



ORDINARY MINUTES

DATE: Tuesday, 25 September 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

2:45pm 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 S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mr Vincent Jenkins	Development Officer
Mrs Linda Sounness	Executive Secretary

There were no members of the public present.

Apologies

Cr A Budrikis

Previously Approved Leave of Absence:

Nil

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 and staff 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

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr J Moir

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Cattle Farmer and Employee of Elders – in Item 9.4.1.

Cr M Skinner

Disclosed a Financial/Indirect Financial (Section 5.60(A) and section 5.61 LGA) interest – Farming 400 head of cattle – in Item 9.4.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Councillor J Moir requested leave of absence for the period 5 to 9 November 2012 inclusive.

Moved Cr S Etherington, seconded Cr B Bell:

That Cr J Moir be granted leave of absence for the period 5 to 9 November 2012 inclusive.

CARRIED (8/0)

NO. 192/12

7 CONFIRMATION OF MINUTES

Moved Cr C Pavlovich, seconded Cr G Messmer:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 4 September 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 193/12

Moved Cr C Pavlovich, seconded Cr J Moir:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 10 September 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 194/12

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 1551 MOUNT BARKER ROAD, MOUNT BARKER - ADDITIONAL OUTBUILDING AND CARPORT ADDITION WITH REDUCED BOUNDARY SETBACKS

File No:	N24042
Attachments:	Location Plan Site Plan House & Carport Floor Plan House & Carport Elevation Outbuilding Floor Plan Outbuilding Elevation & Section
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	25 September 2012
Applicant:	N Hill

PURPOSE

The purpose of this report is to consider an application for an additional outbuilding and carport addition at Lot 1551 Mount Barker Road, Mount Barker. The application further involves reduced secondary street boundary setbacks for the additional outbuilding and a carport addition to the existing house.

BACKGROUND

Council records show the registered owners of Lot 1551 are NR and MK Hill.

This proposal is for an additional outbuilding of 80m² (8m x 10m) with a wall height of 3.0m. One other existing outbuilding has a floor area of 110.7m². The cumulative floor area of all outbuildings including the new outbuilding will total 190.7m².

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 proponent is further seeking approval for a reduced secondary street boundary setback of 4.0m for the outbuilding to the property boundary with Morpeth Road where a boundary setback of 6m is required by the Residential Design Codes (RCodes).

The reason provided by the proponent for the additional outbuilding is that the existing outbuilding is unsuitable for the storage of his tractor, utility vehicle and

caravan. This existing wooden floor building is a former apple packing building that still houses the apple grader and apple box manufacturing equipment.

The proposed outbuilding location is a result of the proponent not wishing to obstruct the view from the house to Mount Barrow and the Porongurup Range to the east and to align the outbuilding location with the existing house.

The proposal further involves a carport addition to the existing house with a secondary street boundary setback of 4.15m where a boundary setback of 6.0m is required by the RCodes.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R5/15).

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 and carport requirements are in part 6 of the RCodes.

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 190.7m². 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 1551 is 8,100m² in area and is zoned Residential (R5/15). The R5 density code applies in this instance as the property is not connected to the reticulated sewer network. The RCodes require a 6.0m secondary street boundary setback for buildings and the proposed outbuilding is to be 4.0m from the property boundary with Morpeth Road (unconstructed). The proposed carport addition to the existing house is to be 4.15m from the property boundary with Morpeth Road.

Lot 1551 is triangular-shaped and fronts Mount Barker Road to the south west and Morpeth Road to the south. Existing development at the lot consist of a house and former apple packing outbuilding both located at the south western corner (Mount Barker Road and Morpeth Road intersection) of the property.

The property most directly affected by this proposal is Lot 139 Morpeth Road to the south. The proposed carport and outbuilding locations are located approximately 68m and 73m respectively from the house at Lot 139 with a road reserve in between them. The proposed reduced secondary street boundary setbacks for the proposed outbuilding and carport addition in this instance is not likely to adversely affect the amenity of the locality. The 4.0m and 4.15m setbacks are supported.

The proposed outbuilding is 80m² in area with a 3.0m wall height. The proposed outbuilding will be constructed in Colorbond® with external walls to be finished in shale grey colour and the roof is to be deep ocean (dark blue) in colour.

