



ORDINARY MINUTES

DATE: Tuesday, 10 April 2012

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

Cr K Clements – Shire President
Cr M Skinner – Deputy Shire President
Cr S Etherington JP
Cr B Bell
Cr C Pavlovich
Cr J Moir
Cr A Budrikis
Cr G Messmer
Cr L Handasyde

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:46pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left Chamber at 3.56pm, returned 4.00pm)

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
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer
Mrs Megan Beech	Senior Administration/Project Officer – Works and Services

There was one member of the public present.

Apologies

Cr S Etherington

Previously Approved Leave of Absence:

Cr G Messmer – 1 May 2012 to 22 May 2012 (inclusive)

Emergency Evacuation Procedures/Disclaimer:

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.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 MR NEIL RAE – LOT 12 STRATA LOT 2 OATLANDS ROAD MOUNT BARKER

Mr Neil Rae, owner Lot 12 Strata Lot 2 Oatlands Road Mount Barker, spoke against the Officer's Recommendation in Item 9.1.1.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Disclosed a Closely Associated Person (Section 5.62 LGA) Interest – Potential Conflict of Interest – Committee of Mount Barker Football Club - in Item 12.1.2.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Councillor C Pavlovich requested Leave of Absence for the period 1 May 2012 to 11 May 2012 inclusive.

Moved Cr B Bell, seconded Cr M Skinner:

That Councillor C Pavlovich be granted leave of absence for the period 1 May to 11 May 2012 inclusive.

CARRIED (8/0)

NO. 40/12

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr G Messmer:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 20 March 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 41/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 12 STRATA LOT 2 OATLANDS ROAD, MOUNT BARKER - RETROSPECTIVE CONSENT - GROUPED DWELLING AND OUTBUILDING

File No:	N22158
Attachments:	Location Plan Survey Strata Subdivision Plan Site Plan Floor Plan Elevations Outbuilding Location Outbuilding Plans Letter from Occupant
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	10 April 2012
Applicant:	Department of Housing – Government Regional Officers' Housing

PURPOSE

The purpose of this report is to consider a proposal for retrospective Planning Consent for one previously constructed grouped dwelling and one previously constructed outbuilding at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 12 Strata Lot 2 Oatlands Road is the Department of Housing.

Survey-strata Plan 55230 was approved for Lot 12 Oatlands Road by the Western Australian Planning Commission on 8 March 2009 (survey strata subdivision plan attached) creating four survey strata lots including a common property lot providing access to the strata lots.

In a letter received on 29 March 2010 the Department of Housing advised the Council that pursuant to the Local Government (Miscellaneous Provisions) Act 1960, it did not require building approval for the proposed government officer housing to be developed on Lot 12 Strata Lot 2 Oatlands Road. The Department further advised it engaged an independent assessor to confirm the house conforms to the Building Code of Australia. The Department also provided copies of the compliance certificate and final plans to the Council for information and record keeping purposes.

The Council on 8 April 2010 advised the Department it was required to apply for Planning Consent for a 'Grouped Dwelling' pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) prior to commencing any site or construction works. The Department requested confirmation on the Planning Consent application requirement and the Planning Officer on 6 May 2010 provided confirmation by email and further explained the need for the Department to obtain Planning Consent. The Department is exempt from gaining approval for a single house only, not a grouped dwelling.

On 15 June 2010 the Planning Officer noted a house being constructed at Lot 12 Strata Lot 2 Oatlands Road, the construction of which was at an advanced stage. Council records at the time showed no application for Planning Consent for Lot 12 Strata Lot 2 Oatlands Road had been received. The Department was then advised an application for retrospective Planning Consent will now be required. In an email dated 23 June 2010 the Council advised the Department on the requirements for retrospective planning application including increased application fees.

The Council on 23 March 2011 received an application for retrospective Planning Consent for one 'Grouped Dwelling' at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker. The Planning Officer on 5 May 2011 noted an outbuilding had been constructed within the setback area at Lot 12 Strata Lot 2 Oatlands Road. The constructed outbuilding was not included in the Planning Consent application and further information was sought.

It appears the government officer occupying the house constructed the outbuilding. On 18 July 2011 this occupant submitted detailed plans (copy attached) for the outbuilding. The officer also submitted a letter on 21 December 2011 explaining the reasons for the construction and location of the outbuilding at the property.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 (PD Act)

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R12.5/20) – 'Grouped Dwelling' is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

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.'

WAPC - Planning Bulletin 94 (November 2008) – Approval Requirements for Public Works and Development by Public Authorities.

Paragraph 3 of WAPC Planning Bulletin 94 (2008) states;

'Public works under a local planning scheme

Section 6 has the effect of exempting section 6 bodies from the requirement to obtain development approval for a public work under a local planning scheme. Despite this exemption, section 6 bodies are still required to comply with the requirements of section 6(2) and (3), namely:

- to have regard to the purpose and intent of the local planning scheme;
- to have regard to the principles of proper and orderly planning and the amenity of the area; and
- to consult with the local government when a proposal is being formulated for any public work, or the taking of land for a public work.

If a section 6 body undertakes a public work without consulting with the relevant local government under section 6(3), then it has breached the requirements of the PD Act.'

The Department of Housing in this instance carried out work without consulting the Council. Lot 12 Strata Lot 2 is located in the Residential zone and a 'Grouped Dwelling' is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for public comment.

Residential Design Codes (RCodes)

Part 2.5.2 of the RCodes states:

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

- (a) *the stated purpose and aims of the scheme;*
- (b) *the provisions of parts;*
 - (i) *1-5 of the codes, as appropriate; and*
 - (ii) *the provisions of part 6 where the application involves a single house(s), grouped dwellings, or multiple dwellings in areas with a coding of less than R30;*
- (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.'*

Discretion exists in this part of the RCodes for the Council to vary standards. The proposal involves retrospective Planning Consent for one previously constructed grouped dwelling located in the Residential zone with R12.5/20 coding. The proposal further involves retrospective Planning Consent for one previously constructed outbuilding located within the setback area.

Part 6.10.1 – Outbuildings, of the RCodes states under Acceptable Development:

'A1 (vi) Outbuildings that are not within the primary street setback area.'

One 20.0m² (3.22m x 6.21m) outbuilding has been constructed within the primary street setback area which is the area between the dwelling and the common property access lot.

Part 6.2.4 - Surveillance of the street, of the RCodes states:

'A4.1 At least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling.'

The outbuilding obstructs the view of the street and the approach to the dwelling.

Part 6.10.3 – Essential facilities, of the RCodes states:

'A3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4sq m, for each grouped or multiple dwelling.'

An enclosed lockable storage area has not been provided in accordance with the RCodes.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 March 2012. Letters were sent to the five adjoining and nearby land owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site. At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$1,539.00 for retrospective approval and a bond of \$500.00 for advertising costs have been paid. The application was not processed until these fees had been paid.

POLICY IMPLICATIONS

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

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

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

The survey-strata subdivision consists of four survey strata lots of which three are located in tandem for residential purposes. This fourth lot is a battleaxe access lot providing access to Oatlands Road for Strata Lots 2 and 3 and also provides access to the rear of Strata Lot 1. The battleaxe access lot is a common property lot.

Strata Lot 1 is located at the front and is 846m² in area and has a house and gardens.

Strata Lot 2, the subject of this application, is 459m² in area. Current development at Strata Lot 2 consists of a three bedroom single storey grouped dwelling. This dwelling is 206.63m² in area and includes an alfresco area and the double carport. Further development at the strata lot involves a 20m² outbuilding constructed within the primary street setback area.

Strata Lot 3 is located at the rear, is 569m² in area and is currently undeveloped.

The proposal meets the majority of the standards required for this R20 development set by the RCodes except for the proposed 4.5m street setback for the double carport at the front of the dwelling. An outbuilding was also constructed at the front of the dwelling within the setback area.

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 residential development in Western Australia.

The proposed setback of the carport 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 setback reduction for the carport is supported.

The outbuilding is located within the primary street setback area and is setback 0.8m from the side boundary abutting Strata Lot 1 to the north and setback 3.6m from street boundary (battleaxe access lot). The outbuilding location does not fall within the extent of the incidental development requirements and performance criteria of the RCodes and does not meet the acceptable development provisions of the RCodes. Provision 6.10.1 A1 vi (Outbuildings) of the RCodes prohibits outbuildings within the street setback area and the outbuilding obstructs the view of the street and the approach to the dwelling. Retrospective Planning Consent for the outbuilding is not supported.

Another area which will need to be addressed as a proposed condition of approval is the provision of an enclosed, lockable storage unit for this grouped dwelling in accordance with the RCodes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr M Skinner, seconded Cr L Handasyde:

That:

1. Retrospective approval be granted for one grouped dwelling at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, with a reduced street boundary setback for the carport of 4.5m subject to:
 - a) The development being in accordance with the plan dated 29 March 2010.
 - b) An enclosed, lockable storage unit with a minimum floor area of 4m² being provided and located in accordance with boundary setback requirements of the Residential Design Codes.
 - c) Stormwater being disposed of to the satisfaction of the Manager Works and Services.
 - d) Fencing in front of the building setback line being a maximum of 1.2m in height.
2. Retrospective approval be refused for one outbuilding at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, as it fails to meet the acceptable development standards of the Residential Design Codes by being located within the setback area.
3. The owner of Lot 12 Strata Lot 2 Oatlands Road, Mount Barker be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 for the removal of the outbuilding currently located within the setback area from this property to the Council's satisfaction within a period of 90 days.

Motion to Adjourn the Question

Moved Cr G Messmer, seconded Cr L Handasyde:

That the question be adjourned until the meeting of the Council to be held 1 May 2012 to enable the Manager Development Services to discuss with the owner relocation options for the outbuilding on Lot 12 Strata Lot 2 Oatlands Road Mount Barker.

