



ORDINARY MINUTES

DATE: Tuesday, 10 November 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

2:45pm The Presiding Member declared the meeting open.

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

Mr Fathers 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 Ken Clements – Shire President
Cr Michael Skinner – Deputy Shire President
Cr Sue Etherington JP
Cr Brett Bell
Cr Simon Grylls
Cr Jeff Moir

Cr Andrus Budrikis
Cr Len Handasyde

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Dominic Le Cerf	Manager Works and Services
Mr Vincent Jenkins	Planning Officer
Mrs Kaye Skinner	Executive Secretary
Mrs Cobie MacLean	Administration Officer (Planning)

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

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 MRS LINDA HARRIS – PRESIDENT MOUNT BARKER TOURIST BUREAU – APPLE PACKING SHED

I am here today in an attempt to convince you all of the importance of tourism to our community.

Your Tourist Bureau is working very hard to promote our tourism products to the world. Today's world is fast moving, very fast moving due to the internet and people travelling further to find that product which is different and satisfying at the same time.

We have taken on promotion of our area by using holiday and travel expo's which attracts not only the consumer but also agents from around the world, we have a representative on a number of tourism bodies which allows us to keep up to date with what is happening in tourism taking in the bigger picture.

Now that I have made it to the bigger picture bit I really want to make a point.

Without tourism a lot of small businesses in this Shire will die. Agree or disagree with me on this, the reality of this fact remains.

Wearing my Tourist Bureau hat I have spent many hours speaking with the appropriate bodies related to the future of the Apple Packing Shed.

My personal belief, based on many years of experience in the tourism industry, is that we keep this building and work towards having it restored to a level where we can use it for tourism purposes. A report has been commissioned by the Public Transport Commission and will be presented to them in the next couple of weeks. This report details out many reasons why this will be a viable project. A brief summary is:

- Many and varied sources of funding are available to restore this building;
- We, in this Shire, have a growing number of people who agree that it should be restored;
- I am currently proposing that the Tourist Bureau become the Lessor and manager of this building from which it would derive income; and
- It is hoped that this income would not only allow us to expand our marketing of this area but would reduce financial dependence on the Shire.

I already have a number of projects which could be run within this building. They are:

- Aboriginal Art Exhibitions e.g. Charlie Colbung, Kelvin Penny to name just 2. The visitor centre currently hosts art exhibitions by local artists which we already know are successful for both artist and visitor alike;
- Art Workshops;
- Cafe to include indigenous foods – to go to tender;
- To become part of a food trail Kelvin Penny Junior initiating;
- Tours of the dehydrator – Bluey Hammond;
- Market days;
- Story telling;
- Wines;
- Cruise ship visitors bussed to Mount Barker;
- A reason to bring all bus companies to Mount Barker;
- Product Centre driven by Scott Drummond; and
- Multicultural performances.

The benefits of this project going ahead are:

- Local history restored;
- Employment of locals;
- Tourism dollars we don't currently have coming into our community;
- Giving the tourist a reason to stop;
- Giving the tourist an interesting experience;
- Less dependence on the Shire;
- We will have a product which can be marketed to the world; and
- The only indigenous art centre in the lower the great southern.

The Menzies report strongly recommends this style of project be implemented and also the Shire of Plantagenet itself supports indigenous arts in this area. See letters dated August 2008.

90% of international tourists are looking for the Indigenous experience.

I am guessing that many of you will be unaware that we are currently being assessed by National Landscapes and that Australia's South-West has been internationally recognised as one of the world's most desirable holiday destinations.

Tourism Minister Liz Constable said leading travel guide company Lonely Planet had chosen the South-West as one of the world's top 10 regions to visit in 2010, in its prestigious 'Best in Travel' publication.

'This recognition elevates the South-West on to the world's stage, alongside some internationally recognised destinations.'

'The inclusion of the South-West is testament to the region's reputation as an exceptional destination and highlights the outstanding tourism experiences provided by its tourism operators.'

