#)
[Elevations](#)
[Supporting Email from Applicant](#)
[Floor Area Comparison with Shire Administration](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 14 July 2009

Applicant/Owner: Terry Ottersen

PURPOSE

The purpose of this report is to consider a proposal for an oversize outbuilding with a reduced side boundary setback on Lot 47 Sounness Street, Mount Barker.

BACKGROUND

The proposal is for an outbuilding of 363m² (30m x 12.1m) with a wall height of 4.6m and with a reduced side boundary setback of 10.02m. The cumulative area of the outbuilding exceeds the 150m² area set by Town Planning Scheme Policy No. 16 (Outbuildings) and the side boundary setback is to be 10.02m where a boundary setback of 15m is required in the Rural Residential zone special provisions.

Town Planning Scheme (TPS) Policy No. 16 (Outbuildings) also sets a maximum wall height of 3.5m together with the maximum cumulative total floor area for outbuildings in rural residential areas at 150m².

The reason provided by the proponent for the large size of the outbuilding is that he owns a number of vehicles and equipment used for various hobbies including prospecting. This equipment will be stored in the outbuilding for protection and prevent it from becoming an eye sore. The proposed location of the outbuilding is due to the amount of fill that would be required to maintain a level surface consistent with the level of the house on another part of the site.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

– Special Provisions include:

'5.1 Houses and outbuildings shall be designed and constructed of materials that allow them to blend into the surrounding landscape. Council may refuse to approve walls and roofs constructed of reflective material such as zincalume and off-white colours.'

'5.3 Houses and outbuildings shall be set back a minimum of 15 metres from any boundary of a lot unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.'

EXTERNAL CONSULTATION

The proposed outbuilding location has been discussed with the proponent and he has submitted a letter explaining his request (copy attached).

FINANCIAL IMPLICATIONS

The application fee of \$138.84 has been paid.

POLICY IMPLICATIONS

TPS Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m² for Rural Residential zones. The floor area of the proposed outbuilding is 363m² and the wall height of the proposed outbuilding is 4.6m. The existing garage will be demolished before the proposed outbuilding is erected. Given the size of the lot (1ha) the area of the outbuilding is considered not acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

The objectives of TPS Policy No. 16 read as follows:

- 1. To protect the amenity of the locality in which the out building is proposed.*
- 2. To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.'*

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 47 is 1ha in area and is located in a Rural Residential zone. The current development on the lot consists of a house 130m² in area and an outbuilding (garage) 24m² in area. The existing outbuilding will be demolished before the proposed outbuilding is erected. The remainder of the lot has been cleared with a few scattered trees. The approved Subdivision Guide Plan for the Rural Residential zone indicates a development exclusion area which covers approximately 45% of the lot and the proposed outbuilding is outside that area. The property is currently being rented but the applicant intends to relocate to Mount Barker in the near future.

The proposed outbuilding is 363m² in area with a 4.6m wall height. This large floor area and the wall height of the proposed outbuilding are not within the limits set by the Council's TPS Policy No. 16. The size of the proposed outbuilding compares

with the office area of the Shire's Administration Building in area and wall height (plan attached). Given the size of the lot and its exposed location on Oatlands Road (Mount Barker-Porongurup Road), the overall bulk of the outbuilding is not in keeping with the rural residential zone and surrounding area and considered not acceptable.

The Council's draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) is currently being advertised for public comment.

Clause 5.3 – Rural Response (page 70) read as follows;

'Recognise the scenic importance of Albany Highway, Muirs Highway, Chester Pass Road and Denmark-Mount Barker Road and the key tourist routes by the use of setbacks and appropriate/sensitive screening techniques to retain views. Key tourist routes include the Mount Barker-Porongurup Road, St Werburghs Road, Woogenellup Road, and Spencer Road.'

The property is located southwest of the Mount Barker-Porongurup Road junction with Sounness Street. The north boundary of the property which is 119m in length abuts the tourist road. The external walls of the outbuilding will be green in colour which in part will help it blend into the surrounding landscape, but the size of the structure is the concern. The location of the property next to the Mount Barker-Porongurup Road and scarcity of screening vegetation means that the proposed outbuilding will be easily viewed. The Mount Barker-Porongurup Road is identified as a key tourist route and the proposed outbuilding is extensive in size (area and wall height). The proposal is not supported as it is likely to adversely affect the amenity of the locality.

Special Provision 5.3 of this Rural Residential zone requires a 15m setback from any boundary for buildings and the proposed outbuilding is set back 10.02m from the side (southern) boundary. The proponent has submitted a letter explaining why he requires an outbuilding with a reduced boundary setback. Although the outbuilding location is screened by vegetation to the neighbour's house to the south of lot 47 the proposed outbuilding is extensive in size. Due to the visual impact of the proposed outbuilding to the neighbour to the south the proposal for the reduced side boundary setback is not supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That the proposal for an oversize and over height outbuilding at Lot 47 Sounness Street, Mount Barker with a reduced side boundary setback of 10.02m be refused on the grounds that it:

- 1. Does not meet the setback standards for this Rural Residential zone.**
- 2. Is well in excess of the floor area and height standards set in Town Planning Scheme Policy No. 16 (Outbuildings).**
- 3. Is contrary to the orderly and proper planning of the locality and the preservation of the amenity of the locality.**

4. **Would set a precedent for this form of development in other Rural Residential zones.**

CARRIED (8/0)

No. 197/09

**12.1.5 LOT 5102 NEWMAN ROAD, NARRIKUP - SCHEME AMENDMENT
REQUEST - SUBMISSIONS RECEIVED**

File No: N11970
Attachments: [Locality plan](#)
[Concept plan](#)
[Summary of Submissions](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 14 July 2009
Applicant: Thompson McRobert Edgeloe

PURPOSE

The purpose of this report is to consider submissions received on a proposed Scheme Amendment Request (SAR) to rezone Lot 5102 Newman Road, Narrikup from 'Rural' to 'Rural Residential'.

BACKGROUND

The Shire records show the owners of the subject land are Joe and Shirley Plowright.

The SAR was initially submitted in February 2009 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.

These agencies provided comments on the SAR at that stage. The main comment made by DPI was that it should be deferred until the draft Local Planning Strategy had progressed, but it was noted that the DPI is the agency not progressing the draft.

On 12 May 2009 a report on the SAR was considered by the Council and Resolution 121/09 is as follows:

'THAT:

- (1) The Scheme Amendment Request for Lot 5102 Newman Road, Narrikup be advertised to seek public feedback for a period of 42 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 14 July 2009.'*

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

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

EXTERNAL CONSULTATION

In accordance with Council Policy No. TP/SDC/6, the SAR has been advertised with the 42 day period closing on 8 July 2009. Advertising included letters to adjoining property owners and various agencies, notices were placed in the Albany Advertiser, the Council's noticeboard, and a sign placed on site. At the close of the advertising period four submissions have been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$550.00 has been paid.

POLICY IMPLICATIONS

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

Clause 4 of Council Policy No. TP/SDC/6 states:

'SAR submitted to Council

The SAR is to be submitted with an officer's report and recommendation to the Council for consideration. Possible outcomes are:

- b) The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)*
- c) The Council considers the proposal to be unacceptable and advises the proponent that it would be unlikely to support a request to initiate a Scheme Amendment.*
- d) The Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until the Council has agreed to and the Western Australian Planning Commission has endorsed, a suitable structure plan or planning strategy for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.
Note: Applicants who proceed after being advised as above do so at their own risk and cost.'*

Clause 6 of Council Policy No. TP/SDC/6 states:

'Response to Applicant if SAR Agreed to by the Council

A decision to allow the applicant to proceed with further documentation under 4b) above will be transmitted in a letter from the Council and will detail such matters as:

- a) policy issues to be addressed in the amending report;*

- b) *environmental issues;*
- c) *servicing issues (e.g.: full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;*
- d) *design requirements on subsequent development;*
- e) *developer commitments required by the Council from Scheme Amendment process;*
- f) *mechanisms for cost sharing of common cost items such as public open space, drainage, roads, footpaths, etc; and*
- g) *any other matters considered relevant to the Council.'*

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

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

The draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) is currently being advertised for public comment identifies the subject land for rural residential development.

OFFICER COMMENT

The SAR has been advertised in accordance with the policy requirements and four submissions have been received.

The submissions received raised a range of issues which will need to be addressed as part of a formal Amendment to TPS3. Some of the issues will need to be addressed at the subsequent subdivision stage. The Amendment document will need to include a comprehensive fire management plan to the satisfaction of FESA and the Council.

The consultants in preparing the Amendment will also need to have discussions with the Water Corporation in respect to water supply and its operating license area.

The Amendment document will also need to ensure it addresses the earlier comments provided by the DEC and DOW which were detailed in the 12 May 2009 report to the Council. Issues such as a vegetation assessment and weed management, lots sizes close to remnant vegetation and un-cleared land, protection and re-vegetation of Sleeman Creek, drainage and stormwater management and land capability and effective effluent disposal were raised.

It is considered the submissions received on the advertising of the SAR do not raise any issues that cannot be addressed in a formal Scheme Amendment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That the submissions received on the Scheme Amendment Request for Lot 5102 Newman 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 and sustainable forms of development, being addressed.