CARRIED (8/0)

NO. 42/12

**9.1.2 LOT 45 BEECH ROAD, NARRIKUP - OUTBUILDINGS EXCEEDING
MAXIMUM CUMULATIVE FLOOR AREA REQUIREMENT**

File No: N22094

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevations](#)
[Letter from Applicant](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 10 April 2012

Applicant: Phillip and Glenys Steel

PURPOSE

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 45 Beech Road, Narrikup. This outbuilding combined with two existing outbuildings means the cumulative floor area set by Council policy is exceeded.

BACKGROUND

Council records show the registered owners of Lot 45 are PEJ and GA Steel.

This proposal is for an additional outbuilding of 45m² (6m x 7.5m) with a wall height of 3.0m. Two other existing outbuildings have a floor area of 69m². The cumulative floor area of 114m² exceeds the 80m² area set by Council policy for this residential area.

Town Planning Scheme Policy No. 16.1 (Outbuildings) sets a maximum wall height of 3.0m and a maximum cumulative total floor area of 80m² for outbuildings in Residential zones.

The proponents have submitted a letter (copy attached) explaining the request to construct an additional outbuilding. The reason given was to provide storage for a motor vehicle and motor vehicle trailer.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R10).

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 variation required here relates to 2.5.2(b) above as the outbuilding requirements are in part 6 of the RCodes.

EXTERNAL CONSULTATION

As part of lodging this application, the proponents sought comment from the owner of adjoining Lot 44 to the east. The landowner of Lot 44 raised no objection to the proposed additional outbuilding. Adjoining Lot 46 to the west is owned by the proponents meaning that adjoining owner support is not required.

FINANCIAL IMPLICATIONS

The application fee of \$139.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 80m² for Residential zones. The cumulative floor area of all outbuildings on site including the new outbuilding will total 114m². The wall height of the proposed outbuilding is 3.0m. 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.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 45 is 1619m² in area and is zoned Residential (R10). The proposed outbuilding is setback 3.0m from the east side boundary abutting Lot 44 Beech Road, 19.4m to the south rear boundary abutting the Right of Way. This Right of Way provides access from Williamson Avenue and Beech Road to the rear of Lot 45. The proposed outbuilding location meets the setback requirements of the RCodes.

The proposed outbuilding will be 45m² (6m x 7.5m) in area and be constructed in steel and clad in Colorbond®. The external walls and roof will be finished in cottage green colour to blend in with the landscape.

The cumulative floor area of all outbuildings on the property including the new outbuilding will total 114m². The wall height of the proposed outbuilding is within the limit set by the policy. No difficulties are seen with the maximum cumulative floor area of outbuildings being 114m² given the size of the lot being 1619m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No.3 and subject to the development being in accordance with the plans dated 28 February 2012 and 16 March 2012, the proposed outbuilding at Lot 45 Beech Road, Narrikup be approved which will mean a cumulative area of all outbuildings being 114m² which is in excess of the 80m² stated in Town Planning Scheme Policy 16.1 (Outbuildings).

CARRIED (8/0)

NO. 43/12

9.1.3 LOT 511 PORONGURUP ROAD, PORONGURUP - CHALETS AND GALLERY

File No: N22247

Attachments: [Location Plan](#)
[Site Plan](#)
[Chalet Plan](#)
[Gallery Plan](#)
[Submission](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 10 April 2012

Applicant: Robert Bunch

PURPOSE

The purpose of this report is to consider an application for two chalets and gallery at Lot 511 Porongurup Road, Porongurup.

BACKGROUND

Council records show the registered owner of Lot 511 is R Bunch.

On 1 February 2012 building licences were issued for the construction of a 328m² house and a 120m² outbuilding at Lot 511 Porongurup Road.

The Council at its meeting held on 28 February 2012 resolved at Resolution No. 22/12:

‘That the application for temporary accommodation at Lot 511 Porongurup Road, Porongurup be approved for a period of 12 months from 28 February 2012 subject to:

1. *The construction of ablution facilities and connection of sewage waste lines into the existing on-site effluent disposal system proposed to serve the temporary accommodation facility.*
2. *Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.*
3. *Satisfactory progress being achieved with the construction of the Class 1a dwelling.*

ADVICE NOTE:

- i) *The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.’*

The proposal is now for two chalets and a gallery. The chalets will contain two bedrooms and both chalets will be 73m² in area. The proposal further involves a gallery including an art workshop. The gallery will be established in a new outbuilding and will be 116.4m² (9.7m x 12m) in area.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Chalet is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Schedule 1 – Interpretations includes:

'Gallery/Restaurant – means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and the manufacture, creation of art or craft pieces together with the incorporation of a restaurant for the sale of food and beverages in conjunction with the operation of the centre.'

The manufacture or creation and sale of art falls within the definition of a Gallery/Restaurant which is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

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.'

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 March 2012. Letters were sent to the 5 adjoining land owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

An email of support (copy attached) was received from the landowner of adjoining Lot 512 Porongurup Road to the east. This owner is concerned about the visual impact of the gallery on his property and requests the installation of a vegetation screen to the east of the gallery. He also requests the proposed pale green colour scheme for the chalets and gallery to remain as advised in this application.

FINANCIAL IMPLICATIONS

The application fee of \$352.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 14 (TPS Policy No. 14) (Rural Tourist Accommodation and Additional Houses) contains a range of planning criteria to provide for tourist accommodation in the rural areas of the Shire in a manner that will not conflict with existing or potential agricultural or horticultural pursuits.

TPS Policy No. 14

Policy criteria 4 reads as follows:

'Tourist accommodation will not be permitted within a minimum of 100 metres of existing horticultural activities on adjoining land.'

The location for the two chalets and gallery conforms to this policy criterion.

Policy criteria 7 reads as follows:

'Every tourist accommodation unit and/or additional house requires a source of potable water to a capacity of 92,000 litres. Suction fittings will be required on individual domestic potable water supplies for the supply of water to fire fighting appliances in the event of a fire.'

The proponent intends to provide a total of 230,000 litres potable water for the entire development including the main house and two chalets. Three farm dams will supply additional water for fire fighting purposes. A volume of 92,000 litres potable water is required for the development of a single house. An additional volume of 184,000 litres of potable water is required for the two chalets in accordance with TPS Policy No. 14. This means a total volume of potable water required for the house and the two chalets is 276,000 litres. 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.

STRATEGIC IMPLICATIONS

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

'Retain local business and encourage new businesses that will create long-term sustainable local employment. The Shire also seeks to plan a safe and healthy living environment.'

OFFICER COMMENT

The subject land is located approximately 14km east of Mount Barker on Porongurup Road.

The property is rectangular in shape, 48.73ha in area and is located in the Rural zone. The current development on the lot consists of a recently completed outbuilding, two water tanks and a house under construction.

The two chalets are to be approximately 530m and 610m from the boundary abutting Porongurup Road to the north. The chalets are to be 240m from the boundary abutting Lot 512 (Maleeya's Thai Café) to the east and 140m from the boundary abutting Lot 4580 (Dukes Winery) to the west. The chalets will also be 160m from the vineyard at Lot 4580. This distance conforms to the 100m distance requirement set in TPS Policy No. 14 for existing horticultural activities on adjoining land. The two chalet locations are well screened by vegetation located on Lot 511 and adjoining properties. The two chalets are to be finished in a pale green colour to blend into the landscape.

The gallery is to be positioned approximately 200m from the boundary abutting Porongurup Road to the north. The gallery is to be 80m from the boundary abutting Lot 512 (Maleeya's Thai Café) to the east and 250m from the boundary abutting Lot 4580 (Dukes Winery) to the west. The gallery will also be 160m from the vineyard at Lot 4580. The gallery is partly screened by vegetation located on Lot 511 to adjoining properties and Porongurup Road. The gallery is also to be finished in a pale green colour.

The house and two chalets require a total potable water supply of 276,000 litres. The house is to be provided with two water tanks with capacity of 184,000 litres. The chalets are to be provided with one water tank each with a capacity of 23,000 litres providing a total of 46,000 litres. In addition the chalets are to be connected to the water tanks located at the main house by way of a siphon system. The total cumulative roof space area of 598m² provided by buildings (house, chalets and outbuilding) at the property is sufficient to catch the volumes of water needed for domestic use and fire fighting purposes. The total water supply in tanks will be 230,000 litres rather than the 276,000 litres needed.

Fire fighting equipment at the property will include roof sprinklers for all habitable buildings and fire fighting connections to all water tanks. Additional fire fighting equipment will include a fire fighting unit and a generator for back up power. Two farm dams at the property and a soak will supply water for fire fighting purposes in addition to the proposed water tanks. The two dams and the soak will adequately provide enough water to cover the 46,000 litres deficit. An emergency evacuation plan will be developed and clearly displayed in the chalets.

Effluent disposal systems will be the conventional septic systems for each of the habitable buildings.

The proposal is in accordance with the requirements set in TPS Policy No. 14 except for the water supply capacity which is 46,000 litres below what is required. The dams and soak will adequately cover this deficiency for the fire fighting water supplies. The proposed uses are not likely to affect the landscape, rural character or amenity of the area. The use is not likely to affect existing horticultural activities on adjoining land to the west.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed tourist accommodation (two chalets) and gallery at Lot 511 Porongurup Road, Porongurup be approved subject to:

1. Development being in accordance with the plans dated 19 December 2011 and 14 February 2012.
2. Compliance with the relevant requirements of the Building Code of Australia.
3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.
4. A crossover being constructed and drained to the satisfaction of the Manager Works and Services.
5. Appropriate fire fighting fittings being installed to all water tanks.
6. The provision and maintenance of Hazard Separation Zones for fire safety around the houses and the chalets to comply with the Council's annual firebreak notice.
7. Compliance with the relevant requirements of the Council's Town Planning Scheme Policy No. 14 (Rural Tourist Accommodation and Additional Houses).
8. Both chalets being provided with a fire blanket in the kitchen area.
9. A property specific fire and emergency response plan being developed and prominently displayed within the chalets and galley.
10. A vegetation screen of shrubs and trees being planted at eastern area abutting the gallery to the satisfaction of the Manager Development Services.