The Minister said the South-West's inclusion on the list would provide extraordinary exposure for the region and the rest of the State.

'The Lonely Planet guide books are read by millions of travellers around the world and this provides the region with promotional opportunity money can't buy,' she said.

'Tourism Western Australia will increase exposure further through co-operative marketing activities with Lonely Planet.'

Dr Constable said tourism was a key driver of Western Australia's economy, generating 80,000 jobs and injecting more than \$2billion a year into regional areas.

It is with this information that I implore you all to consider the absolute benefit of being ready for our visitors. To look outside the square and realise that this project, handled correctly, will put this Shire onto the world tourism map. Remember that this will take into account the next generation of people who want to stay and support our area.

My passion for this region and for tourism in this region is not diminishing but in fact is growing and unfortunately for those who disagree with my thoughts, be warned, I am not prepared to let this one go easily.

I feel angered and let down that some of our council representatives have been heard to say 'what on earth would we use this building for and why would anyone want to keep it anyway?'

I ask you please DO NOT dismiss this as an unimportant project and as OUR representatives in this area I believe you are obligated to rethink the future of the Apple Packing Shed.

Should you have further questions or relevant information please speak with Cr Sue Etherington.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Simon Grylls declared a Financial Interest – provided gravel to the Shire – in Item 12.2.1.

Cr Michael Skinner declared a Financial Interest – provided gravel to the Shire – in Item 12.2.1.

Cr Len Handasyde declared a Financial Interest – provided gravel to the Shire – in Item 12.2.1.

Cr Jeff Moir declared a Financial Interest – rural land holder – in Item 12.2.1.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR BRETT BELL

Cr Brett Bell requested Leave of Absence for 24 November 2009.

Moved Cr Len Handasyde, seconded Cr Andrus Budrikis:

That Cr Brett Bell be granted Leave of Absence for 24 November 2009.

CARRIED (8/0)

NO. 353/09

8 CONFIRMATION OF MINUTES

Moved Cr Brett Bell, seconded Cr Simon Grylls:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 October 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 354/09

9 COMMITTEE MINUTES

Nil

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 29 October 2009 – Met with Superintendent Leekong in Albany regarding the media release of 5 November 2009 of 'Operation Wildfire'. This is a State wide Police, Fire and Emergency Services and Local Government initiative to try and stop arsonists.
- 30 October 2009 – Councillor Etherington and I went to Cranbrook and attended a Regional Recreation Advisory Group meeting to discuss the future of the Club Development Officer Scheme. A report will be presented to the Council in the near future.
- 31 October 2009 – Attended the official opening of the 1st Porongurup Scout Group.

- 2 November 2009 – Councillor Len Handasyde, Mr Dominic Le Cerf and I attended the Great Southern Regional Road Group meeting at Nyabing. The Shire of Plantagenet has been successful in getting the 2010/2011 road funding we requested.
- 7 and 8 November 2009 – 11 Councillors from the Shire of Plantagenet and surrounding Councils and I attended a training course for Councillors. A special thank you to Mrs Kaye Skinner for giving up her time to ensure everything went smoothly.
- 9 November 2009 – I attended the Mount Barker Community Centre for the presentation of a cheque for \$100,000.00 donated by the Jack Family Trust Foundation in Albany.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr Sue Etherington JP

- 30 October 2009 – completed a 'Module 1 – Legal Responsibilities for Councillors' training course at Cranbrook.
- 3 November 2009 – Local Emergency Management Committee Meeting.
- 7 and 8 November 2009 - attended a training course for Councillors held at the Shire of Plantagenet.

Cr Brett Bell

- Attended a Playground Workshop meeting about nature playgrounds.
- 4 November 2009 – Bush Fire Advisory Meeting.
- 7 and 8 November 2009 - attended a training course for Councillors held at the Shire of Plantagenet.

Cr Jeff Moir

- 7 and 8 November 2009 - attended a training course for Councillors held at the Shire of Plantagenet.