CARRIED (7/1)

No. 198/09

**12.1.6 LOTS 831 AND 3551 MOUNT BARKER-PORONGURUP ROAD,
PORONGURUP - PROPOSED PLANTATION IN SPECIAL CONTROL
AREA**

A Financial Interest was declared by Cr B Hollingworth.

3.18 pm Cr Hollingworth withdrew from the meeting.

File No: N11969
Attachments: [Location Plan](#)
[Plantation Plan](#)
[Summary of Submission](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 14 July 2009
Applicant: Forest Products Commission

PURPOSE

The purpose of this report is to consider an application by the Forest Products Commission (FPC) for a plantation consisting of pockets of blue gum, sandalwood and karri trees on Lots 831 and 3551 Mount Barker-Porongurup Road, Porongurup within the Special Control Area 5 (SCA5) Porongurup.

BACKGROUND

Council records show the owners of Lots 831 and 3551, Mount Barker-Porongurup Road is Lucia Quearry and Gary Mulder.

The properties are located approximately 20km east of Mount Barker on Mount Barker-Porongurup Road. The properties are to the north of Mount Barker-Porongurup Road and are bounded to the east by Spring Road and Plantagenet Location 5148 to the west. The land is used for agricultural purposes consisting of pasture with scattered paddock trees and dispersed patches of remnant vegetation.

The properties are bounded to the north by the recently developed Stoney Creek Road Rural Residential 27 lot subdivision. To the north and north east by the recently gazetted Spring Road Rural Residential 33 lot development (Amendment No. 39) and the proposed inclusion of part of Lot 830 into the existing to Subdivision Guide Plan (SGP) for the Spring Road development (Amendment No. 51).

The land is 90ha in area of which 21.4ha is to be plantation. There are three different species being planted including Eucalyptus diversicolor (karri) (0.9ha) which occur naturally in the Porongurup National Park and surrounds. The other species being planted are Eucalyptus saligna (Sydney blue gum) (16.5ha) and Santalum spicatum (sandalwood) (4.0ha). The plantation consists of small dispersed compartments that are broken up by pastured areas as well as remnant vegetation.

It is not a continuous planting, but a patchwork of different tree species, pasture and remnant vegetation.

The proposal was advertised for public comment for a 21 day period. Letters were also sent to nine adjoining and nearby land owners, the Department of Environment and Conservation (DEC) and the Fire and Emergency Services Authority (FESA). Three submissions have been received.

The proponent is aware that the properties fall within Precinct G1 of the Porongurups Rural Strategy (1997) and address the concerns of visual impact and increased fire risk in their application.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural - Special Control Area 5 (SCA 5) Porongurup – Timber Plantations are a 'SA' use on Rural zoned land in SCA 5.

Clause 3.8 - Special Control Areas purpose is to prohibit timber plantations within town sites and to control the development of plantations in close proximity to townsites and closely populated parts of the Scheme area. When determining an application for planning consent the Council is to consider the following:

- a) the provisions of the Shire's Commercial Plantation Policy;
- b) the Code of Practice for Timber Plantations and whether or not the proponent is a signatory to the Code;
- c) consistency with the performance standards 'Planning for Bush Fire Protection' and 'Guidelines for Fire Protection', following referral to the Fire and Emergency Services Authority, and with the Council's Annual Fire Break Notice';
- d) existing uses and development on the subject land;
- e) the location of the subject land and its relationship to surrounding land uses, especially residential, rural residential, rural small holdings, and tourist land uses;
- f) the location of the land in relation to designated haulage routes;
- g) access to and from the subject land and the existing standard of local roads and their capacity to support timber haulage vehicles;
- h) protection of native vegetation;
- i) the impact on the amenity of the area, including scenic views;
- j) where the land is located in the Porongurup SCA 5, the provisions of the Porongurup Rural Strategy;
- k) where the land is located in the Mount Barker SCA 4, the Mount Barker Rural Strategy;
- l) any submissions received as a result of advertising the application; and
- m) any other matters considered relevant.

EXTERNAL CONSULTATION

The proposal was advertised for comment for a 21 day period closing on 17 June 2009. Letters were sent to nine adjoining and nearby land owners, the DEC and

FESA, notices were placed in the Albany Advertiser, the Council's noticeboard, and a sign placed on site.

Three submissions were received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$123.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 15 (Commercial Plantations) has an objective to reduce potential adverse impacts and land use conflict from the inappropriate siting and development of plantations within the SCA.

STRATEGIC IMPLICATIONS

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

The draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) currently being advertised for public comment identifies the cleared land surrounding the subject lots for future rural residential and rural small holding development.

OFFICER COMMENT

The proposal is for small dispersed pockets of plantation that are broken up by pastured areas as well as remnant vegetation. The proposal consists of nine pockets of Sydney blue gum trees 16.5ha in area, one pocket of Sandalwood trees 4ha in area and one pocket of Karri trees 0.9ha in area. The subject lots totals 90ha in area of which 21.4ha to be plantation.

The application was prepared with reference to the Code of Practice for Timber Plantations of which the proponent is a signatory. The application satisfies the requirements under TPS3 in terms of the Shire Firebreak Notice, plantation compartment size and the management plan. The subject lots are accessible from the Mount Barker-Porongurup Road and at the time of final harvest the haulage route will be along the Mount Barker-Porongurup Road east to Chester Pass Road.

There are isolated patches of native vegetation following creek lines of the properties and these are protected and fenced off from stock to encourage new growth. The plantings will be in pockets which will integrate with existing vegetation covering 24% of the area. Waterways on the properties will be protected by placing a 20m buffer on each one and no planting or site preparation will occur near the waterways.

Scenic views to the south towards the Porongurup National Park will not be adversely affected as plantation pockets are located to the north of the Mount Barker-Porongurup Road. The natural attributes of the National Park and surrounding area will not be compromised but will be enhanced by the addition of the trees. The erosion risk identified at the base of uncleared slopes will also be protected by the planting of the trees.

It is noted that the Plantation Management Plan refers to broad spraying for pest and weed control, there is however no mention of the method to be used. The proposed plantation is located within the King-Kalgan River catchment area. Due to the closeness of this plantation to various existing and proposed rural residential developments and existing homesteads, ground based spraying should be a condition of approval (no aerial spraying).

A letter of objection was received from the owners of location 5632 located to the south of the Mount Barker-Porongurup Road (see summary of submissions). The owners are concerned that the scenic view from the Mount Barker-Porongurup Road north to the 'Sleeping Lady' (silhouette of the Stirling Range) in particular will be adversely affected. They remark that tourists often pull off at this stretch of road to take photographs and view the scene. They are concerned that the introduction of host species and the spread of seeds from these species by parrots and cockatoos that are prolific in the area will adversely impact on native and remnant vegetation in the Porongurup Range and surrounding area. They further state that Plantation Management Plan does not address any spraying regime during the growth period and it did not refer to the ongoing machinery thinning and movement of trucks during the maintenance process.

Although view corridors from the Mount Barker-Porongurup Road to the Stirling Range need to be protected the view of the Stirling Range can be enjoyed from various other locations along the Mount Barker-Porongurup Road.

Comments were received from the DEC which considered the proposal on both landscape and fire management considerations. Due to firebreak requirements for plantations and the sealed road between the plantation and the National Park they were not concerned with the fire aspects of the proposal. They do however advise the property owners should liaise closely with the DEC with regard to fire protection matters. They further state that it is unlikely that there will be any impact on views from the visitor site within the park except possibly for a short period at and after eventual harvest.

The proposed development in the main is in accordance with the objectives of Clause 3.8 - Special Control Areas of TPS3 and also the Porongurups Rural Strategy. The application was prepared with reference to the Code of Practice for Timber Plantations of which the proponent is a signatory. Establishing a plantation in this particular instance will not affect the amenity of the area. The proposal is sensitive to the locality and as such the proposed plantation is supported subject to appropriate conditions including the prohibition of aerial spraying.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That the proposal for a Timber Plantation on Lots 831 and 3551 Mount Barker-Porongurup Road, Porongurup be approved subject to:

- 1. No use of aerial spraying and all spraying for pests and weeds is to be ground based.**

2. Neighbours being advised before all spraying events.
3. Compliance with the Shire of Plantagenet Annual Firebreak Notice and compliance with the Guidelines for Plantation Fire Protection.
4. Compliance with the submitted Management Plan.
5. The submission of a harvesting plan two years prior to harvest.

CARRIED (7/0)

No. 199/09

3.19 pm Cr Hollingworth returned to the meeting.

12.2 WORKS AND SERVICES REPORTS

12.2.1 TENDER C07-0809 - PROVISION OF WASTE AND RECYCLING COLLECTION SERVICES

File No:	N11533
Attachment:	<u>Waste and Recycle Tender – Financial Analysis (July 2009)</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
	Ian Bartlett Manager Works and Services
Proposed Meeting Date:	14 July 2009

PURPOSE

The purpose of this report is to consider submissions from the advertising of tender C077-0809 – Provision of Waste and Recycling Collection Services.

BACKGROUND

The Council resolved, at its meeting held on 24 February 2009, that tenders be called for the provision of a combined kerbside recycling and refuse collection service for domestic, commercial and Shire bins on the Council's current refuse collection route, to commence in the 2009/2010 financial year for a period of three years.

The Shire of Plantagenet engaged the Western Australian Local Government Association (WALGA) Tender Bureau Service to conduct the tender process. The Request for Tender was advertised in The West Australian newspaper on Saturday 18 April 2009.