CARRIED (8/0)

NO. 44/12

9.1.4 LOTS 21 AND 22 HASSELL AVENUE KENDENUP - AMALGAMATION - AFFIX SEAL

File No: N22241

Attachments: [Location Plan](#)
[Deposited Plan](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to obtain approval of the Council for the Common Seal of the Council to be applied to a Transfer of Land Act form for the creation of a new Certificate of Title. The land involved is Lots 21 and 22 Hassell Avenue Kendenup, occupied by the Kendenup Hall.

BACKGROUND

The Kendenup Hall is constructed over the common boundary between Lots 21 and 22 Hassell Avenue Kendenup. John Kinnear and Associates (consulting Surveyors) were engaged in November 2011 to prepare the necessary application to amalgamate the two lots into one to remove the anomaly.

The amalgamation application was approved by the Western Australian Planning Commission in a letter dated 13 January 2012. No conditions were imposed by the Commission. John Kinnear and Associates then prepared the Deposited Plan (showing the new Lot 2122 and lodged it with Landgate (Titles Office). A copy of the Deposit Plan (Number 73386) is attached.

The Commission endorsed the Deposited Plan on 14 February 2012 and as such it was 'in order for dealings'. This means the Council must apply to Landgate for the issue of the new Certificate of Title for Lot 2122. That application must be made within a two year period.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 – subdivision and amalgamation of land.
- Shire of Plantagenet Town Planning Scheme No. 3 – Lots 21 and 22 are Zoned Public Purpose Scheme Reserve.
- Transfer of Land Act 1893 – creation of new Certificates of Title.
- Local Government Act 1995 – Application of Common Seal.

FINANCIAL IMPLICATIONS

The preparation of the application through to the preparation of the Deposited Plan by John Kinnear and Associates cost \$2,295.00. The cost of applying for the new Certificate of Title will be \$166.00 if prepared in-house by staff.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The lodgement of an Application for a new Certificate of Title is the final step in the amalgamation process for Lots 21 and 22 Hassell Avenue Kendenup. The amalgamation of the two lots will remove the anomaly of the Kendenup Hall having been constructed over the lot boundary between Lots 21 and 22 Hassell Avenue Kendenup.

The preparation and lodgement of the Application for a new Title form can be prepared in-house by staff and can be lodged with Landgate in Midland without the need to engage settlement agents or solicitors. The form needs to be signed by the Shire President and the Chief Executive Officer and the Common Seal of the Council must be affixed to the form. A resolution from the Council is required for the Seal to be affixed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Application for new Title form required for the amalgamation of Lots 21 and 22 Hassell Avenue Kendenup.

CARRIED (8/0)

NO. 45/12

9.1.5 TOWN PLANNING SCHEME POLICY NO. 20 - PORONGURUP RURAL VILLAGE DESIGN GUIDELINES

File No:	N21711
Attachment:	Draft Town Planning Scheme Policy No. 20
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	10 April 2012

PURPOSE

The purpose of this report is to consider Draft Town Planning Scheme (TPS) Policy No. 20 – Porongurup Rural Village Design Guidelines, to enable it to be advertised for public comment.

BACKGROUND

The Porongurup Rural Village Structure Plan was adopted by the Council on 27 September 2011 and endorsed by the Western Australian Planning Commission on 31 October 2011. This followed the finalisation of Amendment No. 49 to the Council's Town Planning Scheme No. 3 which created the Rural Village zone. That Amendment No. 49 was initiated by the Council in March 2008.

The Structure Plan document contains a specific section on design guidelines. The objective of the guidelines is to maintain the rural character of the locality, whilst enabling diversity in building design and sustainability in community development in a manner that respects the natural environment.

The guidelines are designed to provide requirements and guidance on the form of housing to be developed within the Porongurup Rural Village. They will assist landowners in designing homes that meet the sustainability objectives for the Porongurup Rural Village. The guidelines will also assist the Council in assessing planning and building applications.

These guidelines are to be read in conjunction with Town Planning Scheme No. 3 (TPS3) and other relevant local policies and laws.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' which reads:

'7.6 POWER TO MAKE POLICIES

7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the

Scheme area and relating to one or more of the aspects of the control of development.

7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*

- (a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*
- (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'*

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is required to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

FINANCIAL IMPLICATIONS

The cost of advertising will be met from the Town Planning Advertising Budget.

POLICY IMPLICATIONS

This is a new Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will *'Develop and Review Town Planning Policies'*.

OFFICER COMMENT

The design guidelines over the Porongurup Rural Village area will perform a dual role:

- To control and guide the built form; and
- Provide useful information intended to educate prospective purchasers and landowners in sustainable development.

Specifically, the guidelines promote:

- Passive solar site specific architecture;
- Energy efficiency;
- Water conservation;
- Liveability;
- Safety and surveillance; and
- Visual attractiveness and variety of design.

The aim of the guidelines is to ensure that houses in the Porongurup Rural Village respect and blend harmoniously with the existing environment and enable all residents to maximise their enjoyment of the setting through appropriate design.

The preparation of this Town Planning Scheme Policy reflects the commitment in the Porongurup Rural Village Structure Plan that the Council would consider this method of promoting the guidelines.

The guidelines were included in the previously advertised Porongurup Rural Village Structure Plan. Although the minimum advertising period is 21 days it is considered appropriate to advertise this draft Town Planning Scheme Policy for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. **Draft Town Planning Scheme Policy No. 20 – Porongurup Rural Village Design Guidelines be advertised in accordance with Clause 7.6.2 (a) of Town Planning Scheme No. 3 for a period of 42 days.**
2. **At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 3 July 2012.**

CARRIED (8/0)

NO. 46/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 CONFERENCE ATTENDANCE - 2012 WA TRANSPORT AND ROADS FORUM

File No:	N22051
Attachments:	Program 2012 WA Transport and Roads Forum
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	10 April 2012

PURPOSE

The purpose of this report is to recommend the attendance by Cr Clements and Cr Handasyde at the forthcoming 2012 WA Transport and Roads Forum to be held on 4 May 2012 at the Burswood Entertainment Complex.

BACKGROUND

Shire President Cr Clements, Cr Handasyde and the Manager Works and Services attended the 2010 National Local Roads and Transport Congress on behalf of the Council.

Cr Clements is the Council's representative on the Regional Road Group. Cr Handasyde is the Council's deputy representative.

FINANCIAL IMPLICATIONS

This event is free for Local Government representatives. Accommodation, meal and transport/parking costs are expected to be in the vicinity of \$750.00 per person and would be funded from account 20026.0029 (*Conferences, Training and Accommodation*).

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and training sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Results Area 2, Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

Representation at this Forum is beneficial to keep the Shire up to date regarding road funding policies and direction and is also a valuable networking opportunity. A copy of the program is attached.

It is recommended that two Councillors be granted authority to attend this Forum to represent the Shire.

The Manager Works and Services will seek approval from the Chief Executive Officer to attend the 2012 WA Transport and Roads Forum.

Registrations must be received by 23 April 2012.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That authority be granted to Cr Clements and Cr Handasyde to attend the 2012 WA Transport and Roads Forum to be held at the Burswood Entertainment Complex on 4 May 2012 and accommodation, meal and transport/parking costs be met from account 20026.0029 (Conferences, Training and Accommodation) pursuant to Council Policy CE/CS/1.

CARRIED (8/0)

NO. 47/12

9.2.2 PARKING RESTRICTIONS - LOWOOD ROAD, MOUNT BARKER

File No: N21855
Attachments: [Plans A to C Parking Restrictions Lowood Road](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to assign time restrictions on additional car parking bays on Lowood Road, Mount Barker in accordance with the Shire of Plantagenet Parking and Parking Facilities Local Law 2008.

BACKGROUND

In 2006, the Council agreed to parking restrictions for Lowood Road and Short Street, in conjunction with upgrade works occurring (and anticipated) along these roads.

The Council at its ordinary meeting held 27 July 2010 endorsed a change to one of the parking restriction plans, allowing a taxi bay to be implemented on the north-west side of the Council administration office.

Recently some confusion has arisen around the time restriction applicable to one car parking bay on Lowood Road, adjacent to Lot 10 Lowood Road (currently the old Post Office building, north of the intersection with Short Street. This bay was not allocated a time restriction on the original plan adopted by the Council in 2006.

Further, as upgrades have continued south along Lowood Road, a parking area has been created adjacent to the public toilet block (situated on Reserve 6454) on Lowood Road, opposite Lot 1 Lowood Road (currently the Mount Barker Service Centre). Currently there are no bays marked, however signage has already been installed allowing a 30 minute stop. Approximately six parallel bays will be marked along this section, including one disabled bay.

Four additional parallel bays were also recently constructed on Lowood Road opposite Lot 14 and Lot 15 Lowood Road (currently Crofts Automotive and Mount Barker Country Bakery respectively).

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Plantagenet Parking and Parking Facilities Local Law 2008
Part 2, clause 6 states:

'The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently within the provisions of this local law.'

FINANCIAL IMPLICATIONS

All costs associated with the implementation of parking restrictions, by way of signage, will be the responsibility of the Council.

The application of a parking limit on the bay north of the intersection with Short Street will not require an additional sign. The existing sign can simply be re-located to the south of the bay.

Signage will not be required for the bays adjacent to the public toilet block (situated on Reserve 6454), however line-marking is required including appropriate marking for the disabled bay according to design requirements.

Two signs will be required for the bays opposite Lot 14 and Lot 15 Lowood Road (currently Crofts Automotive and Mount Barker Country Bakery respectively). It is estimated that the cost of this signage will be a maximum of \$500.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Results Area 2, Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

The attached plans indicate the proposed time restrictions to be applied to the bays in question.

Plan A indicates that the car parking bay adjacent to Lot 10 Lowood Road (currently the old Post Office), north of the intersection with Short Street will be time limited for two hours. This is in line with other bays along this section of Lowood Road.

Plan B indicates that six car parking bays (including one disabled bay) adjacent to the public toilet block (situated on Reserve 6454) opposite Lot 1 Lowood Road (currently Mount Barker Service Centre) will be time limited for 30 minutes.

Plan C indicates that the car parking bays opposite Lot 14 and Lot 15 Lowood Road (currently Crofts Automotive and Mount Barker Country Bakery respectively) will be time limited for 15 minutes.