Cr Len Handasyde

- 2 November 2009 – Regional Road Group.
- 4 November 2009 – Bush Fire Advisory Meeting.
- 7 and 8 November 2009 - attended a training course for Councillors held at the Shire of Plantagenet.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

Nil

12.2 WORKS AND SERVICES REPORTS

12.2.1 POLICY REVIEW – ROAD BUILDING MATERIALS – GRAVEL

A Financial Interest was disclosed by Crs Simon Grylls, Michael Skinner and Len Handasyde.

Nature of Interest: Provided gravel to the Shire.

A Financial Interest was disclosed by Cr Jeff Moir.

Nature of Interest: Rural land holder.

3:03pm Crs Grylls, Skinner, Handasyde and Moir withdrew from the meeting.

File No: N13117
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 10 November 2009

PURPOSE

The purpose of this report is to review Council Policy No. NRM/EI/1 – Road Building Materials – Gravel.

BACKGROUND

This policy was last reviewed by the Council on 14 October 2008.

Council Policy NRM/EI/1 – Road Building Materials – Gravel reads as follows:

OBJECTIVE:

To provide clear guidelines to staff and landowners regarding the acquisition of gravel for road making and maintenance purposes.

POLICY:

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

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Private works required in lieu of a cash payment are to be carried out as per the Council's adopted schedule of fees and charges.

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

Many landowners within the Shire believe that they should be compensated for providing sand or gravel as quite often once the pit has been rehabilitated it may not be suitable for pasture for a few seasons.

The current policy states that the Council will negotiate compensation to the landowner for materials extracted and associated justifiable imposts however it doesn't provide a value for gravel and sand or guidelines for the Council to undertake private works as a form of payment.

It is recommended that the policy be amended to include a value for gravel and sand so the rates can be regularly reviewed. It is also suggested that a statement be included to allow for the Manager Works and Services to make such arrangements

for private works to be carried out in lieu of a cash payment to the valuation of the landowner contribution to the road works.

Private works may be carried out on the property which materials have been extracted from and are to be carried out as soon as practicable as agreed by the landowner and the Manager Works and Services. During peak construction periods the Manager Works and Services may only negotiate cash payments due to the limited availability of plant to undertake private works.

It is also suggested that the policy provide a provision for the Manager Works and Services to negotiate a higher value for gravel and sand where materials are already stock piled and no reinstatement is required.

It is considered that, as this policy relates to the acquisition of gravel and sand, the policy be renamed 'Gravel and Sand Acquisition'.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy No. NRM/EI/1 – Gravel and Sand Acquisition as follows:

OBJECTIVE:

To provide clear guidelines for the acquisition of gravel and sand for construction and maintenance purposes.

POLICY:

1. That wherever possible the Council obtain materials for construction and maintenance purposes from private property by consultation with the landowner or his/her authorised representative, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Council responsible for:
 - 1.1 Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.
 - 1.2 Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.
 - 1.3 Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.
 - 1.4 The value of gravel and sand is to be at a rate of \$1.00/m³. A higher value may be negotiated by the Manager Works and Services in circumstances where materials are already stock piled and no reinstatement is required.
2. Where landowners contribute to road works in providing without claim for compensation gravel materials (for road construction or maintenance) or sand (for road construction, maintenance or general use), the Manager Works and Services be authorised to carry out private works at the request of the landowner, to the valuation of the landowner's contribution to the road works as assessed by the Manager Works and Services.

3. The private works in part 2 above may only be carried out on the property which materials have been extracted from, and subject to plant availability.
4. Prior to taking materials from private property, permission shall be obtained from the landowner or his/her authorised representative, in the form of a signed agreement.'

be endorsed.

LOSS OF QUORUM

The Deputy Chief Executive Officer advised that as a quorum was no longer present pursuant to Paragraph 6.2 (1) (a) (ii) of Standing Orders, the matter would stand adjourned until such time that the Minister allowed disclosing members to participate in discussions and decision making procedures relating to the matter under Section 5.69 of the Act.