Tender C07-0809 closed 2.00pm on Tuesday 12 May 2009 at WALGA's office in Perth. At the close of submissions four tenders had been received from the following companies:

- Warren Blackwood Waste;
- Mount Barker Service Centre;
- Great Southern Waste Disposal; and
- Transpacific Cleanaway.

STATUTORY ENVIRONMENT

The Waste Avoidance Resource and Recovery Act 2007

Section 112 of the Health Act 1911 provides for the Council to undertake or contract for the efficient execution of the removal of household refuse within its district.

Local Government (Functions and General) Regulations, 1996 (as amended) Part 4 – Tenders for Providing Goods and Services. All contracts above \$100,000.00 (ex. GST) must be tendered for.

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 2006. In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. A Council is to decide which of the tenders is most advantageous and may decline to accept any or all the tenders received.

EXTERNAL CONSULTATION

Consultation has occurred with Craig Grant, Business Management Coordinator at WALGA.

FINANCIAL IMPLICATIONS

The Council's 2008/2009 budget provides a total cost of \$140,000.00 for refuse removal services within the Shire. The budget also provides for \$310,000.00 in expenditure for the maintenance of the various refuse sites. Therefore, a total annual cost of \$450,000.00 is expected to be incurred for the provision of refuse site maintenance and rubbish removal services in this financial year.

The budget provides for the generation of total annual income of \$150,480.00 for the refuse collection service, \$157,887.00 for the refuse site rate and \$50,000.00 for additional refuse site tipping fees, making a total of \$358,367.00 in fees and charges payable by customers as a contribution towards the provision of the above services.

As a result, the provision of such services provides a net budget deficit of \$91,633.00. Taking into account all budget items within the Refuse Collection and Waste Disposal Sites programs, the annual deficit is expected to be approximately \$134,000.00. A similar examination of the 2009/10 budget figures is made in the Officer Comment section, with a recommendation on changes to fees and charges.

An investigation has previously been carried out into the comparative costs of providing the current refuse collection service. The service is a once a week pick up in the towns of Mount Barker, Kendenup and Narrikup. The Council currently picks up approximately 1,230 mobile garbage bins (MGBs) each week from residential and commercial properties and parks, domestic bins making up approximately 1,000 of that total. The cost to provide the service using Council staff are as follows:

Shire staff currently undertake this work in approximately 29 hours over four days (1,508 hours per year). The costs to the Council are as follows:

• Direct labour	\$ 31,900.00
• Works overheads	\$ 28,710.00
• Plant costs	\$ 45,000.00
• Plant depreciation	\$ 30,000.00
TOTAL	<u>\$135,610.00</u>

The plant costs are based on the actual cost of running the Acco compactor rubbish truck in the 2007/08 financial year. The depreciation charge is based on depreciating a new truck valued at \$300,000.00 over a ten year period. This should reflect the loss on sale of a rubbish truck under any likely scenarios.

The Council will be aware that the current rubbish truck used is almost at the end of its useful life. The vehicle is a 1998 model purchased from the City of Stirling in 2004/05. The draft 2008-2013 Plant Replacement Program has provision to purchase a replacement waste truck in 2008/2009 at a net cost of \$260,000.00, however this was not funded in the budget.

The current proposal is suggested for implementation in the 2009/10 financial year.

POLICY IMPLICATIONS

Council Policy F/FM/5 – Purchasing and Tendering relates to the tendering process.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

'To protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

OFFICER COMMENT

An Evaluation Panel was established consisting of three members from the Tender Bureau Service of WALGA. The Evaluation Panel assessed each submission in accordance with the Selection Criteria contained in the publicly advertised Request for Tender.

Compliance Criteria

Each Tender was assessed on a Yes/No basis as to whether each criterion was satisfactorily met. An assessment of 'No' against any criterion may eliminate the Tender from consideration.

- a) Compliance with the Conditions of Tendering;
- b) Compliance with Specification;
- c) Complete Pricing Schedule;
- d) Corporate Information;
 - Advise if agent or a trust for another party;
 - Provide evidence as to ability, if awarded the Contract, to fulfill the Requirements from your own resources or from resources readily available to you; and
 - Provide details of a minimum of two referees including their Name, Position, Company, Address and contact Telephone Number.
- e) Financial Position;
 - Tenderer to confirm ability to pay all debts in full as and when they fall due, and advise of any current litigation as a result of which you may be liable for \$50,000 or more.
- f) Conflict of Interest; and
 - Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract?

- g) Insurance;
- Provide details of the insurance coverage currently held that meets the requirements of this Request.

Qualitative Criteria

<p>A) Organisation Capabilities</p> <p>Tenderer to provide details of:</p> <ul style="list-style-type: none"> • Demonstrate recent experience with contracts of similar size and scope; • Demonstrate that your organisation has the capacity to resource the work i.e. current workload versus forecast workload including this contract; • The percentage of operational capacity represented by this work; • Details of Sub-Contractors to be engaged (include qualifications and registrations); and • Demonstrated knowledge of the latest industry standards and practices. 	<p>Weighting 25 %</p>
<p>B) Key Personnel</p> <p>Tenderer to:</p> <ul style="list-style-type: none"> • Nominate and provide relevant experience, current qualifications and registrations, of the key personnel; and • Provide details of their experience within Local Government Asset Management. 	<p>Weighting 10 %</p>
<p>C) Performance/Operational requirements</p> <p>Tenderer to demonstrate an understanding of Requirements, and address how each of the following will be achieved:</p> <ul style="list-style-type: none"> • The waste collection strategy outline proposed in the tender; • Details of the proposed system for the Customer Services Centre, in particular efficiency, effectiveness and reporting systems; • Quality and standard of work; • Timeliness of work (productivity); and • Any other issues or matters which will maximise the net benefit of the Services to the Principal and community. 	<p>Weighting 15 %</p>
<p>D) Strategy for Collection Services</p> <ul style="list-style-type: none"> • Residential Waste Collection and Recycling Service; • Commercial Waste Collection and Recycling Service; and • Waste Collections from Street Litter Bins and Reserves. 	<p>Weighting 18 %</p>
<p>E) Refuse Bins And Recycling Bins</p> <ul style="list-style-type: none"> • Record Keeping Procedure. 	<p>Weighting 12 %</p>

F) Plant And Equipment <ul style="list-style-type: none"> • Supply of Plant and Equipment; • Plant and Equipment - owned or leased; • Handling of Vehicle Breakdowns; and • Maintenance Program. 	Weighting 11 %
G) Customer Service Centre <ul style="list-style-type: none"> • Procedure of Telephone Enquiries; and • Notices/information Procedure. 	Weighting 9 %
TOTAL	100%

Compliance Check

An initial compliance check was conducted by the Evaluation Panel to identify submissions that were non-conforming with the immediate requirements of the Request for Tender. This included compliance with contractual requirements and provision of requested information. It was found by the panel that the following submissions were deficient in the following areas:

a) Mount Barker Service Centre

- Compliance with Specification;
 - No demonstrated resources;
 - No demonstrated experience in Local Government Asset Management Complete Pricing schedule;
 - A price for recycle services was not submitted;
- Advise if agent or a trust for another party; and
 - No information was provided as to whether Mount Barker Service Centre is acting as an agent for another party.

b) Great Southern Waste Disposal (Great Southern);

- Advise if agent or a trust for another party;
 - No information was provided as to whether Great Southern is acting as an agent for another party.
- Provide evidence as to ability, if awarded the Contract, to fulfil the Requirements from your own resources or from resources readily available to you;
 - No information was provided by Great Southern as to whether they intend to utilise their own resources.
- Tenderer to confirm ability to pay all debts in full as and when they fall due;
 - No information was provided as to the ability of Great southern to pay its debts in full when due
- Advise of any current litigation as a result of which you may be liable for \$50,000 or more;
 - No advice in regards to any current litigation for \$50,000 or more was provided.
- Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract;

- No details were provided as to any actual or potential conflicts of interest that may arise were provided.

In order to maintain a competitive process all tenders were taken for further assessment against the Qualitative Criteria.

Qualitative Criteria Assessment

The qualitative criteria assessment was carried out by the Evaluation Panel with the Evaluation Panel scoring the submissions according to the evaluation criteria as established in the publicly advertised Request for Tender.

a) Warren Blackwood Waste (Blackwoods)

Warren Blackwood Waste was established in 1985 and is based in Manjimup.

Blackwoods currently have a total of 15 contracts with local governments, 14 of which are of a similar size and scope to this request. The current contracts are predominately for local governments within the South West Region of WA.

Other services provided to local governments which are again within the South West region of WA are bulk bin services for approximately seven local governments. The current number of bin lifts conducted by Blackwoods is:

- Domestic/Commercial Waste – 15,922 per week; and
- Recycling Services – 12,102 per fortnight.

A total of nine side loader trucks is the fleet capacity of Blackwoods for the kerbside collection. Other trucks are available dependant upon the type of service required. Blackwoods have two materials recovery facilities (MRF) for disposal of any recyclables. The MRF's are located in Katanning and Manjimup.

The percentage of operational capacity represented by this Request to Blackwoods is:

- Waste collection – 7.6%; and
- Recycling collection – 7.5%.

Blackwoods have stated that they have no intention to subcontract any of the requirements of this request. However Blackwoods have provided as one of the key personnel, a motor mechanic from Belia Engineering for mechanical repairs.