The time limits for the bay north of the intersection with Short Street (adjacent to Lot 10 Lowood Road) and the bays adjacent to the public toilets (situated on Reserve 6454) will be marked as applicable only between 8.30am to 5.00pm Monday to

Friday and 8.30am to 1.00pm on Saturday. The time limits for the bays opposite Lot 14 and Lot 15 Lowood Road (currently Crofts Automotive and Mount Barker Country Bakery respectively) will be marked as applicable only between 8.30am to 5.00pm Monday to Sunday, given the extended trading hours of the Mount Barker Country Bakery.

It is considered that the proposed time restrictions are appropriate for shoppers and visitors, depending on the purpose of their stop. These limits, being adopted by the Council under the Local Law, will enable them to be enforced by the Council's Ranger.

According to the Local Law, the penalty for 'Parking contrary to signs or limitations' is \$35.00.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That:

1. **Pursuant to Clause 6 of the Shire of Plantagenet Parking and Parking Facilities Local Law 2008, the permitted times for parking in the following locations as shown on the attached plans A, B and C, be applied:**
 - a) **Adjacent to Lot 10 Lowood Road, north of the Short Street intersection;**
 - b) **Adjacent to Reserve 6454, opposite Lot 1 Lowood Road; and**
 - c) **Southern end of Lowood Road, opposite Lot 14 and Lot 15 Lowood Road.**
2. **The additional time restrictions applied, be advertised in the Plantagenet News to notify residents and visitors.**

CARRIED (8/0)

NO. 48/12

9.3 COMMUNITY SERVICES REPORTS

9.3.1 SOUNNESS PARK RECREATION PLAN (CLUBROOMS) – COUNTRY LOCAL GOVERNMENT FUND

File No:	N22067
Attachments:	<u>Financial Assistance Agreement</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 April 2012

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to a Financial Assistance Agreement between the State of Western Australia (Department of Regional Development and Lands) and the Shire of Plantagenet for the 2010/2011 Country Local Government Fund (CLGF) allocation.

BACKGROUND

As part of the State Government's Royalties for Regions program, the Shire of Plantagenet has been offered an individual allocation of \$675,499.00 (GST exclusive) under the CLGF (2010/2011).

The Council adopted a Forward Capital Works Plan (2010/2011 to 2014/2015) at its meeting held 19 October 2010. This plan identified the implementation of the Frost / Souness Parks Recreation Plan as the project for future CLGF allocations.

The Shire must enter into a Financial Assistance Agreement with the State of Western Australia as a condition of the funding. A copy of the Agreement, as negotiated with the Department of Regional Development and Lands, is attached. It is proposed that the Souness Park Clubrooms be the project the subject of this allocation.

At its meeting held on 18 October 2011, the Council resolved to endorse a site plan layout for Souness Park, subject to consideration being given to a number of possible amendments. Councillors have also reviewed the proposed layout of the Souness Park clubrooms and changerooms in several workshops.

STATUTORY ENVIRONMENT

Royalties for Regions Act 2009.

EXTERNAL CONSULTATION

Consultation has taken place with representatives from the Department of Regional Development and Lands.

FINANCIAL IMPLICATIONS

The redevelopment of Sounness Park will have major financial implications for the Shire, which are currently being worked through as part of other considerations. This grant represents one element out of many sources of funds for this project.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan, Community Services Aims are to:

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

In order to achieve this, the Council will:

'Evaluate different options for providing community services and facilities.'

OFFICER COMMENT

The Shire must enter into a Financial Assistance Agreement in order to access future allocations of CLGF funding. Further agreements will need to be entered into for the 2011/2012 and 2012/2013 allocations.

It was considered appropriate to identify the clubrooms as the part of the project plan the subject of this agreement. Construction on the clubrooms will be pending the Council's formal adoption of the building plans.

It is proposed to allocate the 2011/2012 allocation of the CLGF towards the Sounness Park changerooms.

There are no particularly onerous conditions in the agreement. The main conditions relate to recognition being given to the Department of Regional Development and Lands and provision of reports to the Department. Milestone dates may need to be reviewed, depending on the progress of the overall project.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the 'Financial Assistance Agreement' document with the State of Western Australia, in relation to the Royalties for Regions (Country Local Government Fund – 2010/2011) individual allocation of \$675,499.00 (GST exclusive) for the Sounness Park Recreation Plan (Clubrooms).

CARRIED (8/0)

NO. 49/12

9.3.2 SOUNNESS PARK - CLUBROOM AND CHANGEROOM DESIGN AND ELEVATIONS

File No:	N22245
Attachments:	Site Plan Floor Plan Option A Funding Sources
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	10 April 2012

PURPOSE

The purpose of this report is to endorse the proposed building layout design and building elevations for the Sounness Park Clubroom and Changeroom buildings.

BACKGROUND

At its meeting held on 18 October 2011 the Council adopted the Site Plan Layout for the Sounness Park recreation development (copy attached).

The Site Plan Layout includes Clubroom and Changeroom buildings to service the recreation facilities. Workshops were held on 8 and 29 November 2011 to review the proposed building plans and elevations, however funding, development and management issues took precedence during these meetings.

On 20 December 2011 the Council considered the purchase of approximately 5.73ha of Lot 148 McDonald Avenue, required for the Sounness Park recreation precinct.

The Council resolved:

‘That the question be adjourned to allow for full costing, staging and funding to be provided to the Council at its meeting to be held 20 March 2012, noting that the Council will not exceed \$1m in borrowings.’

The Council also sought further information regarding a proposed management structure for the Sounness Park operations.

A workshop was held on 20 March 2012 where the Council considered a number of issues proposed by the Chief Executive Officer. These were:

1. Does the Council want to proceed?
2. Does the Council have a preferred management structure for the operations at Sounness?
3. Has the Council a preferred location for a cricket wicket?
4. Is the Council happy that staging of the development may require all ball sports to be at one oval for a longer period than first considered?

For the question ‘Does the Council want to proceed?’ the Councillors present (eight of nine) unanimously agreed that the project should proceed while giving due and

prudent regard to the financial issues. Although the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) has been confirmed, other external funding applications were still being considered and this was a legitimate concern.

In response to the question 'Does the Council have a preferred management structure for the operations at Sounness?', the Councillors present noted a proposal involving the formation of a body pursuant to the Associations Incorporation Act. This body would control the operations of the new complex with power to licence other bodies (if required) to run other operations, such as licensed facilities. Subject to agreement from the sporting bodies, this was acceptable.

When 'Has the Council a preferred location for a cricket wicket?' was discussed, Councillors agreed that a wicket situated in the eastern extremity of the football centre square would provide the optimum usage for cricket and football while minimising the possibility of ground disturbance. This decision is not critical at present.

For the question 'Is the Council happy that staging of the development may require all ball sports to be at one oval for a longer period than first considered?', Councillors agreed that staging which required all ball sports on one oval for longer than originally expected was crucial to control costs due to as yet unknown revenue sources.

Regardless of whether the ball sports are located on one or more playing fields, the clubrooms and changerooms will still be required to service the sporting groups. Building layout designs and elevations need to be endorsed so the project architect, MCG Architects can proceed with the development plans.

STATUTORY ENVIRONMENT

Section 2.5 (2) of the Local Government Act (1995) provides that a local government is a body corporate with perpetual succession and at subsection (3) has the legal capacity of a natural person.

EXTERNAL CONSULTATION

Several workshops have been held with the future user groups of Sounness Park to discuss the building design plans and elevations, including attendance by Michel Greenhalgh from MCG Architects. The future user groups comprised:

- Mount Barker Football Club;
- Auskick;
- Mount Barker United Soccer Club;
- Mount Barker Hockey Club;
- Mount Barker Cricket Club and;
- The Mount Barker Cricket Association.

The Recreation Advisory Committee has also reviewed the building design plans and elevations in a workshop facilitated by Michel Greenhalgh.

FINANCIAL IMPLICATIONS

Quantity surveyor estimates have been obtained for the complete Sounness Park development which totalled \$9,156,000.00.

In consultation with sport and recreation clubs, the Recreation Advisory Committee and the Council, a staged project approach was prepared. The staging is:

- Stage One – refurbishment and realignment of Sounness Oval including drainage improvements, new turf, reticulation and competition standard lighting, the construction of clubrooms and changerooms and associated carparking, road ways and entry.
- Stage Two – construction of a second playing field with turf cricket wickets.
- Stage Three – construction of a synthetic hockey playing field with lighting.

Funding applications have been submitted to achieve Stages One and Two, with a total development cost of \$8,319,141.00 (including the purchase of approximately 5.73ha of Lot 148 McDonald Avenue, Mount Barker). An outline of the potential funding sources and application status is attached.

At the conclusion of Stages One and Two, work could begin on Stage Three, depending on funding.

At the most recent Council workshop held on 20 March 2012 this staged approach was reviewed again with a proposal to incorporate all sporting groups on to one playing surface being Sounness Oval, (with the exception of hockey), if sufficient funding was not forthcoming to build a second grass playing field. The proposed clubrooms and changerooms would remain unchanged.

The potential impact on the Council's future operation income / expenditure is estimated through life cycle costing and is shown in Table One. These figures are based on the Quantity Surveyor estimates, prepared in conjunction with professionals from the relevant field/s.

Table One: Estimated Life Cycle Costing for the Sounness Park Recreation Development.