The meeting would therefore proceed to the next business.

3:04pm Crs Grylls, Skinner, Handasyde and Moir returned to the meeting.

12.3 COMMUNITY SERVICES REPORTS

12.3.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) GRANT APPLICATION AND PRIORITISATION – SOUNNESS PARK CLUB ROOM AND CHANGEROOM

Attachment:	Elevation Floor Plan
File No:	N13122
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	10 November 2009

PURPOSE

The purpose of this report is to seek the Council's support for the submission of an application to the Department of Sport and Recreation's 2010/2011 Community Sport and Recreation Facilities Fund (CSRFF).

BACKGROUND

The CSRFF grant scheme is advertised annually by the Department of Sport and Recreation (DSR) and provides grant funding for facility and infrastructure provision/upgrades to incorporated community sport and recreation clubs and local governments.

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost, however this year a new Development Bonus scheme has been implemented which can see projects that fit the Development Bonus criteria provided with funding of up to 50% of the total project cost.

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

This year one application has been prepared by the Shire of Plantagenet for the development of a new Sounness Park club room and changeroom facility.

The Sounness Park club room and changeroom facility has been identified as a critical component of the Sounness Park Sport and Recreation Precinct Development Plan. The Development Plan was endorsed by the Council at its Ordinary Meeting held on 13 October 2009 and the Recreation Advisory Committee (RAC) was requested to prepare an implementation timeline and schedule of funding sources for the Precinct Development Plan.

The RAC identified the Souness Oval refurbishments and construction of the Souness Park club room and changerooms as a development priority for the sport and recreation precinct. The Shire's application to the CSRFF program for funding in 2010/2011 is due in October 2009 and therefore the RAC requested that an application be prepared for the Council's consideration and endorsement.

Draft plans for the club room and changerooms have been prepared by John Maxwell, Building Designer, in consultation with representatives from the RAC, Mount Barker Football Club, Mount Barker Hockey Association, Mount Barker and Districts Soccer Club and Mount Barker Cricket Association. A copy of the draft plans are attached.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has taken place with the RAC, representatives from the various sporting groups that will be accommodated within the proposed Souness Park club room and change rooms and wider sport and recreation group and community consultation in relation to the overall precinct planning for Frost Park and Souness Park.

FINANCIAL IMPLICATIONS

The draft Souness Park club room and change room plans have been costed by both a quantity surveyor and builder. The cost estimates are \$1,361,471.00 (including GST) and \$1,832,000.00 (including GST) respectively. The builder's cost estimate has been used for the funding application budget as it was considered more accurate. The total project budget including CPI of 4% per annum, is \$1,992,600.00 (including GST).

The application to the CSRFF program is seeking 50% of the building construction cost including CPI, amounting to \$996,600 (including GST).

The remainder of the funding may be sought from State and Federal Government programs including Lotterywest, the Regional Grants Scheme (administered by the Great Southern Development Commission) and the Regional and Local Community Infrastructure Program (administered by the Department of Infrastructure, Transport, Regional Development and Local Government).

While not essential, DSR has indicated that the local government should contribute financially to the project to some extent. The application highlights a Shire contribution of one quarter of the total project cost (being \$498,150.01 including GST and CPI). It is anticipated that the Shire funding would be sought from its Royalties for Region's allocation.

Negotiations with the potential user groups will also be occurring to determine their contribution to the facility construction.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council commissioned a Strategic Sport and Recreation Needs Analysis in July 2008 which produced a series of recommendations for upgrades, new developments and rationalisation of sport and recreation facilities throughout the Shire.

The Needs Analysis recommendations in relation to Sounness Park were:

'That the proposal for Sounness Park to become the primary outdoor ball sport precinct for the Shire of Plantagenet be endorsed.