In demonstrating their knowledge of the latest industry standards and practices Blackwoods have stated that they have the latest model trucks with the latest technologies and trained drivers.

While no specific experience in local government asset management was demonstrated, the experience gathered by Blackwoods in conducting similar requirements to this request should aid in the understanding of what is required.

The current service days of Wednesday and Thursday will be maintained by Blackwoods. These services will include the collection of street litter bins and reserves on the same days.

A dedicated customer service centre with an 1800 free call number is currently being operated. The customer service centre hours of operation are 7.00am – 5.00pm weekdays, with an after hours mobile number available. An individual project file will be created for each customer. All information relevant to the contact will be recorded in the file. No specific details or a sample of the information to be captured was provided in order to help demonstrate the effectiveness of the reporting/recording system. No information as to whether the call centre will identify themselves as the Council's customer service centre or Blackwoods.

Blackwoods have previously attained ISO 9001:2000 for the Provision of Municipal, Domestic and Commercial waste collection, transportation and disposal services. The certificate provided to support this claim within Blackwood's submission expired in June 2007.

To help ensure continuance of service and productivity, contingency plans in case of fuel strike, industrial strike, and phone failure have been established by Blackwoods.

The strategy provided by Blackwoods for collection services is that they will collect recycling and waste on the same days as currently conducted. This will include street litter bins and reserves.

In conducting record keeping of bins, Blackwoods will record all bin serial numbers against the location of the bin. Bin counters on the trucks will record the number of pickups.

Current plant includes nine side loaders of various capacities. The plant ranges from 1992 up to a 2002 model. A maintenance program is in place consisting of daily and weekly checks with servicing based on hours of operation. Services are conducted by a qualified motor mechanic from Belia Engineering.

To minimise any downtime due to breakdowns, all operators have been trained to undertake minor repairs as required. A qualified mechanic is on call at all times with a spare vehicle available if a replacement is required.

Blackwoods again provided information in regard to the hours of operation and a free call number being available. They also restated that an individual project file will be created for each customer. No response times to customer requests were detailed.

Blackwoods agree to the price variation mechanism being adjusted in accordance with the Perth CPI index. No other details on how this price variation mechanism is to be effected was provided.

Blackwoods can provide education for recycling and waste management to the Shire and the public by means of annual calendars with pickup dates with what can and cannot be recycled, hot stamp on top of recycle bins, flyers, newspaper notices and any other form deemed necessary.

b) Mount Barker Service Centre

The submission provided by Mount Barker Service Centre contained little or no information as to its capacity to conduct the works due to the tenderer not addressing the Qualitative Criteria in full.

Mount Barker Service Centre demonstrated no previous or current experience in waste management. No details as to how they will dispose of recyclables were provided. A separate phone number would be provided for calls.

A register of bins would be established and maintained by Mount Barker Service Centre. Mount Barker Service Centre have no plant or equipment to service this contract but have provided an offer to the Shire of Plantagenet to purchase their existing refuse truck. The offer is based upon the market value of the plant as valued by a third party.

No other resources applicable to waste and recycling collection appear to be available. Record keeping is to be conducted via a diary register with only general records on phone calls.

Mount Barker Service Centre did not submit a tender for recycling services as it does not have the infrastructure to sort this waste and due to the high cost of transporting materials. The tenderer was agreeable to negotiating a price for transporting material to Albany or Katanning.

c) Great Southern Waste Disposal (Great Southern)

The submission provided by Great Southern contained little or no information as to its capacity to conduct the works.

Great Southern state that they have been in the waste management business for 35 years and presently employ eight full time and three part time employees. They have a recycling plant in Narrogin and are currently working with local Shires towards a regional recycling service.

Great Southern have 21 current contracts with local governments for waste collection. Six of these contracts include the collection of recyclables. The size of the existing contracts appears to be of a similar size as this request.

Other experience includes the management of two tip facilities.

Great Southern have stated that a Quality Management system ISO9001:2000 is in place. No other details of this Quality system were provided.

The current fleet consists of five side lift compactor units and two back up units. No information in regards to age, capacity or maintenance programs were provided. Other than a reference to establishing an office in Mount Barker, no details were provided in regard to customer service centres. Further to this, no details were provided as to any record keeping requirements or how customer complaints will be resolved.

d) Transpacific Cleanaway (Cleanaway)

Cleanaway have 13 current contracts with local governments. Three of these contracts are for the collection of recyclables only with one being for the collection of waste only. The remainder of the contracts are for the collection of waste and recycling. While these contracts are predominately in the metropolitan area, two are for large regional local governments. All of the contracts appear to be of a larger size than this request.

A current fleet of 90 vehicles is currently being utilised by Cleanaway to service its contracts with depots located throughout Western Australia to service and house the fleet. No details on the operational capacity represented by these works were demonstrated by Cleanaway. Cleanaway have stated that no subcontractors will be utilised in performing these works.

Cleanaway will continue the current collection being on a Wednesday and Thursday. The recycling will be conducted on a fortnightly basis with 50% of the recycling service being conducted one week and the remaining 50% conducted the following week. Any overloading or contamination will be monitored by individual drivers.

If any noise issues arise in conjunction with the works, Cleanaway state they will work in conjunction with the Shire of Plantagenet to provide a resolution to these types of issues. Cleanaway will conduct an education program to educate residents in regards to the collection services provided including details of customer service centres.

An integrated management system is utilised by Cleanaway in conducting its operations includes:

- ISO 9001;
- ISO 14001; and
- AS4801

These standards were last audited in July 2007 with an expiry of 30 June 2010.

All street and reserve services will be conducted via a side loader. A current fleet of 90 vehicles is currently being utilised by Cleanaway to service its contracts with depots located throughout Western Australia to service and house the fleet. All the plant to be utilised in conducting these requirements will be owned, operated and maintained by Cleanaway.

Two side loader trucks each with a capacity of 22m³ will be dedicated to conducting the works. A service regime of every 250hrs is undertaken by Cleanaway plus the inclusion of daily checks by drivers. Backup vehicles are available if required for breakdowns.

An alternative pricing schedule was provided by Cleanaway on the basis that they will be awarded both the waste collection component and the recycling collection component of the Request for Tender.

Cleanaway has pioneered the customer service centre concept which has led to an overall improvement in customer service and the statistical reporting available to local governments. Cleanaway plans to hold continuous improvement meetings between Cleanaway management and Shire staff to discuss service improvement and performance.

Cleanaway plans to provide a comprehensive education program in relation to recycling, aimed to encourage further participation in recycling and waste minimisation, which could include:

- One month prior to service commencing – Information letters, community information night, static displays in each town, fridge magnets and a school education program; and
- When bins are delivered – Recycle bin lid sticker, audit process on collection for four weeks, customer service centre support and a contamination management strategy involving advice to residents who have two or more instances of mixing waste and recyclables.

Cleanaway has a customer complaints process, involving a database that may be accessed online by the Shire.

Cleanaway have a number of pre-qualifications as detailed below:

- That the Council agree to the inclusion of a revised rise and fall mechanism with a component specifically for fuel (for example, 10%) and that the rates received by TPI Cleanaway be adjusted quarterly from contract commencement;
- That the cost of refuse disposal is on Council's account;
- That ownership of the bins supplied by TPI Cleanaway revert to Council at the end of the Contract;
- That payment terms are assumed to be less than 30 days from lodgement of invoice(s) by TPI Cleanaway;
- That the Council agrees to include a standard form Force Majeure clause;
- TPI Cleanaway has assumed that rates are per scheduled bin collection; and
- That service numbers for invoicing be adjusted monthly for calculating payment.

Cost Comparison

Below is a table showing the fees and charges contained in the tender submissions (GST exclusive)

	Warren Blackwood	Cleanaway	Cleanaway Alternative	Great Southern Waste	Mt Barker Service Centre
	Waste Only or Waste & Recycle	Waste Only	Waste & Recycle	Waste Only or Waste & Recycle	Waste Only
	Rates \$	Rates \$	Rates \$	Rates \$	Rates \$
Rates for Residential - Waste, Recycling Service - Collection and Transport Service					
1.1 Option 1 – Bin owned by Principal per 140L bin/lift	1.45	1.77	1.52	1.00	1.80