Item	Description	Estimated Lifespan	Estimated cost for replacement / refurbishment (using current figures)
Sounness Oval Redevelopment	The oval redevelopment involves the realignment of the existing playing field, drainage improvements, reticulation and new turf.		
	Reticulation	25 years	\$45,900.00
	Turf (it is recommended to investigate the root zone layer when replacing reticulation)	30+ years	\$73,400.00
Oval Competition Grade Lighting	New competition standard lighting for Sounness Oval, suited to 'community competition standard' (ie 300 lux for centre square and 250 lux for outfield)	25 years	\$450,000.00
	Full re-lamping including cleaning of reflectors	12 years	\$25,000.00
	Cleaning of reflectors	Years 6 and 18	\$6,000.00 (total)
	Bulb replacement outside of warranty		\$3,500.00
	Note: sports ground lighting users will pay a fee for the electricity use and a contribution towards replacement costs.		
New Sporting Field (cricket and soccer)	New oval development with ground formation, drainage, reticulation, new turf and turf cricket wickets		
	Reticulation	25 years	\$45,900.00
	Turf (it is recommended to investigate the root zone layer when replacing reticulation)	30+ years	\$73,400.00
	Turf wicket block	20 years	\$43,000.00
	Cricket training nets (a \$200/annum allowance should also be allocated for maintenance)	15 years	\$16,000.00
Clubrooms	New construction cost is \$1,811,250.00	With adequate maintenance and renewal, the building will have an indefinite life span. It is anticipated the building will last for as long as needed while it meets the needs of the community.	
	Building operation costs (estimated at 1.0% of building replacement value)	Annual	\$18,112.50
	Building maintenance costs (estimated at 2.0% of building replacement value)	Annual	\$36,225.00
	Building renewal costs (estimated at 1.0% of building replacement value)	Annual	\$18,112.50

Table One (continued)

Item	Description	Estimated Lifespan	Estimated cost for replacement / refurbishment (using current figures)
Changerooms	New construction cost \$1,128,875.00	With adequate maintenance and renewal, the building will have an indefinite life span. It is anticipated the building will last for as long as needed while it meets the needs of the community.	
	Building operation costs (estimated at 1.0% of building replacement value)	Annual	\$11,289.00
	Building maintenance costs (estimated at 2.0% of building replacement value)	Annual	\$22,577.00
	Building renewal costs (estimated at 1.0% of building replacement value)	Annual	\$11,289.00
Synthetic Hockey Turf	New synthetic development with drainage, reticulation and competition standard lighting.		
	Drainage improvements	Every 12 years	\$2,500.00
	Replace synthetic surface	15+ years (pending quality of turf, up to 20 years)	\$500,000.00
	New competition standard lighting suited to 'community competition standard'	25 years	\$390,000.00
	Full re-lamping including cleaning of reflectors	12 years	\$15,000.00
	Cleaning of reflectors	Years 6 and 18	\$3,000.00 (total)
	Bulb replacement outside of warranty		\$1,500.00
Carparking and roadways	Major repairs or resurfacing	25 years	\$217,100.00

Some of these costs will be incurred by the users of the Sounness Park facility, in particular the building maintenance costs such as repainting, re-flooring and the like.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 3 (Community Services) notes the aim to:

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

The plan also notes the Council's objective to work in partnership with clubs for the provision of quality facilities.

The Sounness Park recreation development proposal aligns with these strategic directions, as well as the:

- Frost and Sounness Park Sport and Recreation Precinct Development Plan (adopted 13 October 2009); and
- Sounness Park Site Plan Layout (adopted 18 October 2011).

OFFICER COMMENT

The Sounness Park Clubroom and Changeroom plans have been prepared in consultation with the sporting user groups, the Recreation Advisory Committee and the Council following a series of workshops. The plans are based on shared spaces and joint use, with provision for several sporting groups to be functioning at any one time.

Copies of the layout plans and proposed elevations are attached.

The Clubroom and Changeroom buildings have been separated to create a social space and a changeroom / work space. This reduces the need for both buildings to function on training nights and encourages players to change prior to entering the social building, minimising the amount of dirt, turf etc that is drawn on to the clubroom building carpets.

By separating the two structures, the need to install a fire hydrant or hose reel service, required for buildings greater than 500m², will be alleviated. The cost of this service can be as high as \$200,000.00 if there is insufficient water mains pressure and tanks and pumps are required.

The building elevations are a modern embellishment on the 'bull nosed' verandah style of building, drawing on the history of the area while creating a building which is unique and modern.

The adoption of the building and elevation plans will be timely as two of the potential project funding programs, the Regional Development Council Action Agenda (AA) program and the Regional Development Australia Fund (RDAF) require their funded project components to be underway within six months of signing a financial agreement. Both applications sought funds for the buildings. It is anticipated that an announcement from the AA will be made by 30 April 2012 and the RDAF, by 31 May 2012.

It should be noted that the adoption of the building layout design and building elevations for the Sounness Park Clubroom and Changeroom buildings does not commit the Council to any expenditure. Instead, it allows the project designers to continue with their contract and provides the Shire with the relevant documentation to go to Tender when it is ready to progress with the development.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The Floor Plans for the Sounness Park Clubrooms and Changerooms, Mount Barker (dated 20 October 2011, titled SK02 'C') be endorsed.
2. The Building Elevation Plans for the Sounness Park Clubrooms and Changerooms, Mount Barker (dated 25 October 2011, titled 'Option A') be endorsed.

Breaking Down of Complex Question

Pursuant to Standing Order 9.4 the Presiding Member directed that points 1 and 2 be taken as separate motions.

COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the Floor Plans for the Sounness Park Clubrooms and Changerooms, Mount Barker (dated 20 October 2011, titled SK02 'C') be endorsed.

CARRIED (8/0)

NO. 50/12

COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That the Building Elevation Plans for the Sounness Park Clubrooms and Changerooms, Mount Barker (dated 25 October 2011, titled 'Option A') be endorsed.

CARRIED (7/1)

NO. 51/12

9.4 CORPORATE SERVICES REPORTS

9.4.1 MATERIAL VARIANCE AMOUNT – 2012/2013

File No: N21330
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Brendan Webb
Accountant / Office Manager
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to adopt reportable budget variance values for the 2012/2013 financial year.

BACKGROUND

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formerly AAS 5) to be used in the statements of financial activity for reporting material variances. According to AASB 1031:

'materiality means, in relation to information, that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by the management or governing body of the entity.'

The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

At its meeting held 24 May 2011, the Council resolved:

That material financial variances for the 2011/2012 financial year be set at:

- 1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.*
- 2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.*

These values have been in use for several years.

STATUTORY ENVIRONMENT

Regulation 34 of the Local Government (Financial Management) Regulations requires local governments to report on a monthly basis. The Financial Management Regulations require local governments to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question and must include - material variances i.e.: material variances between the comparable amounts in year to date budget and year to date actual. The relevant parts of that Regulation are detailed below:

'34. Financial activity statement report — s. 6.4

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —...*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- ...
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.'*

FINANCIAL IMPLICATIONS

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The UHY Haines Norton Management Reporting Manual 2009 advises:

'For the purposes of the monthly financial report (given the users are essentially management and Council requiring assistance making management decisions) 10% would be considered a reasonable guide for highlighting variances.

The Council may also wish to adopt a value rather than a percentage or incorporate a minimum value threshold into the materiality consideration.

This amount should not be so high as to allow important variances to go unnoticed and by the same token should not be so low as to cause administrative headaches.

As a guide, an overall level, based upon total revenue of Council could be employed and we provide the following as a guide:

<i>Less than \$2,000,000</i>	<i>\$2,000</i>
<i>\$2,000,000 to \$4,000,000</i>	<i>\$5,000</i>
<i>\$4,000,000 to \$6,000,000</i>	<i>\$10,000</i>
<i>Above \$6,000,000</i>	<i>As Decided</i>

The manual notes that these levels are subjective and must be used as a guide only. The amount alone does not dictate whether an item is material and that disclosures should be adjusted where necessary.

The current material variances utilised by the Council appear to be working well and meeting legal and practical requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr G Messmer:

That material financial variances for the 2012/2013 financial year be set at:

- 1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.**
- 2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.**

CARRIED (8/0)

NO. 52/12

9.4.2 POLICY REVIEW – A/PA/16 – NOTIFICATION TO ABSENTEE LANDOWNERS – ELECTORAL ROLL

File No: N21994
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Leanne Briggs
Rates Officer
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to review policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll.

BACKGROUND

Council Policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll reads as follows:

OBJECTIVE:

To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.

POLICY:

That an 'Enrolment Eligibility Claim Form' together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:

- 1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.*
- 2. Be issued to all new absentee landowners as part of the 'New Resident Pack' process.'*

This policy was adopted on 24 November 2009.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The mail out and printing costs would be approximately \$1,000.00 in each ordinary election year.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

From the experience in the 2009 election, some absentee land owners (probably most) were unaware of the requirement to make application to be on the owner/occupier roll.

Past practice was to leave it up to individuals to take the initiative and submit an eligibility claim. The policy now provides for forms to be automatically sent to landowners who reside outside the Shire to ensure each eligible person is given the opportunity of being included on the roll and participating in local elections.

It must be noted that sending out these forms is no guarantee that elector participation will increase. However, it will provide some notification to absentee landowners who do wish to vote that that they must go through this process in order to do so.

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That Council Policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll, as follows:

‘OBJECTIVE:

To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.

POLICY:

That an ‘Enrolment Eligibility Claim Form’ together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:

- 1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.**
- 2. Be issued to all new absentee landowners as part of the ‘New Resident Pack’ process.’**

be endorsed.

CARRIED (8/0)

NO. 53/12

9.4.3 RECORD KEEPING POLICY (A/RM/1) - ADOPTION

File No: N22129
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Roxanne Mills
Records Officer
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to adopt a new Record Keeping Policy A/RM/1.

BACKGROUND

The State Records Act 2000 governs the obligations and responsibilities of local governments in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records, but also records in electronic format.

The Shire has developed a Record Keeping Plan (RKP) to comply with the State Records Act 2000 and from this has developed a Record Keeping Policy to ensure compliance with the Act and the RKP.

Councillors' Record Keeping

In October and November 2003, the State Records Office (SRO) had several meetings with the Western Australian Local Government Association (WALGA) and came to the following agreement in respect to the manner in which councillors' recordkeeping would be treated.

'In relation to the recordkeeping requirements of Local Government councillors, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council by the Local Government.

Activities or transactions which stem from the performance of other roles by Local Government councillors that are not directly relevant to the decision making processes of Council or Committees of Council are not subject to mandatory recordkeeping requirements. Accordingly, the creation and retention of records relating to these activities or transactions is at the discretion of the Local Government.'