That a Masterplan for the Sounness Park precinct, incorporating boundary lines and associated infrastructure requirements for existing Shire outdoor field sports, such as Football, Cricket, Soccer, Hockey and Rugby be developed with an appropriate implementation timeline.

That the change room and toilet facilities, at Sounness Park, be demolished.'

Following the Needs Analysis a Sport and Recreation Precinct Plan was prepared which provided the masterplanning for the Sounness Park precinct (amongst other facilities). The Sounness Park precinct plan was endorsed by the Council at its Ordinary Meeting held on 13 October 2009.

A critical component of the Sounness Park Precinct Plan is the construction of a multi-use club room and changeroom facility.

The recently completed Shire of Plantagenet Long Term Financial Plan acknowledges the development of sport and recreation facilities at Sounness Park, Frost Park and Kendenup with an emphasis on sourcing a majority of the money required to achieve the developments through state and federal government sources.

OFFICER COMMENT

The preparation of the Sounness Park club room and changeroom facility application for the CSRFF program is premature in respect of the work the RAC is undertaking to prepare a timeline for recreation developments and identification of potential funding sources.

However, the CSRFF program applications close in October 2009 for funding consideration in 2010/2011 so preliminary feedback from the RAC was to prepare the application for submission.

Construction of the Sounness Park club room and changerooms coupled with the Sounness Park oval refurbishments has been highlighted as necessary to enable the collocation of the Shire's ball sporting groups.

This will create an opportunity for developments to start occurring at Frost Park such as the realignment of the racing track, which is presently constrained due to the location of the football oval in the centre of the racing track.

Given the above details, it is recommended that the application to the CSRFF program for the Sounness Park club house and change room development be supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Sue Etherington JP, seconded Cr Andrus Budrikis:

That:

- 1. The application for the Sounness Park club room and changeroom development be endorsed and submitted to the 2010/2011 Community Sport and Recreation Facilities Fund.**
- 2. The Council's contribution of \$498,150.01 (including GST) be considered from future Royalties for Regions allocations.**
- 3. The Manager Community Services be requested to identify further funding opportunities to assist with the Sounness Park club room and changeroom development.**

CARRIED (8/0)

NO. 355/09

12.4 CORPORATE SERVICES REPORTS

Nil

12.5 EXECUTIVE SERVICES REPORTS**12.5.1 SOUNNESS PARK - CHARITABLE TRUST**

File No: N13113
Attachment: Aerial Photograph
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 November 2009

PURPOSE

The purpose of this report is to seek advice from the Council regarding procedures for the attempted removal of the Charitable Trust over Sounness Park as it relates to that portion of land upon which sits the existing Library/Community Centre.

BACKGROUND

For some years the Council has been attempting to have the land known as Sounness Park transferred from Old Title to Green Title. This land was originally bequeathed to the Council from the Sounness family in 1954 and the land, upon transfer to the Council, was subject to a Charitable Trust requiring that the land be used for recreation purposes.

When the Library/Community Centre (former Recreation Centre) was opened on 21 November 1980 it encroached onto Sounness Park. As the Council was the owner of both pieces of land this most likely was not seen to be a problem at that stage, although it is not good practice.

The effect now is that the encroached area (see attached plan) affects the whole of Lot 53 upon which the Library/Community Centre sits and this is already affecting the Council's ability to have dealings on Lot 53.

This matter is absorbing significant funds. Nevertheless it would be preferable to have the matter settled.

The most recent correspondence from the Council's legal advisers dated 14 October 2009 advises that it is impossible to excise the affected land from Sounness Park without a Scheme being prepared pursuant to the Charitable Trust Act 1962. Such a Scheme would need to be prepared by the Council's legal advisers and no estimate of costs has been provided.

Alternatively the Council could register an easement on the Certificate of Title for Sounness Park noting the encroachment and noting also that upon demolition of the Library/Community Centre the encroached land would revert back to Sounness Park.

STATUTORY ENVIRONMENT

Charitable Trust Act 1962

FINANCIAL IMPLICATIONS

In the current financial year \$10,399.95 has been expended on legal and statutory fees relating to this matter.