	Warren Blackwood	Cleanaway	Cleanaway Alternative	Great Southern Waste	Mt Barker Service Centre
	Waste Only or Waste & Recycle	Waste Only	Waste & Recycle	Waste Only or Waste & Recycle	Waste Only
	Rates \$	Rates \$	Rates \$	Rates \$	Rates \$
Rates for Residential - Waste, Recycling Service - Collection and Transport Service					
1.2 Option 2 - Contractor to supply bin as part of contract price per 140L bin/lift	1.80	2.28	2.05	1.10	2.50
1.3 Option 3 – Existing 240l bin owned by Principal per 240l bin/lift	1.45	1.77	1.52	1.00	2.00
Domestic Recycling Service (Fortnightly)					
2.1 Kerbside (Current bins owned by property owners/residents) per 240L bin/lift	2.55	4.91	3.53	2.65	N/A
Rates for Commercial Waste					
1 General Waste Collection from Commercial Premises					
1.1 Kerbside (Bin owned by property owner) per 240L bin/lift	1.45	1.77	1.52	1.00	2.50
1.2 Pardelup Prison leg (Bins owned by property owner) per 240L bin/lift	1.45	1.77	1.52	1.00	15.00
Rates for Waste from Street Litter Bins and from Reserves - Collection and Transport Service					
1(a) Road Reserves per unit/pick-up	1.45	1.77	1.52	1.00	4.00
1(b) Reserves per unit/pick-up	1.45	1.77	1.52	1.00	4.00
2 Public Litter Reserve Bins (60L to 240L) per unit/pick-up	1.45	1.77	1.52	1.00	4.00
3 Bulk Waste Collections from Reserves per 240L bin/pick-up	1.45	1.77	1.52	1.00	4.00
4 Waste Collections (e.g. Frost Park) for Special Events					
4.1 Empty 240L bins per 240L bin/pick-up	1.45	1.77	1.52	1.00	Minimum charge \$120.00
Rates for Supply, Delivery, Repair and Replacement of Refuse Bins and Recycling					
1 Refuse Bins - 140L Bin					
1.1 Delivery of bin Each	4.50	6.81	6.81	Nil	5.00
1.2 Replacement of bin Each	50.00	40.19	40.19	50.00	66.00 (1,000 lots)
2 Recycling Bins - 240L Bin					
2.1 Delivery of bin Each	4.50	6.81	6.81	Not stated	5.00
2.2 Replacement of bin Each	55.70	45.13	45.13	Not stated	65.00 (1,000 lots) 77.00 (1 lot)
Miscellaneous Items					
1 Customer Service Centre (Additional \$ per month)	Nil	Nil	Nil	Nil	200.00

Qualitative Comparison

The Evaluation Panel considered all of the submissions and the points of differentiation between the submissions were as follows:

Tenderer	Qualitative Score
Warren Blackwood Waste	42.33
Mount Barker Service Centre	10.63
Great Southern Waste	8.07
Transpacific Cleanaway	45.00

After conducting the Qualitative Criteria assessment the Evaluation Panel concluded that the submissions by Mount Barker Service Centre and Great Southern Waste would not be considered further due to their low scores against the established criteria.

Basis for Recommendation

A comparison of the likely annual costs for the remaining submissions (Warren Blackwood, Cleanaway and Cleanaway Alternative) has been attached and is summarised below:

		Total \$ - Year 1	Total \$ - Ongoing
Warren Blackwood	Waste Only	\$94,250	\$94,250
	Waste & Recycle (Buy Bins)	\$210,550	\$160,550
	Waste & Recycle (Bins in Price)	\$178,750	\$178,750
Cleanaway	Waste Only	\$115,050	\$115,050
	Waste & Recycle (Buy Bins)	\$230,770	\$190,580
	Waste & Recycle (Bins in Price)	\$218,140	\$218,140

Warren Blackwood's calculated tender value for the waste only option is \$20,800.00 per year lower than Cleanaway (\$62,400.00 over three years). Warren Blackwood's calculated tender value for the waste and recycling 'buy bins up front' option is \$80,280.00 lower than Cleanaway over the three year contract. Warren Blackwood's calculated tender value is \$118,170.00 lower than Cleanaway for the 'bins in price' option over the three year contract.

The tenders submitted by Cleanaway and Warren Blackwood rated similarly in their qualitative score, with the Cleanaway submission being marginally higher. Cleanaway is a bigger firm with significant resources behind it. The evaluation team (WALGA) considered that Cleanaway would be in a better position to deal with the transition from a Shire based service to a contracted service, particularly if the recycling option is pursued. However this has not been recommended in the officer's report.

The submission from Warren Blackwood indicates that they have extensive experience with similar sized local governments and should be able to perform the contract adequately. It is the view of the administration that the waste only tender submitted by Warren Blackwood provides the best value for money for the Council and it is recommended that this tender be accepted.

It can be seen that the provision of a recycling service would cost an extra \$116,300.00 in year 1 for the 'buy bins up front' option or \$84,500.00 for the 'bins in price' option, if contracted by Warren Blackwood. The additional cost of recycling if this service was to be provided by Cleanaway is \$115,720.00 in year 1 for the 'buy

bins up front' option or \$103,090.00 for the 'bins in price' option. Given the current status with regard to the 2009/10 draft budget, it is recommended that a waste only tender be accepted.

If the Council decides to pursue recycling at some point in the future, the results of this tender clearly indicate that the most cost effective long term option would be to purchase the bins up front. The Council should consider allocating a suitable sum into a reserve fund for this purpose for when it decides to take up a recycling service.

Fees and Charges for Services

An analysis of refuse collection and waste disposal income and expenditure (excluding extraordinary items) has been carried out, based on the recommended tender for waste collection only (no recycling). The results of this analysis are detailed below. This matter has also been the subject of discussions at recent Council budget workshops.

	Adopted	Estimated	Draft
	Budget	Actual	Budget
	2008/09	2008/09	2009/10
	Rubbish Charge	Rubbish Charge	Rubbish Charge
DOMESTIC REFUSE COLLECTION	\$132.00	\$132.00	\$140.00
Operating Expenditure			
Employee Costs - Workers Compensation Insurance	(\$1,576)	(\$1,576)	\$0
Other Expenses - Refuse Collection & Recycling	(\$140,000)	(\$148,021)	(\$100,000)
Admin Services Allocation	(\$13,268)	(\$13,268)	(\$13,155)
<i>Sub-total - Cash</i>	<i>(\$154,844)</i>	<i>(\$162,865)</i>	<i>(\$113,155)</i>
Non Cash Expenses - Depreciation - Plant & Equipment	(\$5,545)	(\$5,083)	(\$5,545)
<i>Sub-total - Non Cash</i>	<i>(\$5,545)</i>	<i>(\$5,083)</i>	<i>(\$5,545)</i>
Total Operating Expenditure	(\$160,389)	(\$167,948)	(\$118,700)
Operating Income			
Other Revenue - Penalty Interest	\$1,000	\$494	\$700
Other Revenue - Rates Discount	\$0	\$0	\$0
Other Revenue - Refuse Service Interim Adjustments	\$6,000	\$6,042	\$0
Other Revenue - Refuse Service	\$155,000	\$154,308	\$172,200
Other Revenue - Sale of Surplus Materials & Scrap	\$5,000	\$10,323	\$5,000
<i>Sub-total - Cash</i>	<i>\$167,000</i>	<i>\$171,167</i>	<i>\$177,900</i>
Total Operating Income	\$167,000	\$171,167	\$177,900
<i>Surplus/Deficit - Domestic Refuse Collection</i>	<i>\$6,611</i>	<i>\$3,219</i>	<i>\$59,200</i>
	Waste Rate	Waste Rate	Waste Rate
WASTE DISPOSAL SITES	\$53.00	\$53.00	\$100.00
Operating Expenditure			
Employee Costs - Workers Compensation Insurance	(\$4,010)	(\$4,010)	(\$4,130)
Other Expenses - Licence Fees	(\$8,800)	(\$733)	(\$11,000)
Other Expenses - Telephone	(\$1,000)	(\$324)	(\$500)
Other Expenses - Water Monitoring & Reporting	(\$11,000)	(\$7,076)	(\$20,000)

	Adopted	Estimated	Draft
	Budget	Actual	Budget
	2008/09	2008/09	2009/10
	Waste Rate	Waste Rate	Waste Rate
Operating Expenditure (cont.)			
Refuse Site Maintenance	(\$365,000)	(\$360,033)	(\$370,000)
Admin Services Allocation	(\$26,250)	(\$26,250)	(\$26,027)
<i>Sub-total - Cash</i>	<i>(\$416,060)</i>	<i>(\$398,426)</i>	<i>(\$431,657)</i>
Non Cash Expenses - Depreciation - Land & Buildings	(\$4,156)	(\$3,482)	(\$3,762)
<i>Sub-total - Non Cash</i>	<i>(\$4,156)</i>	<i>(\$3,482)</i>	<i>(\$3,762)</i>
Total Operating Expenditure	(\$420,216)	(\$401,908)	(\$435,419)
Operating Income			
Rates Income - Penalty Interest	\$1,500	\$990	\$1,500
Rates Income – General Waste Levy Interim Adjustments	\$0	\$3,772	\$0
Rates Income - General Waste Levy	\$157,887	\$154,428	\$299,900
Other Revenue - Tipping Fees	\$30,000	\$32,306	\$35,000
<i>Sub-total - Cash</i>	<i>\$189,387</i>	<i>\$191,496</i>	<i>\$336,400</i>
Total Operating Income	\$189,387	\$191,496	\$336,400
<i>Surplus/Deficit - Waste Disposal Sites</i>	<i>(\$230,829)</i>	<i>(\$210,412)</i>	<i>(\$99,019)</i>
Total Surplus Deficit	(\$224,218)	(\$207,193)	(\$39,819)

The outcome of Council workshop discussions is that the Council should aim for the General Waste Levy (refuse site rate) and rubbish collection charges to be based on the self funding principle. The current status is that there is over a \$200,000.00 shortfall in expenditure over income and the current draft budget provides for a staged fee/rate increase to achieve this aim.

It is proposed that the rubbish collection charge will increase from \$132.00 to \$140.00 and the General Waste Levy will increase from \$53.00 to \$100.00. This will reduce the operating deficit to approximately \$40,000.00 in 2009/2010.