In October 2009, the State Records Commission revised its policy statement for the recordkeeping requirements for local government councillors' records. Local governments were asked to address the management of councillors' records in accordance with this policy.

At the Annual General Meeting of WALGA held on 7 August 2010, it was resolved to oppose any change to the State Records Act 2000 that may lead to increased responsibility for councillor record keeping requirements.

Nevertheless, at this stage, the State Records Commission policy regarding the records of local government councillors requires the creation and retention of records of the:

'...communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business.'

STATUTORY ENVIRONMENT

To ensure compliance with State Records Act 2000, the Council must have an endorsed RKP from the SRO and as part of that, a Council endorsed Records Keeping Policy (under State Records Commission Standard 2 Principle 2 – Policies and Procedures).

Government organisations are bound by the State Records Act 2000 which establishes rules for best practice for recordkeeping in WA Government, encouraging transparency and accountability. Local governments are identified as government organisations under the Act (Schedule 1, (12)). Councillors are subject to the State Records Act 2000 when they create or receive 'State records'.

EXTERNAL CONSULTATION

Communications have been undertaken with SRO.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy provides the policy framework for the Council to effectively fulfil its obligations and statutory requirements under the State Records Act. The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

STRATEGIC IMPLICATIONS

Key Result Area 1 - Corporate Services.

Corporate Services aims to provide effective financial information, records management, information technology and administrative support.

OFFICER COMMENT

The State Records Act 2000 requires each local authority to adopt a RKP, which fulfils criteria of the SRO. The Shire of Plantagenet RKP was approved by the SRO in July 2007 for a five year period on the proviso that certain conditions were met. One of these conditions is that the Council endorse a Record Keeping Policy. The draft policy presented satisfies the relevant requirements.

Councillors' Record Keeping

The State Records Commission policy regarding the records of local government councillors requires the creation and retention of records of the *'communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business'*. This policy applies regardless of a record's format or where it was received.

Councillors must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

The SRO has provided the following guidance in determining which records should be captured.

YES – forward to Central Records	NO – do not need to forward to Central Records
<p>Communications from ratepayers, such as:</p> <ul style="list-style-type: none"> complaints and compliments; correspondence concerning corporate matters; submissions, petitions and lobbying; information for Council's interest relating to local government business activity and functions. 	<p>Duplicate copies – of Council meeting agenda, minutes and papers.</p>
	<p>Draft documents or working papers – which are already captured at the local government.</p>
	<p>Publications – such as newsletters, circulars and journals.</p>
	<p>Invitations – to community events where a councillor is <i>not</i> representing Council or the local government.</p>
<p>Telephone, meetings and other verbal conversations – between a councillor and another party, regarding local government projects or business activities.</p>	<p>Telephone, meetings and other verbal conversations which:</p> <ul style="list-style-type: none"> convey routine information only; or do not relate to local government business or functions.
<p>Work diaries – containing information that may be significant to the conduct of the councillor on behalf of the local government.</p>	<p>Electioneering – or party political information.</p>
<p>Presentations and speeches – delivered as part of a councillor's official duties.</p>	<p>Personal records – not related to a councillor's official duties.</p>

Outsourcing

The SRO has requested local governments to include reference to record keeping requirements in the case of outsourcing. The process of engaging a contractor to deliver services to clients or to provide support services to the organisation is usually achieved through a contract or binding service agreement.

It may be legally difficult to re-acquire records when needed for administrative purposes or litigation if access to records is not included in the contract or agreement. Accordingly, State organisations (including local governments) must ensure that access to State records is considered in the planning process and included in the contract or agreement established for outsourcing.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr C Pavlovich:

That new Council Policy A/RM/1 – Record Keeping, as follows:

‘OBJECTIVE:

To establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

POLICY:**1.0 Scope**

1.1 This policy applies to all Council business and relates to both physical and electronic Council records. It applies to all Council staff, councillors, and contractors undertaking outsourced functions on behalf of the Council.

2.0 Definitions**2.1 Record**

A record can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs and social media messages.

2.2 State Record

A State Record means a record created or received by:

- a) A government organisation; or
- b) A government organisation employee in the course of the employee's work for the organisation, but does not include an exempt record.

2.3 Employee

An employee means all people employed by the Shire of Plantagenet whether permanent, fixed term or casual contract of service, apprentice or trainee.

3.0 Policy Principles**3.1 Creation of Records**

Councillors and staff will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

3.2 Capture and Control of Records

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required supporting data, into appropriate record keeping and business systems, that are managed in accordance with sound record keeping principles.

3.3 Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or

destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

3.4 Access to Records

Access to the Shire's records by staff will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and other applicable legislation. Access to the Shire's records by Councillors will be via the Chief Executive Officer.

3.5 Appraisal, Retention and Disposal of Records

All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the SRO.

4.0 Record Keeping Responsibilities

4.1 All Council employees and Councillors need to be aware of record keeping requirements. The record keeping obligations of Council staff and Councillors include:

- a) Learning how and where records are kept;
- b) Making records to support the conduct of business activities;
- c) Creating records as evidence of Council operations that are otherwise not created;
- d) Forwarding records to the Central Records for capture into the official Records Keeping System;
- e) Not destroying Council records;
- f) Following appropriate records management procedures.

5.0 Outsourcing of Service Delivery

5.1 Contracts should provide that the contractor create records that meet the Shire's accountability requirements, in relation to the functions performed or services provided for the Shire. Such contracts should also provide that the contractor maintain those records according to standards acceptable to the Shire, for as long as the records are required and return them to the Shire when the contract expires.'

be adopted.

CARRIED (8/0)

NO. 54/12

9.4.4 POLICY REVIEW - PURCHASING AND TENDERING

File No: N22130
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to review Council Policy No. F/FM/7 - Purchasing and Tendering.

BACKGROUND

At its meeting held on 13 October 2009, the Council adopted the following Policy on Purchasing and Tendering. This was based on the pro-forma Purchasing and Tendering Guide issued by the Western Australian Local Government Association (WALGA), with amendments to reflect that parties obtaining tenders documents must be registered and that any tender received must be from a registered tenderer. These changes ensure the details of all parties who acquire the documentation are recorded.

'PURCHASING AND TENDER GUIDE**1.1 OBJECTIVES**

- a) *To provide compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations, 1996;*
- b) *To deliver a best practice approach and procedures to internal purchasing for the Shire of Plantagenet; and*
- c) *To ensure consistency for all purchasing activities that integrate within all the Shire of Plantagenet operational areas.*

1.2 WHY DO WE NEED A PURCHASING POLICY?

The Shire of Plantagenet is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- a) *Provides the Shire of Plantagenet with a more effective way of purchasing goods and services;*
 - b) *Ensures that purchasing transactions are carried out in a fair and equitable manner;*
 - c) *Strengthens integrity and confidence in the purchasing system;*
 - d) *Ensures that the Shire of Plantagenet receives value for money in its purchasing;*
 - e) *Ensures that the Shire of Plantagenet considers the environmental impact of the procurement process across the life cycle of goods and services;*
-

- f) *Ensures the Shire of Plantagenet is compliant with all regulatory obligations;*
- g) *Promotes effective governance and definition of roles and responsibilities;*
- h) *Upholds respect from the public and industry for the Shire of Plantagenet's purchasing practices that withstands probity examination;*
- i) *Ensures the Council's Occupational Health and Safety Policy is considered when making purchasing decisions; and*
- j) *Provides that the Shire of Plantagenet will not pay invoices that do not quote a purchase order number.*

1.3 ETHICS AND INTEGRITY

All officers and employees of the Shire of Plantagenet shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Plantagenet.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- a) *full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public moneys based on achieving value for money;*
- b) *all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Plantagenet policies and Code of Conduct;*
- c) *purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;*
- d) *all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;*
- e) *any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and*
- f) *any information provided to the Shire of Plantagenet by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.*

1.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Plantagenet. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- a) *all relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including*

transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;

- b) the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;*
- c) financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and*
- d) a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.*

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

It should be noted that the Council has a number of preferred suppliers/contractors such as mechanical parts suppliers, plumbers, electricians and I.T. technicians who have developed a good awareness of the Shire's facilities and infrastructure over a period of years. It is acknowledged that day to day expenditures may be made through such suppliers without invoking the need to obtain quotations.

1.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Plantagenet is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Plantagenet's sustainability objectives.

Practically, sustainable procurement means the Shire of Plantagenet shall endeavour at all times to identify and procure products and services that:

- a) have been determined as necessary;*
- b) demonstrate environmental best practice in energy efficiency/and or consumption which can be demonstrated through suitable rating systems and eco-labelling;*
- c) demonstrate environmental best practice in water efficiency;*
- d) are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;*
- e) products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;*

- f) for motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- g) for new buildings and refurbishments – where available use renewable energy and technologies.

1.6 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Policy
Up to \$1,000	Direct purchase from suppliers requiring only two verbal quotations.
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000.00 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000.00, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

1.6.1 Up to \$1,000

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted, except where a 'preferred supplier/contractor' situation exists or for minor purchase such as low cost consumables and stationery etc. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Shire of Plantagenet Purchasing and Tender Guide contains a sample form for recording verbal quotations.

1.6.2 \$1,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers or a 'preferred supplier/contractor' situation exists, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- a) *Ensure that the requirement/specification is clearly understood by the Shire of Plantagenet employee seeking the verbal quotations;*
- b) *Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote;*
- c) *Read back the details to the Supplier contact person to confirm their accuracy; and*
- d) *Written notes detailing each verbal quotation must be recorded.*

Record keeping requirements must be maintained in accordance with record keeping policies. The Shire of Plantagenet Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

1.6.3 \$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are:

- a) *An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;*
- b) *The request for written quotation should include as a minimum:*
 - i) *Written Specification;*
 - ii) *Selection Criteria to be applied;*
 - iii) *Price Schedule;*
 - iv) *Conditions of responding; and*
 - v) *Validity period of offer.*
- c) *Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond;*
- d) *Offer to all prospective suppliers at the same time any new information that is likely to change the requirements;*
- e) *Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and*
- f) *Respondents should be advised in writing as soon as possible after the final determination is made and approved.*

The tender guide produced by the Western Australian Local Government Association should be consulted for further details and guidance.