The cumulative floor area of all outbuildings on the property including the new outbuilding will total 190.7m². 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 190.7m² given the size of the lot being 8,100m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr C Pavlovich:

That in respect to the proposed outbuilding and carport at Lot 1551 Mount Barker Road, Mount Barker:

1. In accordance with clause 2.5.2 of the Residential Design Codes, the proposed outbuilding with a reduced secondary street boundary setback of 4.0m be approved.
2. In accordance with clause 2.5.2 of the Residential Design Codes, the proposed carport with a reduced secondary street boundary setback of 4.15m be approved.
3. In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Town Planning Scheme Policy No. 16.1 (Outbuildings) be varied and the proposed outbuilding be approved resulting in the cumulative area of all outbuildings being 190.7m².

CARRIED (8/0)

NO. 195/12

9.1.2 LOT 1 (9) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE

File No: N24092
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 25 September 2012
Applicant: V & M Hayes

PURPOSE

The purpose of this report is to consider an application for the issuing of a permit to enable additional outdoor eating facilities (Alfresco Dining) be provided on a Public Thoroughfare adjacent to the Plantagenet Hotel located at Lot 1 (9) Lowood Road, Mount Barker.

BACKGROUND

The Council at its meeting held on 12 June 2012 granted approval to issue the applicants a Permit to conduct outdoor eating facilities on the public thoroughfare adjacent to their Plantagenet Hotel premises. The Permit was issued subject to in part, the placement of three tables and six accompanying chairs occupying a maximum floor area of 12.0m² of the public thoroughfare to enable alfresco dining, in accordance with the application dated 28 May 2012. The Council at that meeting resolved:

‘That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit be issued to V and M Hayes to conduct an outdoor eating facility on a public thoroughfare adjacent to the Plantagenet Hotel, Lot 1 (9) Lowood Road, Mount Barker subject to:

1. *The outdoor eating facility occupying a maximum of 12.0m² of public thoroughfare directly adjacent to the Plantagenet Hotel Lowood Road frontage in accordance with the application dated 28 May 2012.*
2. *The facility being operated and maintained in accordance with the provisions of:*
 - a. *Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001;*
 - b. *Health Act 1911;*
 - c. *Health (Food Hygiene) Regulations 1993;*
 - d. *Australia New Zealand Food Safety Standards 2000.*

3. *The permit is valid for a period of 12 months or part thereof, effective until 30 June 2013.*
4. *The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period.*
5. *A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.*
6. *All signage to be in accordance with Council requirements.'*

STATUTORY ENVIRONMENT

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) - Part 6 Division 3 - Outdoor eating facilities on public places. This requires the issue of a Permit and the Council may consider the following matters:

- a) *the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;*
- b) *any abutting food premises are registered in accordance with the Health Act 1911 and whether the use of the premises is permitted under the town planning scheme;*
- c) *the facility will comply with any local law made under section 172 of the Health Act 1911;*
- d) *users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;*
- e) *the Facility would –*
 - i) *obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or*
 - ii) *impede pedestrian access; and*
- f) *the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.*

Health Act 1911

Australia New Zealand Food Standards Code

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

The application fee of \$110.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.2: (Appropriate development which is diverse in nature and protects local heritage) the following Strategy 2.2.5:

'Encourage industry, business and residential development that is consistent with the individual character of towns.'

Further, the Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.3: (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy 2.3.2:

'Develop and maintain township streetscapes.'

OFFICER COMMENT

The applicants now wish to expand the outdoor eating facility with the addition a further 14 small tables and 28 chairs. The applicants propose to locate the additional tables and chairs along the eastern side (outside) of the hotel building verandah posts and also along the front of the hotel building as depicted in the attached site plan dated 10 September 2012. The ones located outside the verandah posts will be in the widened footpath area.

The alfresco dining tables will be arranged in two rows across the front of the premises and will occupy a total area (existing and proposed) of approximately 40.0m². The placement of the tables in this configuration will enable a two metre wide unobstructed free access pathway for pedestrian movement along the footpath under the cover of the hotel verandah.