Additional Report of the Chief Executive Officer

At its meeting held on 23 June 2009, the Council resolved that '*the Chief Executive Officer be requested to re-assess all tenders for the Provision of Waste and Recycling Collection Services and present a report to the Council meeting of 14 July 2009.*'

Clarification has been sought from Great Southern Waste as to the figures previously not stated in its tender. Great Southern Waste has advised that with regard to the cost of providing 240L recycling bins, the cost for the replacement of each bin would be \$50.00 and there would be no additional charge for delivery of bins.

The updated Waste and Recycle Tender – Financial Analysis shows the following indicative annual costs for Great Southern Waste's tender.

		Total \$ - Year 1	Total \$ - Ongoing
Great Southern Waste	Waste Only	\$65,000	\$65,000
	Waste & Recycle (Buy Bins)	\$183,900	\$133,900
	Waste & Recycle (Bins in Price)	\$139,100	\$139,100

Great Southern Waste's calculated tender value for the waste only option is \$29,250.00 per year lower than Warren Blackwood (\$87,750.00 over three years). Great Southern Waste's calculated tender value for the waste and recycling 'buy bins up front' option is \$79,950.00 lower than Warren Blackwood over the three year contract. Great Southern Waste's calculated tender value is \$118,950.00 lower than Warren Blackwood for the 'bins in price' option over the three year contract.

Great Southern Waste took the opportunity to provide additional information to clarify other points not previously provided in the tender documents, however this information was not asked for and to include that now would prejudice the tender process. The remaining figures contained in the cost comparison table have been verified.

Several local governments were contacted to confirm the adequacy of the service provided by Transpacific Cleanaway, Warren Blackwood and Great Southern Waste. All three companies are reported to be providing a good service, with no problems identified.

Contact has been made with WALGA which undertook the tender evaluation process for the Council. WALGA defends the outcome of this process, the qualitative score having been assessed on the quality and content of the submissions, which does not necessarily equate to the ability of the firms (in particular Great Southern Waste) to carry out the contract. In essence, an objective tender process may not necessarily result in the best outcome for the Shire, as the process will always depend on the information given by the tenderers.

It is considered that the Council has the following options.

1. Accept the tender submitted by Warren Blackwood Waste. This is the recommended option as the tender process, based on specification and selection criteria endorsed by the Council, has resulted in their tender being assessed as most suitable by Council officers.
2. Accept the tender submitted by Transpacific Cleanaway. This is not recommended as whilst its tender was assessed highest in qualitative terms, the additional cost to the Council outweighs additional benefits.
3. Accept the tender submitted by Great Southern Waste. This is not recommended as its tender lacked information requested as part of the tender process and therefore scored poorly. Nevertheless, acceptance is still a valid option. As stated above, there are some significant financial benefits to the Shire in accepting this tender if the Council considers that this is a primary determining factor.
4. Reject all tenders and re-call tenders for the contract. This is the next preferred option if the Council is not happy to adopt the administration's

recommendation. Clearly, a more detailed tender from Great Southern Waste may have resulted in a higher assessment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- The tender submitted by Warren Blackwood for the provision of waste collection services in the Shire of Plantagenet for a three year period, in accordance with the following pricing schedule, be accepted:

For immediate implementation:	
Residential – Waste Service - Collection and Transport to Council facility	
Existing 240L bin owned by Principal or property owner per weekly bin/lift	\$1.45
Commercial Waste- Collection and Transport to Council facility	
Kerbside (Bin owned by property owner) per 240L weekly bin/lift	\$1.45
Pardelup Prison leg (Bins owned by property owner) per 240L weekly bin/lift	\$1.45
Waste from Street Litter Bins and Reserves - Collection and Transport to Council facility	
Road Reserves, Reserves, Public Litter Bins (60L and 240L) per unit/pick-up	\$1.45
Waste Collections (e.g. Frost Park) for Special Events per 240L bin/pick-up	\$1.45
Implementation at the Council's discretion:	
Domestic Recycling Service (Fortnightly)	
Kerbside (Current bins owned by property owners/residents) per 240L bin/lift	\$2.55
Residential – Waste Service (subject to kerbside recycling service being implemented) - Collection and Transport to Contractor's facility	
Bin owned by Principal or property owner per 140L bin/lift	\$1.45
Contractor to supply bin as part of contract price per 140L bin/lift	\$1.80
Rates for Supply, Delivery, Repair and Replacement of Refuse and Recycling Bins	
Refuse Bins - 140L	
Delivery of bin (each)	\$4.50
Replacement of bin (each)	\$50.00
Recycling Bins - 240L	
Delivery of bin (each)	\$4.50
Replacement of bin (each)	\$55.70

Miscellaneous Items	
Customer Service Centre (Additional \$ per month)	Nil

2. The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That:

- 1. No tender for the provision of Waste and Recycling Tender be accepted.**
- 2. A tender for Waste Collection Services only be advertised.**
- 3. The tendering process be conducted in-house.**

Reason for Change

The Shire of Plantagenet's requirements for waste collection have now changed. In the spirit of open governance and fairness to all those who tendered, the Shire of Plantagenet should go through the tendering process again.

AMENDMENT

Moved Cr J Moir, seconded Cr J Mark:

That the words 'and optional recycling' be added to part 2 of the motion after the word 'Services' and delete the word 'only'.

LOST (2/6)

The substantive motion was put

CARRIED (8/0)

No. 200/09

**12.2.2 LOT 150 MUIRS HIGHWAY, MOUNT BARKER - LAND REQUIREMENT -
MAIN ROADS WA**

File No: N11794
Attachments: [Drawing 200901-057](#)
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the acquisition of land to allow for the provision of a truck bay within the Muirs Highway road reserve.

BACKGROUND

Attached for consideration by the Council is a land requirement plan to allow for the provision of a truck bay within the Muirs Highway reserve between SLK 157.6 and 157.9.

The purpose of the truck bay is to provide both the local heavy haulage industry and tourist traffic with a safe roadside stopping area near the Mount Barker townsite, just west of Langton Road.

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Section 56.

FINANCIAL IMPLICATIONS

Main Roads WA will indemnify the Shire of Plantagenet against all costs and charges in respect to the dedication action.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Council has agreed to 12 proposed land acquisitions for the Muirs Highway reconstruction project. Endorsement is recommended to provide a safe roadside stopping area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That the taking of land, the subject of Main Roads WA drawing 200901-057 to allow for the provision of a truck bay within the Muirs Highway road reserve, and also to its dedication as road under Section 56 of the Land Administration Act 1997, be supported.

CARRIED (8/0)

No. 201/09

12.2.3 POLICY REVIEW – ROAD RESUMPTIONS

File No: N11167
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to review Council Policy No. I/R/2 – Road Resumptions.

BACKGROUND

This policy was last reviewed by the Council on

Council Policy I/R/2 – Road Resumptions reads as follows:

OBJECTIVE:

To provide clear guidelines regarding priority on compensation arrangements for road resumptions.

POLICY:

That Road Resumptions be based on negotiating priorities in the following order of preference:

1. *Land exchange if appropriate.*
2. *Compensation based on agree valuations, subject to Council authorisation.*
3. *Compensation based on sworn valuation acceptable by landowners and the Council, subject to Council resolution of authorisation.*
4. *Other arrangements as may be appropriate, subject to Council authorisation.'*

STATUTORY ENVIRONMENT

Land Administration Act 1997

Planning and Development Act 2005

Local Government Act 1995

Public Works Act 1902

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 organisations 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

Land situated adjacent to existing road reserves is sometimes required in order to construct roads and drainage.

Where land can be acquired through negotiation, it is preferable that the process is expedient and that officers have the capacity to negotiate within known limits and in good faith. The current policy sets the priority for compensation arrangements but doesn't set limits for officers to negotiate within. The policy has been amended to provide clearer guidelines of the process to undertaken when negotiating land resumptions.

The policy now requires a valuation to be arranged from the Valuer General's Office at the Council's expense. This valuation will form the basis of negotiation for compensation. This step in the negotiation process formalises what is already happening in practice.

Other editorial changes have been made to make the policy more relevant to land resumption for roadworks including the opportunity to undertake compulsory acquisition if necessary.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That amended Council Policy No. I/R/2 – Land Resumption for Roadworks as follows:

OBJECTIVE:

To provide clear guidelines regarding land resumption and compensation arrangements for roadworks.

POLICY:

1. Any proposed land resumption for roadworks shall be discussed with the landowner at the earliest possible occasion.
2. Permission shall be obtained from the landowner to enter the land for surveying and pegging purposes to determine the exact amount of land affected by the proposed public works.
3. A valuation shall be arranged from the Valuer General's Office at the Council's expense. This valuation shall form the basis of negotiation for compensation between the Council and the landowner and shall be kept confidential.
4. Land resumptions will be based on priorities in the following order of preference subject to authorisation by the Council:
 - 4.1 Land exchange if appropriate.
 - 4.2 Compensation acceptable to the landowners and the Council.
 - 4.3 Other arrangements as may be appropriate.
 - 4.4 In the event that negotiations are unsuccessful compulsory acquisition processes may be implemented.
5. Once the land area is surveyed and determined by a Licensed Surveyor, a written agreement should be negotiated with the landowner.'

be endorsed.

CARRIED (8/0)

No. 202/09

12.3 COMMUNITY SERVICES REPORTS

Nil

12.4 CORPORATE SERVICES REPORTS**12.4.1 GENERAL WASTE LEVY – 2009/2010**

File No: N11550
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to set the General Waste Levy for the 2009/2010 financial year.