1.6.4 \$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written

quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Shire of Plantagenet Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

1.7 REGULATORY COMPLIANCE

1.7.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- a) an emergency situation as defined by the Local Government Act 1995;*
- b) the purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;*
- c) the purchase is under auction which has been authorised by the Council;*
- d) the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and*
- e) any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.*

1.7.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision 'sole source of supply' should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

1.7.3 Anti-Avoidance

The Shire of Plantagenet shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

1.7.4 Tender Criteria

The Shire of Plantagenet shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- a) between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and*
- b) \$100,000 and above, the panel must contain a minimum of 3 members.*

1.7.5 Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. 'The West Australian' newspaper Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include:

- a) a brief description of the goods or services required;*
- b) information as to where and how tenders may be submitted; and*
- c) the date and time after which tenders cannot be submitted;*
- d) particulars identifying a person from whom more detailed information as to tendering may be obtained;*
- e) detailed information shall include;*
 - i) such information as the Shire of Plantagenet decides should be disclosed to those interested in submitting a tender;*
 - ii) detailed specifications of the goods or services required;*
 - iii) the criteria for deciding which tender should be accepted;*
 - iv) whether or not the Shire of Plantagenet has decided to submit a tender; and*
 - v) whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*

1.7.6 Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation. Such parties are to be registered as a 'potential respondent'.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Plantagenet not to compromise its duty to be fair. Only tenders received from duly registered potential respondents are to be considered.

1.7.7 Lodgement of Tenders

Tenders are to be:

- a) *placed in a sealed envelope clearly endorsed 'Tender - Confidential' and with both the tender number and title;*
- b) *delivered by hand and placed in the Tender Box at the address specified in the tender documentation, or*
- c) *sent through the mail to the address specified in the tender documentation.*

Electronic mail tenders and facsimile tenders will not be accepted.

A tender that is not received in full by the advertised Tender Deadline shall be rejected.

1.7.8 Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tender Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Plantagenet. Members of the public are entitled to be present.

The Tender Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Plantagenet Officers present at the opening of tenders.

1.7.9 No Tenders Received

Where the Shire of Plantagenet has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a) *a sufficient number of quotations are obtained;*
- b) *the process follows the guidelines for seeking quotations between \$40,000 and \$99,999 (listed above);*
- c) *the specification for goods and/or services remains unchanged; and*
- d) *purchasing is arranged within 6 months of the closing date of the lapsed tender.*

1.7.10 Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Plantagenet by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

1.7.11 Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Plantagenet may vary the initial information by giving registered potential respondents notice of the variation.

1.7.12 Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Plantagenet and tenderer have entered into a Contract, a minor variation may be made by the Shire of Plantagenet.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

1.7.13 Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- a) the name of the successful tenderer; and*
- b) the total value of consideration of the winning offer.*

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

1.7.14 Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a) tender documentation;*
- b) internal documentation;*
- c) evaluation documentation;*
- d) enquiry and response documentation; and*
- e) notification documentation.*

For a direct purchasing process this includes:

- a) quotation documentation;*
- b) internal documentation; and*
- c) order forms and requisitions.*

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Plantagenet's internal records management policy.'

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Section 3.57(1) of the Act states that:

'A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.'

Section 5.43 of the Act states that:

'A local government cannot delegate to a CEO any of the following power of duties:

- (a) ...*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.'*

Part 4 of the Local Government (Functions and General) Regulations 1996 regulates and provides the procedures for local government tenders for providing goods or services.

Regulation 11A of the Local Government (Functions and General) Regulations 1996 states:

- '(1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.*
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in sub Regulation (1).*
- (3) A purchasing policy must make provision in respect of –*
 - (a) the form of quotations acceptable; and*
 - (b) the recording and retention of written information, or documents, in respect of –*
 - (i) all quotations received; and*
 - (ii) all purchases made.*
- (4) Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following –*
 - (a) goods and services;*
 - (b) suppliers;*
 - (c) contracts;*
 - (d) any other thing that the local government considers appropriate.'*

POLICY IMPLICATIONS

This policy is reviewed as part of the Council's ongoing policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Council has previously discussed the submission of tenders by electronic means. WALGA offers a tendering portal for local government, although the registration and lodgement process is very complicated and may possibly preclude firms from tendering. The Shire could also set up its own system for processing

email based tenders, and a number of internal controls would be required to ensure adequate probity.

However, the standard practice for local governments in Western Australia is that a hard copy be placed in the tender box and moving away from this could potentially allow concerns to be raised about the security of the process. In view of this, it is considered that the Shire should continue to specify that all tenders are to be submitted in hard (paper) copy by mail or in person in a sealed envelope. This ensures that tender details remain confidential until the point where tenders are opened.

As a part of the ongoing improvements to Occupational Health and Safety standards in the organisation, the policy has been amended to reflect that purchasing procedures consider hazard identification, risk assessment and risk control of new products as part of the purchasing evaluation process. This particularly relates to chemicals.

The detailed advertising notice requirements in the current Policy (Section 1.7.5) have been deleted as they are specified in detail in the Local Government (Functions and General) Regulations 1996 and do not need to be duplicated in the Policy. All other areas of the Policy are considered appropriate and do not require change.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Moir:

That Council Policy No: F/FM/7 – Purchasing and Tender Guide as follows:

‘PURCHASING AND TENDER GUIDE

1.1 OBJECTIVES

- a) **To provide compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations, 1996;**
- b) **To deliver a best practice approach and procedures to internal purchasing for the Shire of Plantagenet; and**
- c) **To ensure consistency for all purchasing activities that integrate within all the Shire of Plantagenet operational areas.**

1.2 WHY DO WE NEED A PURCHASING POLICY?

The Shire of Plantagenet is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- a) **Provides the Shire of Plantagenet with an effective way of purchasing goods and services;**
- b) **Ensures that purchasing transactions are carried out in a fair and equitable manner;**
- c) **Strengthens integrity and confidence in the purchasing system;**
- d) **Ensures that the Shire of Plantagenet receives value for money in its purchasing;**

- e) Ensures that the Shire of Plantagenet considers the environmental impact of the procurement process across the life cycle of goods and services;
- f) Ensures the Shire of Plantagenet is compliant with all regulatory obligations;
- g) Promotes effective governance and definition of roles and responsibilities;
- h) Upholds respect from the public and industry for the Shire of Plantagenet's purchasing practices that withstands probity examination;
- i) Ensures the Council's Occupational Health and Safety Policy is considered when making purchasing decisions; and
- j) Provides that the Shire of Plantagenet will not pay invoices that do not quote a purchase order number.

1.3 ETHICS AND INTEGRITY

All officers and employees of the Shire of Plantagenet shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Plantagenet.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- a) full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public moneys based on achieving value for money;
- b) all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Plantagenet policies and Code of Conduct;
- c) purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- d) all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- e) any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- f) any information provided to the Shire of Plantagenet by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

1.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Plantagenet. It is important to note that compliance with the specification is more important than obtaining the lowest price,

particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- a) all relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- b) the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- c) financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- d) a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable; and
- e) hazard identification, risk assessment and risk control of new products as part of the purchasing evaluation process.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

It should be noted that the Council has a number of preferred suppliers/contractors such as mechanical parts suppliers, plumbers, electricians and I.T. technicians who have developed a good awareness of the Shire's facilities and infrastructure over a period of years. It is acknowledged that day to day expenditures may be made through such suppliers without invoking the need to obtain quotations.

No chemicals or other potentially hazardous materials are to be purchased unless they are already on the Shire's Register of Hazardous Materials, or as approved by the responsible manager. All such materials are to be accompanied by a Materials Safety Data Sheet at the time of purchase.

1.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Plantagenet is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Plantagenet's sustainability objectives.

Practically, sustainable procurement means the Shire of Plantagenet shall endeavour at all times to identify and procure products and services that:

- a) have been determined as necessary;
- b) demonstrate environmental best practice in energy efficiency/and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- c) demonstrate environmental best practice in water efficiency;
- d) are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- e) products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;
- f) for motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- g) for new buildings and refurbishments – where available use renewable energy and technologies.

1.6 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Policy
Up to \$1,000	Direct purchase from suppliers requiring only two verbal quotations.
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000.00 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000.00, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

1.6.1 Up to \$1,000

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted, except where a 'preferred supplier/contractor' situation exists

or for minor purchase such as low cost consumables and stationery etc. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Shire of Plantagenet Purchasing and Tender Guide contains a sample form for recording verbal quotations.

1.6.2 \$1,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers or a 'preferred supplier/contractor' situation exists, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- a) Ensure that the requirement/specification is clearly understood by the Shire of Plantagenet employee seeking the verbal quotations;
- b) Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote;
- c) Read back the details to the Supplier contact person to confirm their accuracy; and
- d) Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies. The Shire of Plantagenet Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

1.6.3 \$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are:

- a) An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;
- b) The request for written quotation should include as a minimum:
 - i) Written Specification;
 - ii) Selection Criteria to be applied;

- iii) Price Schedule;
 - iv) Conditions of responding; and
 - v) Validity period of offer.
- c) Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond;
 - d) Offer to all prospective suppliers at the same time any new information that is likely to change the requirements;
 - e) Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and
 - f) Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The tender guide produced by the Western Australian Local Government Association should be consulted for further details and guidance.

1.6.4 \$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Shire of Plantagenet Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

1.7 REGULATORY COMPLIANCE

1.7.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- a) an emergency situation as defined by the Local Government Act 1995;
- b) the purchase is under a contract through the Council Purchasing Service of WALGA, Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- c) the purchase is under auction which has been authorised by the Council;

- d) the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and
- e) any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.

1.7.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision 'sole source of supply' should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

1.7.3 Anti-Avoidance

The Shire of Plantagenet shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

1.7.4 Tender Criteria

The Shire of Plantagenet shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- a) between \$40,000.00 and \$99,999.00, the panel must contain a minimum of 2 members; and
- b) \$100,000.00 and above, the panel must contain a minimum of 3 members.