Alfresco dining will be available between 10.00am to 3.00pm seven days per week.

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare it will be appropriate to impose conditions.

The public thoroughfare in this location (including the widened footpath area) is approximately 8.0m wide and the proposed dining area is set back from Lowood Road and the intersection round-about so as to not obscure line of sight of vehicular traffic. The applicant has submitted proof of public liability insurance covering the proposed outdoor eating facility.

The proposal will mean a total of 17 tables and 34 chairs are located in this footpath area. Such a large number is considered excessive and has a potential to disrupt the footpath area and public access. It is considered that the maximum number of tables which should be considered is 14, with 28 chairs.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2001, a Permit be issued to V and M Hayes to conduct an outdoor eating facility on a public thoroughfare adjacent to the Plantagenet Hotel, Lot 1 (9) Lowood Road, Mount Barker subject to:

1. The outdoor eating facility occupying a maximum of 40.0m² of public thoroughfare accommodating a maximum of 14 tables and 28 chairs directly adjacent to the Plantagenet Hotel Lowood Road frontage in accordance with the application dated 10 September 2012.
2. The facility being operated and maintained in accordance with the provisions of:
 - a. Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001;
 - b. Health Act 1911;
 - c. Australia New Zealand Food Standards Code.
3. The permit is valid for a period of 12 months or part thereof, effective until 30 June 2013.
4. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period.
5. A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.
6. All signage to be in accordance with Council requirements.

CARRIED (8/0)

NO. 196/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 BUDGET REALLOCATION – TORNADO AND STORM EVENT 7-13 JUNE 2012

File No: N24036
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to request a budget amendment to reallocate funds from current projects to a new budget item for a compulsory contribution to storm damage, which has become available as a result of the Tornado and Storm Event from 7-13 June 2012.

BACKGROUND

From 7-13 June 2012, a Tornado and Storm Event impacted the South West of Western Australia. According to the Bureau of Meteorology this type of weather event is extremely rare for southern Western Australia, especially during the winter period. Wind gusts in excess of 90 km/h were recorded at numerous sites. This event has been proclaimed an *eligible disaster* under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA).

The proclamation has incorporated several events over a six day period. The Council can claim for the event that occurred on Sunday 10 June 2012. The tornado entered the Shire from the northern western corner and swept a path between 20-30kms wide heading in a south-eastern direction across Kendenup and through Porongurup. The extent of damage was mainly on the roadside vegetation with entire trees being uprooted and large branches snapped and blown over roads. Trees, branches and debris were scattered across roads, blocking drains and hindering traffic.

During this storm event a great deal of damage was caused to the road network in the Shire. Though most of the roads did remain open there was severe damage to the road shoulders, floodways and table drains along with debris washed over sealed roads and culverts blocked by material washed downstream.

Council staff and contractors were immediately deployed in 'opening up' works to make repairs to damaged road pavements, clearing trees/vegetation from roads and the unblocking of culverts/drains.

An initial inspection was carried out by Council officers to determine the extent of damage and to ensure public safety. In general the roads to the west of the town were affected by the storm at a preliminary cost estimate in the vicinity of \$600,000.00.

Mr Les Hewer from Hewer Consulting Services carried out a detailed inspection along the roads that had major storm damage. Mr Hewer carried out a comprehensive assessment of the damage caused to localised sections of the road network as well as taking photographs for future reference. The roads inspected were:

- Beverley Road;
- Boyup Road;
- Eulup-Manurup Road;
- Mallawillup Road;
- Porongurup Road;
- Red Gum Pass Road;
- Woodlands Road;
- Woogenellup Road; and
- Yellanup Road

Further investigation of town roads in the outer area revealed some damage. Most of the trees fallen were cut up and pushed to the side. Though this damage is minor it is estimated that there is at least two weeks work for a crew to clear the debris. In addition to the trees being knocked over there was some damage to road pavement and table drains.

STATUTORY ENVIRONMENT

Section 4.2 of the Natural Disaster Relief and Recovery Arrangements (NDRRA) Determination 2011 Version 1.

Pursuant to Section 2.1.1 of the NDRRA Determination 2011 Version 1, 'Tornado' and 'Storm' are deemed to be eligible *natural disaster* events.