No indication has been given as to future costs but given past experience, costs could be substantial.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The issues arising from this encroachment have been brought to light by the Council's Strategic Aim (Key Result Area 2 Infrastructure) to manage public open space to equitably meet community, social and economic needs.

OFFICER COMMENT

As noted earlier, it would be preferable to use our best efforts to have this matter finalised once and for all. However, as the original encroachment came about as a result of the Council putting a structure over the boundary line there would be little incentive for the Attorney General to consider a scheme prepared pursuant to the Act. Accordingly it is recommended that we take the course of 'least resistance' and prepare an easement for the encroached land.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Michael Skinner, seconded Cr Jeff Moir:

That with regard to the encroachment of the Library/Community Centre situated partly on Lot 53 Lowood Road, the Chief Executive Officer be requested to make arrangements for an easement to be placed on the Certificate of Title for Sounness Park such that the encroached land remain as part of Sounness Park without the need to realign land boundaries, noting that upon demolition of the Library/Community Centre the encroached land will revert to Sounness Park.

CARRIED (8/0)

NO. 356/09

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**15.1 WORKS AND SERVICES REPORTS****15.1.1 TENDER C02-0910 – SUPPLY AND DELIVERY OF SPRAY BITUMEN SURFACING**

File No: N13111
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 10 November 2009

PURPOSE

The purpose of this report is to consider submissions from the advertising of tender C02-0910 – Supply and Delivery of Spray Bitumen Surfacing.

OFFICER RECOMMENDATION

That the meeting move into Confidential Session to consider this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr Michael Skinner, seconded Cr Andrus Budrikis:

3:07pm That the meeting move into Confidential Session to consider this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED (8/0)

NO. 357/09

MOTION TO SUSPEND STANDING ORDERS

Moved Cr Michael Skinner, seconded Cr Andrus Budrikis:

3:08pm That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (8/0)

NO. 358/09

MOTION TO RESUME STANDING ORDERS

Moved Cr Michael Skinner, seconded Cr Sue Etherington JP:

3:18pm That Standing Orders be resumed.

CARRIED (8/0)

NO. 359/09

MOTION TO PROCEED IN PUBLIC

3:19pm That the meeting proceed in public.

CARRIED (8/0)

NO. 360/09

COUNCIL DECISION

Moved Cr Brett Bell, seconded Cr Jeff Moir:

That:

1. The alternative tender submitted by RNR Contracting Pty Ltd for the supply and delivery of spray bitumen surfacing to the Shire of Plantagenet for various projects for a two year period, in accordance with the following pricing schedule, be accepted:

		RNR Contracting Pty Ltd (Alternative)					
		Litres/Order Rates - \$/Litre					
Item	Supply and Spray Volume – (@15°C) Bituminous Products	0 to 2,000	2,001 to 5,000	5,001 to 15,000	15,001 to 30,000	> 30,000	
1	Primer to AMC0 (55/45)	Ex GST	\$2.32	\$1.57	\$1.24	\$1.15	\$1.12
		Inc GST	\$2.55	\$1.73	\$1.36	\$1.26	\$1.23
2	Medium – Heavy Primer MAC3 (80/20)	Ex GST	\$2.22	\$1.47	\$1.14	\$1.06	\$1.02
		Inc GST	\$2.44	\$1.62	\$1.25	\$1.17	\$1.12

3	Binder (100/00) with adhesion agent)	Ex GST	\$2.16	\$1.41	\$1.08	\$1.00	\$0.96
		Inc GST	\$2.38	\$1.55	\$1.19	\$1.10	\$1.06
4	Binder (90/10) with adhesion agent)	Ex GST	\$2.20	\$1.45	\$1.12	\$1.04	\$1.00
		Inc GST	\$2.42	\$1.60	\$1.23	\$1.14	\$1.10