BACKGROUND

The Council first established a General Health (Refuse Site) rate in the 2001/2002 financial year. The minimum refuse site rate is currently \$53.00. The introduction of the Waste Avoidance and Resource Recovery Act 2007 (Section 68) specifically enables the Council to now adopt this as a levy rather than a rate under section 6.16 of the Local Government Act 1995.

The Council has adopted conditions associated with the former rate, as follows:

'As the Council is of the opinion that the imposition of more than one refuse site rate would be inequitable in those circumstances where properties are owned and / or operated in identical name or names and where no habitable or commercially rented properties are situated on additional properties, then in those circumstances the Council shall write off such refuse site rate moneys owing that meet the above mentioned criteria.'

It is intended to maintain this condition as part of the levy, so as not to impact unfairly on owners of multiple vacant properties.

STATUTORY ENVIRONMENT

The General Waste Levy is raised in accordance with Section 6.16 of the Local Government Act 1995. Section 68 of the Waste Avoidance and Resource Recovery Act 2007 also applies.

FINANCIAL IMPLICATIONS

The General Waste Levy will raise a budgeted figure of \$302,600.00 in the 2009/2010 financial year.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

One of the Aims of Key Result Area 2 – Infrastructure is to:

‘Protect the community’s health by managing waste in a timely, effective, economic and environmentally safe manner.’

OFFICER COMMENT

An analysis of refuse collection and waste disposal income and expenditure has been carried out, based on the recommended tender for waste collection only (no recycling). The results of this analysis have been the subject of discussions at recent Council budget workshops.

The outcome of Council workshop discussions is that the Council should aim for the refuse site rate and rubbish collection charges to be based on the self funding principle. The current status is that there is over a \$200,000.00 shortfall in expenditure over income and the current draft budget provides for a staged fee/levy increase to achieve this aim.

It is proposed that the rubbish collection charge will increase from \$132.00 to \$140.00 and the general waste levy (formerly refuse site rate) will increase from \$53.00 to \$100.00. This will reduce the overall waste management and rubbish collection operating deficit to approximately \$40,000.00 in 2009/2010.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That:

- 1. The 2009/2010 General Waste Levy be set at \$100.00 per rateable property.**
- 2. As the Council is of the opinion that the imposition of more than one General Waste Levy would be inequitable in those circumstances where properties are owned and/or operated in identical name or names and where no habitable or commercially rented structures are situated on additional properties, then in those circumstances the General Waste Levy moneys owing that meet the above mentioned criteria shall be written off.**

CARRIED (8/0)

No. 203/09

12.4.2 PROPERTY RATES – 2009/2010

File No: N11549
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments in readiness for the adoption of the 2009/2010 budget.

BACKGROUNDLevel of Rates

As part of the 2009/2010 budget workshop process, the Council established that property rates should be set at a 5.0% increase on total rate revenue raised in 2008/2009. The 2009/2010 budget and the respective property rates have been determined on that basis.

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. It is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. This year, a bank account of \$500.00 with the Bendigo Community Bank will be offered as first prize. One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$340.00 is offered as second prize. One carton of mixed wine donated by Castle Rock Estate Winery at a retail value of \$250.00 is offered as third prize.

Instalments

It is recommended to the Council that it continue to offer the following three payment options as in previous years.

- (1) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
- (2) To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date.

- (3) To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee

It is recommended that an instalment fee of \$5.00 be charged for each instalment reminder issued after the first instalment is paid. This is consistent with the previous year's charge and the Local Government Act 1995.

Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments.

STATUTORY ENVIRONMENT

Section 6.25 to 6.82 of the Local Government Act 1995 and Regulations 52 to 78 of the Local Government (Financial Management) Regulations legislate property rating requirements and procedures.

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a deficit budget of \$200,000.00 with a 5.0% increase on the 2008/2009 rate revenue.

POLICY IMPLICATIONS

Policy A/PA/8 Rating – Rate Incentive Prize applies.

STRATEGIC IMPLICATIONS

The sensible setting of rates is critical in generating revenue for the Council to deliver services to the community and attain its mission:

'To improve the quality of life for the people of Plantagenet, both present and future.'

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That for the 2009/2010 financial year:

1. No discount be offered for the early payment of property rates.
2. Incentive prizes for the payment of property rates in full by the due date be offered as follows:
 - a) First prize – Bank Account to the value of \$500.00, donated by the Bendigo Community Bank;
 - b) Second prize – One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$340.00; and
 - c) Third prize – one carton of wine with a retail value of in excess of \$250.00 donated by the Castle Rock Estate Winery.
3. The following instalment plan options be offered:
 - a) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
 - b) To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date; or
 - c) To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.
4. An instalment fee of \$5.00 per instalment (excluding the first instalment) and an interest rate of 5.5% per annum on instalment payment plans be charged.
5. A late payment penalty interest on overdue and defaulted payment plans be charged at 11%, such penalty interest charge to apply to overdue property rates, general waste levy, rubbish collection charges, Emergency Services Levy and legal expenses.
6. The rate in the dollar and minimum rate for property rates be as follows:

	Cents in the \$	Min.Rate
Rural Townsites (GRV)	7.88420	\$525.00
Rural (GRV)	7.88420	\$525.00
Mount Barker Townsite (GRV)	7.88420	\$525.00
Strata Titles (GRV)	7.88420	\$525.00
Rural (UV)	0.44469	\$525.00
Mining (UV)	0.44469	\$525.00

CARRIED (8/0)

No. 204/09

12.4.3 ADOPTION OF THE 2009/2010 BUDGET

Councillors Forbes, Skinner, Hollingworth and Moir each disclosed an interest in the adoption of the budget.

A Financial Interest was disclosed by Cr M Skinner
Nature and Extent of Interest: Farming - 400 head of cattle

A Financial Interest was disclosed by Cr K Forbes
Nature and Extent of Interest: Cattle Producer - 240 head of mixed cattle

A Financial Interest was disclosed by Cr J Moir
Nature and Extent of Interest: Cattle Producer, Casual Employee of Elders

A Proximity Interest was disclosed by Cr B Hollingworth
Nature and Extent of Interest: Adjoining Landowner, Owner of Lots 1414 and 1415 Albany Highway Mount Barker

Authority to participate pursuant to Section 5.69 (3) (a) and (b) of the Local Government Act 1995

The Chief Executive Officer advised that pursuant to a letter dated 9 July 2009 (a copy of which is attached to these minutes) the Manager of Compliance and Advice of the Department of Local Government and Regional Development had approved the Shire's application, under section 5.69 of the *Local Government Act 1995*, to allow disclosing members Cr K Forbes, Cr M Skinner, Cr B Hollingworth, Cr J Moir and to fully participate in the discussion and decision making process and for Cr Forbes to chair the meeting when the Shire adopts its Budget at the meeting to be held on 14 July 2009 in relation to expenditure in connection with the Great Southern Cattle Saleyards.

This approval is subject to the following conditions:

1. The approval is only valid for the special meeting of Council to be held on 14 July 2009 when the Shire adopts its budget.
2. The disclosing members declare the nature and extent of their interest at the Council Meeting when this matter is considered together with the approval provided.
3. The CEO is to provide a copy of the Department's letter advising of the approval to each declaring member.
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when this matter is discussed.

File No: N11551
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to adopt the annual budget, updated plan for the future and fees and charges for the 2009/2010 financial year.

BACKGROUND

The 2009/2010 budget has been prepared as a deficit budget of \$200,000.00 with significant input from staff, elected members and the community. The Council considered the list of fees and charges for the 2009/2010 financial year as part of its budget workshop process.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an annual budget prior to 31 August in each year. Section 6.15 to 6.19 of the Local Government Act (1995) legislates the imposition of fees and charges for a local government.

EXTERNAL CONSULTATION

Consultation has occurred with elected members, staff and the community throughout the budget preparation process. The draft budget was advertised in accordance with best practice principles and a public briefing session held. Ten members of the public attended that meeting.

FINANCIAL IMPLICATIONS

The adoption of the Budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The 2009/2010 budget has been prepared with due regard for the Council's Strategic Plan adopted and published in 2003 and the Plan for the Future adopted in 2008. The Plan for the Future 1 July 2008 to 30 June 2010 attached to the Budget has been updated in line with the intention to update it annually on a rolling basis to ensure it remains current.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That the annual budget for the year ending 30 June 2010, incorporating the Plan for the Future 1 July 2008 to 30 June 2010 (updated) and fees and charges, as presented, be adopted.

CARRIED (7/1)

No. 205/09

(Absolute Majority)

12.4.4 QUOTATIONS – PROVISION OF EXTERNAL AUDIT SERVICES

A Closely Associated Person Interest was disclosed by Mr J Fathers (Report Responsible Officer)

A Financial Interest was disclosed by Cr K Clements.

A Financial Interest was disclosed by Cr B Hollingworth.

3.40 pm Crs Clements and Hollingworth withdrew from the meeting.

File No: FM/19/1
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to consider three quotations for the provision of external audit services.

BACKGROUND

The Shire's current contract with UHY Haines Norton is for the five year period ending on 30 June 2009. At its meeting held on 19 May 2009, the Audit Committee resolved *'That the Chief Executive Officer be advised that in the opinion of the Audit Committee, and prior to the expiry of the current Audit Contract, formal quotations be sought from qualified Auditors to undertake the Council's Audit function, including increased scope of audit, for a term of five years.'*

As part of their contract, UHY Haines Norton will be still responsible for the auditing of our financial records (Annual Report) for the end of the 2008 / 2009 financial year. It is anticipated that this will occur in September 2009.