Local Government Act 1995

EXTERNAL CONSULTATION

Main Roads West Australia (MRWA) has requested the Shire to provide documentation for costs to open, reinstate and provide 'betterment' to the roads and associated drainage infrastructure.

FINANCIAL IMPLICATIONS

State Government funding through WANDRRA is available for this *eligible disaster* and will provide immediate financial assistance through joint State and Commonwealth disaster relief and recovery arrangements.

A total cost estimate of \$633,820.00 has been provided to repair the damage. According to WANDRRA, the Council will be required to provide a maximum contribution of \$133,100.00 (from the above total cost estimate). The contribution limit is determined by:

'The greater of:

- *1% of Total Rates Levied; or*
- *0.25% of WA's '1st Threshold for FY 2012-13' (\$53,253,000.00) under the NDRRA. This equates to \$133,132.00 which has been rounded down to \$133,100.00.'*

WANDRRA funds of approximately \$500,720.00 will therefore be sought.

It is proposed to source funds from current projects to meet the \$133,100.00 compulsory contribution as follows:

- Remaining funds from Martagallup Road Grain Pull-in Bay \$ 19,247.00
 - Remove Jackson Road from 2012/13 Road Program \$ 87,500.00
 - Decrease scope of works on Hay River Road \$ 26,353.00
- Total \$133,100.00

During the Council's annual bus inspection it was determined that the site of the Grain Pull-in bay not be sealed according to original scope for the project. No further works are therefore required. Jackson Road was brought forward in the Council's Indicative Five Year Road Program, to assist in matching Roads to Recovery funding in 2012/13. This change in the use of these funds will not affect the Council's 2012/13 Roads to Recovery allocation. A minor decrease in the scope of works on Hay River Road will not adversely affect the project and a positive outcome is still achievable with remaining funds.

The WANDRRA activation declared that assistance may be available to: Local Governments and State Government Agencies – *'for clean-up costs, the repair and restoration of essential public assets including local road damage'*. Only costs incurred that are *'additional' costs* (contractors), and are directly related to the event will be eligible for reimbursement.'

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following strategies 2.4.1, 2.4.2 and 2.4.4 as follows:

'Maintain and further develop roads and pathways at appropriate standards'

'Maintain Shire drainage systems and undertake appropriate flood mitigation measures'

'Investigate and respond to road safety and traffic issues throughout the District.'

OFFICER COMMENT

Most of the roads inspected as part of the storm damage assessment are sealed roads and have a considerable amount of traffic. Other roads less frequently travelled are likely to have damage, however, there may not be any report on them. Final assessment of these roads will be carried out during the reinstatement phase. Any further costs estimates can be included in claims submitted at a later date.

The main damage sustained was uprooting of trees, debris in table drains along main roads, blocking of culverts, damage to road shoulder and drains.

The entire roadside reserves in some locations are covered in fallen vegetation and will need to be cleaned up and reinstated. The estimated costs to perform this work include the following activities:

- Removal and disposing of trees and vegetation;
- Mulching of smaller trees and branches and disposing into adjoining areas;
- Removal of debris from table drains; and
- Reforming table drains.

Some of the locations inspected revealed that the infrastructure is aged and in a relatively poor state. The reinstatement works will be carried out using 'good engineering practices' e.g. deepening or realigning drains, the removal and re-compaction of areas previously damaged during opening works and other practical methodologies to ensure that the work carried out is not compromised or will incur any damage from future storm events. All these areas have been inspected by the local representative for Main Roads WA and methodologies of reinstatement have been agreed.

The bulk of the reinstatement works can be carried out during the winter season. Environmentally, this is the recommended time to do the works as the rains will help keep dust to a minimum and assist with the settling of mulch. In addition to this there is less fire risk of moving machinery in the bushier areas. Any road reinstatement works should be carried out during the spring through to the summer months. However, the drains need clearing now so as to avoid any future damage caused by debris blocking them during a flood event.

There are local contractors that are available to do these works. It is anticipated that this work could be completed in 5-7 weeks using two or three crews. This will depend on the availability of traffic controllers. It is also anticipated that Council staff will complete a portion of this work outside of existing operational scheduled works. All works of this nature will be paid as overtime payments to Council staff.