1.7.5 Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. 'The West Australian' newspaper Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

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Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation. Such parties are to be registered as a 'potential respondent'.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Plantagenet not to compromise its duty to be fair. Only tenders received from duly registered potential respondents are to be considered.

1.7.7 Lodgement of Tenders

Tenders are to be:

- a) placed in a sealed envelope clearly endorsed 'Tender - Confidential' and with both the tender number and title;
- b) delivered by hand and placed in the Tender Box at the address specified in the tender documentation, or
- c) sent through the mail to the address specified in the tender documentation.

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A tender that is not received in full by the advertised Tender Deadline shall be rejected.

1.7.8 Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tender Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Plantagenet. Members of the public are entitled to be present.

The Tender Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Plantagenet Officers present at the opening of tenders.

1.7.9 No Tenders Received

Where the Shire of Plantagenet has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a) a sufficient number of quotations are obtained;
- b) the process follows the guidelines for seeking quotations between \$40,000 and \$99,999 (listed above);
- c) the specification for goods and/or services remains unchanged; and

- d) purchasing is arranged within 6 months of the closing date of the lapsed tender.

1.7.10 Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Plantagenet by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

1.7.11 Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Plantagenet may vary the initial information by giving registered potential respondents notice of the variation.

1.7.12 Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Plantagenet and tenderer have entered into a Contract, a minor variation may be made by the Shire of Plantagenet.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

1.7.13 Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- a) the name of the successful tenderer; and
- b) the total value of consideration of the winning offer.

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

1.7.14 Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a) tender documentation;
- b) internal documentation;
- c) evaluation documentation;
- d) enquiry and response documentation; and
- e) notification documentation.

For a direct purchasing process this includes:

- a) quotation documentation;

- b) internal documentation; and
- c) order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Plantagenet's internal records management policy.'

be endorsed.

CARRIED (8/0)

NO. 55/12

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 BUNBURY TO ALBANY TOURIST ROUTE - DEVELOPMENT

File No:	N22093
Attachments:	MOU - Bunbury to Albany Route Development Plan Proposed Tourist Route
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	10 April 2012

PURPOSE

The purpose of this report is to present a recommendation to the Council to enter into a Memorandum of Understanding with the Shires of Donnybrook-Ballingup, Boyup Brook and Cranbrook relating to the development and signage of a Tourist Route from Bunbury to Albany via Donnybrook-Ballingup, Boyup Brook, Cranbrook and Plantagenet.

BACKGROUND

The Chief Executive Officer attended a meeting in Boyup Brook in late 2010 to discuss the concept of a route via Donnybrook, Boyup Brook, Frankland River and Mount Barker being signposted as an alternative route for travellers. Since the entire sealing of this route (primarily Wingebellup Road), this has become a viable proposition for visitors to the area.

On 27 February 2012 Mrs Linda Sounness, Executive Secretary attended a further meeting in Boyup Brook to discuss development of the concept.

EXTERNAL CONSULTATION

There has been significant external consultation regarding this matter. Apart from the Council Authorities involved, Main Roads WA, Great Southern Development Commission, South West Development Commission and the Boyup Brook Tourism Association have all had input into the project.

FINANCIAL IMPLICATIONS

A contribution of \$2,000.00 is sought for initial signage, brochure and website development costs. Similar amounts will be contributed by the Shires of Cranbrook and Donnybrook-Ballingup. A total budget of \$16,000.00 is suggested by the Shire of Boyup Brook. That Shire has been successful in securing funding from the South West Development Commission of \$10,000.00.

ASSET MANAGEMENT IMPLICATIONS

Any increase in signage will require ongoing maintenance.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes aims of the council to: Develop Strategic Partnerships and Foster Regional Cooperation.

OFFICER COMMENT

This project will provide:

- Updated specific and improved road signage;
- Brochure map; and
- Website inclusion.

The proposed route is gaining in popularity but is poorly signed. Main Roads has offered to upgrade signs on those portions of the route under that Department's control. The route provides valuable tourism traffic to businesses along the route, potentially bringing more visitors to Plantagenet.

This project is a collaborative between four Shires.

The Shire of Cranbrook has endorsed the Memorandum of Understanding.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That:

- 1. The Shire of Boyup Brook be advised that the concept of the Bunbury to Albany Route Development Plan is supported by the Shire of Plantagenet.**
- 2. The Chief Executive Officer be authorised to sign the Memorandum of Understanding to promote the Bunbury to Albany tourist route through Boyup Brook and Frankland River.**
- 3. An amount of \$2,000.00 be recommended for inclusion in the 2012/13 Budget to assist with the development of the Route.**

CARRIED (8/0)

NO. 56/12

9.5.2 MOUNT BARKER TURF CLUB - VARIATION TO FINANCIAL ASSISTANCE GRANT

File No: N22217
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to present a request from the Mount Barker Turf Club to utilise its 2011/2012 Financial Assistance Grant from the Council for an alternative purpose.

BACKGROUND

The 2011/2012 Adopted Council Budget shows an amount of \$15,035.00 as a Council Financial Assistance Grant to the Mount Barker Turf Club as a contribution towards a Verti-drain and Lean-to.

Due to other outside contributions towards the cost of the Verti-drain, the grant funding for the Turf Club still has a balance of \$7,115.00.

The Turf Club seeks the Council's agreement to utilise this unspent money for the purchase of a new controller, pump and fertigation unit for the track watering system.

EXTERNAL CONSULTATION

There has been no external consultation except between the Chief Executive Officer and the Turf Club. The Council's Manager Works and Services and the Supervisor Parks and Gardens have also been consulted.

FINANCIAL IMPLICATIONS

The balance of the grant is \$7,115.00.

Quotes obtained indicate a total cost (excluding power connection) to be \$10,520.00. The balance would be found by the Turf Club.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Should available funds be used to purchase a new reticulation controller, pump and fertigation unit, these purchases would remain the property of the Council.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 3 (Community Services) notes an aim of the Council is to: 'deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community.'

OFFICER COMMENT

The reallocation of these funds would not require a reallocation within the Budget. The Council's authority to proceed would be sufficient. As the funds are already available and as savings have been made no objections are raised for the further enhancement of Frost Park.

The installation of a modern controller for the reticulation would have benefits for Council Staff and investigations will occur for the relocation of the controller to a more accessible location which would be under better surveillance.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr C Pavlovich:

That the Mount Barker Turf Club be advised that no objections are raised for unspent grant moneys requested for a Verti-drain and Lean-to being utilised as a Council contribution towards the purchase of new track watering controller and ancillary equipment.

CARRIED (8/0)

NO. 57/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 STEAM LOCOMOTIVE AND COAL TENDER FOR RAIL PRECINCT

Moved Cr B Bell, seconded Cr M Skinner:

That in principle support be given by Council to investigate the availability, costings, transporting options and possible final site location for a steam locomotive and coal tender to grace our rail station.

CARRIED (8/0)

NO. 58/12

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

Nil

12 CONFIDENTIAL**12.1.1 LOT 39 MARION STREET MOUNT BARKER - BOUNDARY
ENCROACHMENT - ALTERNATIVE PROPOSAL**

File No: N22218
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to present an alternative proposal regarding the encroachment onto Council owned land at Lot 39 Marion Street Mount Barker.

OFFICER RECOMMENDATION/COUNCIL DECISION**MOTION TO PROCEED BEHIND CLOSED DOORS**

3.50pm Moved Cr L Handasyde, seconded Cr G Messmer:

That the meeting be closed to members of the public pursuant to Section 5.23 (2) (e) (ii) of the Local Government Act 1995 as the matter to be considered relates to information that has a commercial value to a person.

CARRIED (8/0)

NO. 59/12

MOTION TO PROCEED IN PUBLIC

3.55pm Moved Cr L Handasyde, seconded Cr A Budrikis:

That the meeting proceed in public.

CARRIED (8/0)

NO. 60/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr M Skinner:

That the owners of Lot 39 Menston Street Mount Barker be advised that the Council is not prepared to consider a swap of the balance of laneway adjacent to Lots 39, 93 and 40 up to a point adjacent to the encroachment onto Lot 93 in return for the encroachment, but is still prepared to consider the sale of approximately 167m² of Lot 93 Marion Street, being that portion of Council land affected by improvements not undertaken by the Council and adjacent to Lot 39 Menston Street.

CARRIED (8/0)

NO. 61/12

12.1.2 RECREATION PLANNING PRECINCT - MOUNT BARKER - 'DEMON DOWNS'

A Closely Associated Person (Section 5.62LGA) Interest was disclosed by Cr Pavlovich. Nature and extent of Interest – potential conflict of interest - Committee of Mount Barker Football Club.

3:56pm Cr C Pavlovich withdrew from the meeting.

File No: N22219
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 April 2012

PURPOSE

The purpose of this report is to seek authority from the Council to proceed with the purchase of a portion of land known as 'Demon Downs' for recreation purposes.

OFFICER RECOMMENDATION/COUNCIL DECISION**MOTION TO PROCEED BEHIND CLOSED DOORS**

3.56pm Moved Cr L Handasyde, seconded Cr G Messmer:

That the meeting be closed to members of the public pursuant to Section 5.23 (2) (e) (ii) of the Local Government Act 1995 as the matter to be considered relates to information that has a commercial value to a person.

CARRIED (7/0)

NO. 62/12

MOTION TO PROCEED IN PUBLIC

3.57pm Moved Cr L Handasyde, seconded Cr A Budrikis:

That the meeting proceed in public.

CARRIED (7/0)

NO. 63/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The Chief Executive Officer be authorised to offer to the Mount Barker Football Club the purchase of 65% (5.73ha) of Lot 148 McDonald Avenue Mount Barker for a total purchase price of \$345,000.00 payable in five instalments including \$172,500.00 upon execution of the contract of sale and then four equal annual instalments of \$43,125.00.
2. Authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the documents relating to Part 1 above.

CARRIED (7/0)

NO. 64/12

4:00pm Cr C Pavlovich returned to the meeting.

13 CLOSURE OF MEETING

4:00pm The Presiding Member declared the meeting closed.

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