STATUTORY ENVIRONMENT

Section 7.3 of the Local Government Act 1995 states:

'7.3 Appointment of auditors

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.*
- (2) The local government may appoint one or more persons as its auditor.*
- (3) the local government's audit is to be a person who is –*
 - (a) a registered company auditor; or*
 - (b) an approved auditor.'*

EXTERNAL CONSULTATION

A number of referees of the two firms which the Council has not dealt with previously were contacted. Four local governments who either are or have been clients of Lincolns Accountants were approached and all advice received was extremely favourable. It was noted that they were very thorough but approachable. Four local governments who are clients of AMD Chartered Accountants were approached and again favourable reports were received.

FINANCIAL IMPLICATIONS***UHY Haines Norton***

The quote received from UHY Haines Norton itemised audit charges for the next five years as follows:

Year Ended	Fee Quote	Travel Costs	GST	Total
30 June 2010	\$14,000	\$800	\$1,480	\$16,280
30 June 2011	\$14,500	\$850	\$1,535	\$16,885
30 June 2012	\$15,000	\$900	\$1,590	\$17,490
30 June 2013	\$16,000	\$950	\$1,695	\$18,645
30 June 2014	\$17,000	\$1,000	\$1,800	\$19,800

Further possible charges (GST exclusive) are:

Partner	\$500 per hour
Consultant	\$350 per hour
Manager	\$250 per hour
Senior	\$180 per hour
Intermediate	\$150 per hour
Graduate	\$100 per hour

Certificates / Acquittals e.g.: Roads To Recovery

\$400 to \$800 GST exclusive

Lincolns Accountants

The quote received from Lincolns Accountants is a base fee of \$16,000 (\$17,600 including GST), with the base fee being increased by Perth CPI each year.

Further possible charges (GST exclusive) are:

Partner	\$232 per hour
Audit Manager	\$105 per hour
Audit Assistant	\$100 per hour

AMD Chartered Accountants

The quote received from AMD Chartered Accountants for the next five years is as follows:

Year Ended	Interim Audit	Final Audit	Committee Meeting	GST	Total
30 June 2010	\$4,000	\$9,500	\$1,920	\$1,542	\$16,962
30 June 2011	\$4,200	\$9,800	\$2,000	\$1,600	\$17,600
30 June 2012	\$4,300	\$10,200	\$2,100	\$1,020	\$18,370
30 June 2013	\$4,500	\$10,800	\$2,200	\$1,750	\$19,250
30 June 2014	\$4,600	\$11,200	\$2,300	\$1,810	\$19,910

Further possible charges (GST exclusive) are:

Audit Partner	\$320 per hour
Audit Senior Manager	\$280 per hour
Auditor	\$150 per hour
Auditor	\$140 per hour
Assistant Auditor	\$130 per hour
Assistant Auditor	\$120 per hour
Assistant Auditor	\$110 per hour
Secretary	\$19.20 per hour

All disbursements including travel and accommodation are to be charged at actual cost and are not included in the above prices.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

UHY Haines Norton is situated in Perth is very experienced in local government, with 66 local government clients. David Tomasi is the registered auditor for that firm. Haines Norton has provided an excellent service for over ten years to the Shire of Plantagenet. Haines Norton is a leader in WA auditing, conducting annual workshops in financial management and providing budgeting and financial reporting templates to the industry. Audits are based on 35 man hours for the interim audit and 55 man hours for the final audit.

Lincolns Accountants and Business Advisors is situated in Albany and has many years experience with local governments in the Great Southern Region. Russell Harrison is the registered auditor for that firm. Contact with a number of Lincolns' clients (both current and former) indicates that that firm is extremely thorough and professional. Another comment made by several clients was that the firm is very 'approachable' and easy to talk to about auditing matters. Audits are based on 30 man hours for the interim audit and 75 man hours for the final audit.

AMD Chartered Accountants is situated in Bunbury and is the largest WA chartered accounting firm outside the Perth metropolitan area, currently having nine local government clients. Tim Partridge is the registered auditor for that firm. AMD is also very well thought of by its clients and provide a thorough service. AMD made the point that its partner would take a relatively high 'hands on' role in the audit process. Audits are based on 18 man hours for the interim audit and 40 man hours for the final audit.

The audit methodology proposed by all three proponents is acceptable and there is no doubt that all of the firms could undertake the Shire's audit function satisfactorily. All of the standard audit fee charges are similar, however the hourly rates charged by UHY Haines Norton are almost double that of the other two firms.

Whilst UHY Haines Norton has provided an excellent service to the Shire for many years, it may be prudent to change auditors as differing companies are likely to identify other issues and different areas where improvements can be made. It is

considered to be healthy for the Shire to get the benefit of a new perspective. Given the proximity and larger number of man hours proposed by Lincolns, it is considered that Lincolns will provide the most cost effective service to the Council.

It should be noted that if the Council does decide to change services to another audit company, this in no way affects the opportunity of staff being able to attend the annual courses that are held by UHY Haines Norton.

Both Lincolns Accountants and AMD Chartered Accountants encourage their clients to present their financial statements in the familiar and consistent format as provided by UHY Haines Norton and that the Shire of Plantagenet currently utilises.

The Audit Committee will be meeting at 10.00am on Tuesday 14 July 2009 to discuss this report. The Council will be notified of the recommendation from the Audit Committee at its meeting to be held on that date.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That Mr Russell Harrison (Registered Company Auditor Number 14152) of Lincolns Accountants and Business Advisors be appointed as the Council's auditor for the five year period 1 July 2009 to 30 June 2014 in accordance with the document 'Quotation for the Provision of Audit Services' dated 23 June 2009.

CARRIED (6/0)

No. 206/09

(Absolute Majority)

3.44 pm Crs Clements and Hollingworth returned to the meeting.

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 DELEGATION - LG035 - IMPLEMENTATION OF TOWN PLANNING SCHEME

File No:	PE/21/1
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Kaye Skinner Executive Secretary
Proposed Meeting Date:	14 July 2009

PURPOSE

The purpose of this report is to recommend to the Council a variation to part 10 of Delegation LG035.

BACKGROUND

The Council reviewed its delegations to officers (including delegation – LG035 – Implementation of Town Planning Scheme) at its meeting held on 12 May 2009. On 9 June 2009 the Western Australian Planning Commission (WAPC) published a delegation instrument in the Government Gazette.

This essentially means proposals for a built strata subdivision over an existing built development (such as an existing duplex) is now to be submitted to the Council and determined by the Council. The Council can charge the fees previously payable to the WAPC for the application.

Decisions must be made within a period of forty days from lodgement and the decision is valid for 2 years from the date of the decision.

As part of this process, any decisions made are appealable to the State Administrative Tribunal.

STATUTORY ENVIRONMENT

Section 5.44 of the Local Government Act 1995 - the CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Clause 7.7 of the Council's Town Planning Scheme No. 3 enables the Council to delegate Scheme powers to the CEO in accordance with the provisions of the Local Government Act 1995. Such a delegation requires an absolute majority of the Council.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

As mentioned in the background the Western Australian Planning Commission on 9 June 2009 published a delegation instrument in the Government Gazette. A memo outlining the delegation has been forwarded to Councillors in the Information Bulletin.

Part 11 of the delegation review held on 12 May 2009 reads as follows:

'Recommend support to the Western Australian Planning Commission for subdivisional proposals up to five (5) lots where these proposals comply with Town Planning Scheme No. 3 or relevant Town Planning Scheme Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission.'

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DDECISION

Moved Cr J Moir, seconded Cr J Mark:

That the following words be added to Delegation LG035 (Implementation of Town Planning Scheme) after the word 'Commission' in line 1 in Part No. 11.

'and where delegated by the Commission determine applications'.

CARRIED (8/0)

No. 207/09

(Absolute Majority)

12.5.2 KALGAN LAND CONSERVATION DISTRICT COMMITTEE - PROPOSED WINDING UP

File No: N11661
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 14 July 2009

PURPOSE

The purpose of this report is to consider the proposed winding up of the Kalgan Land Conservation District Committee.

BACKGROUND

Correspondence has been received from the Acting Secretary/Chairman of the Kalgan Land Conservation District Committee seeking the Council's comment regarding the proposal to wind up the Committee. The Council's comments are sought as the Shire of Plantagenet falls within the Kalgan Land Conservation District.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Soil and Land Conservation Act 1945.

OFFICER COMMENT

The Committee advises that its projects were completed, accounts settled and was at that point redundant because of the very successful existence of its progeny, the Oyster Harbour Catchment Group, Inc that covers the Kalgan catchment area.

As the Committee is seeking the Council's support for its own winding up, no objections are raised.

No Shire of Plantagenet elected member or staff member was a member of the committee.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That the Kalgan Land Conservation District Committee be advised that the Shire of Plantagenet raises no objections to the winding up of the Committee.

CARRIED (8/0)

No. 208/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

Prior to closing the meeting Shire President Councillor Kevin Forbes AM presented Mr Ian Bartlett Manager Works and Services, who is leaving the Council's employ to take up a similar position with the Shire of Northam, with a 'Certificate of Appreciation'.

3:46 pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____