Item	Additives - Additional cost per litre for percentage volume inclusions (ex GST)						
5	Supplier	5% Polymer	7% Polymer	10% Polymer	15% Rubber	Detail of Type	Mixing Details
	RNR Contracting Pty Ltd (Alternative)	\$0.25	\$0.30	\$0.35	\$0.15	Polybutadience Polymer/Crumbed rubber	High Sheer Mill

		RNR Contracting (Alternative)					
Item	Supply and Spray Volume – (@15C) Bituminous Products	Litres/Order Rates - \$/Litre					
		0 to 2,000	2,001 to 5,000	5,001 to 15,000	15,001 to 30,000	> 30,000	
6	Enrichment Seals	Ex GST	\$1.99	\$1.24	\$0.91	\$0.83	\$0.79
		Inc GST	\$2.19	\$1.36	\$1.00	\$0.91	\$0.87
		Material Type	Cationic Rapid Set Emulsion				
		Additives	Nil				
		Common Application Rate	1.00 l/m2				

RNR Contracting Pty Ltd (Alternative)		
Precoat Aggregate		
Item	Metres	Rate \$/Stockpile Cubic Metre (ex GST)
7	0 -20 cubic metres	\$145.00
	21 – 50 cubic metres	\$54.50
	51 – 150 cubic metres	\$16.50
	Greater than 300 cubic metres	\$12.50

Lift Spread and Roll Aggregates		
Item	7 mm Medium Primer Cover	Rate \$/Square Metre (ex GST)
8	0 -2,000 square metres	\$11.50
	2,001 – 5,000 square metres	\$2.45
	5,000 – 15,000 square metres	\$1.15
	15,000 - 30,000 square metres	\$0.85
	> 30,000 square metres	\$0.75

Item	10 mm Medium Primer Cover	Rate \$/Square Metre (ex GST)
9	0 -2,000 square metres	\$11.50
	2,001 – 5,000 square metres	\$2.45
	5,000 – 15,000 square metres	\$1.15
	15,000 - 30,000 square metres	\$0.85
	> 30,000 square metres	\$0.75

Item	14 mm Medium Primer Cover	Rate \$/Square Metre (ex GST)
10	0 -2,000 square metres	\$11.50
	2,001 – 5,000 square metres	\$2.45
	5,000 – 15,000 square metres	\$1.15
	15,000 - 30,000 square metres	\$0.85
	> 30,000 square metres	\$0.75
Item	Protection of Kerbs/Structures	Rate \$/Linear Metre
11	Protect kerbs or structures with paper as specified	\$2.75

Item	Table 3 - Information to be supplied by Tenderer	RNR Contracting Pty Ltd (Alternative)
12	Basic cost per litre as at date of closure for tenders for Class 170 Bitumen at the Contractor's point of supply \$.....per litre at 15C	\$0.85
13	Basic cost per litre as at date of closure for tenders for Power Kerosene supplied at the Contractor's point of supply \$.....per litre at 15C	\$1.25
14	Tenderer's operational premises located at	34 Great Eastern Hwy SOUTH GUILDFORD 6055

15	Precoat type proposed and basic cost per litre as at date of closure for tenders for Precoat material at the Contractor's point of supply \$.....per litre at 15C	\$1.35
16	Equipment supplied for Spray/Lift/Spread and Roll Works:	Sprayers Bulk road transport Spreader Trucks
16a	plus Contractors Personnel	12
17	Frequency of Visits to Plantagenet	As required
18	Cost each of Mobilisation to Plantagenet (Full Service)	\$3,750.00
19	Cost each of Demobilisation from Plantagenet (Full Service)	\$3,750.00
20	Cost each of Mobilisation to Plantagenet (Sprayer Only)	Included in litre rate
21	Cost each of Demobilisation fro Plantagenet (Sprayer Only)	Included in litre rate

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

CARRIED (8/0)

NO. 361/09

16 CLOSURE OF MEETING

3:20pm The Presiding Member declared the meeting closed.

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