Main Roads WA will provide a Project Manager to inspect and oversee all of the works.

The other works would take approximately 1-2 months depending on the number of crews. The final scoping of works and documentation will be undertaken now during the supervision of contractors carrying out the current works. During this time other less significant roads will be inspected for damage, recorded and reinstated if necessary.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr L Handasyde:

That:

1. Funds totalling \$133,100.00 from the Road Program be reallocated to account Road Maintenance – Storm Damage (20225.0039) for the purpose of a compulsory contribution to WANDRRA funding to be sought as a result of the Tornado and Storm Event from 7-13 June 2012.
2. The 2012/2013 Annual Budget be amended as follows:

Account	Description	Current Budget	New Budget	Net Amount
51249.0250	Martagallup Road Grain Pull-in Bay	(\$19,247.00)	\$0.00	(\$19,247.00)
51534.0250	Jackson Road	(\$87,500.00)	\$0.00	(\$87,500.00)
51521.0250	Hay River Road	(\$100,000.00)	(\$73,647.00)	(\$26,353.00)
20225.0039	Storm Damage	\$0.00	(\$633,820.00)	(\$633,820.00)
10134.0197	Roadworks – Contributions to Storm Damage	\$0.00	\$500,720.00	\$500,720.00

CARRIED (8/0)

NO. 197/12

Absolute Majority

9.2.2 CONFERENCE ATTENDANCE - 2012 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

File No: N24061
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Works and Services Administration Officer
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to recommend the attendance of the Shire President Councillor Ken Clements and Councillor Len Handasyde at the National Local Roads and Transport Congress scheduled to be held from 14 - 16 November 2012 at Wrest Point Conference Centre in Hobart Tasmania.

BACKGROUND

Councillor Len Handasyde is the Council's Representative on the Regional Road Group, and is Chairperson of the Council's RoadWise Committee. Shire President Councillor Ken Clements is the Council's deputy representative and current Chairperson of the Great Southern TIRES group.

Previous attendance at the National Local Roads and Transport Congress was in 2010. The Shire President and Deputy Shire President attended that Congress on behalf of the Council.

The Chief Executive Officer has registered his interest in attending the 2012 National Local Roads and Transport Congress in place of Mr Dominic Le Cerf Manager Works and Services is unable to attend.

FINANCIAL IMPLICATIONS

The cost of registration for this conference is \$845.00 per person. The congress dinner is included in registration fees. Flights, accommodation, transport and meal costs will be in the vicinity of \$2,795.00 per person, with costs being charged to Budget Item Governance – Members of Council: Conferences, Training and Accommodation – 20026.0029.

The Chief Executive Officer will utilise a \$2,000.00 Destination Events Voucher (Isuzu Sales and Delivery Experience Survey Lottery prize) towards the purchase of flights 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 Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy 2.4.1:

'Maintain and further develop roads and pathways at appropriate standards.'

Further, Outcome 4.1(Effective governance and leadership) provides the following Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

OFFICER COMMENT

This year's Congress is themed *'Delivering Your Agenda'* and has a program structured around the National Local Roads and Transport Policy Agenda 2010-20. This Agenda has been developed by the Australian Local Government Association (ALGA) based on ALGA Policy and the outcomes of previous Roads Congresses.

The Shire of Plantagenet has sent delegates to this conference for the past ten years and feedback has been positive regarding road funding policies and direction.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. The Shire President Councillor Ken Clements and Councillor Len Handasyde be authorised to attend the 2012 National Local Roads and Transport Congress to be held at Wrest Point Conference Centre – Sandy Bay – Hobart Tasmania from 14 - 16 November 2012 inclusive and all costs relating to registration, travel and accommodation be charged to Budget Item 20026.0029.
2. The intention of the Chief Executive Officer to accompany the Shire President and Cr Handasyde be noted.

AMENDMENT

Moved Cr C Pavlovich, seconded Cr B Bell:

That part 2 be deleted and the motion be re-cast accordingly.

LOST (3/5)

Cr Pavlovich requested that his name be recorded as voting for the motion.

The motion was then put.

CARRIED (7/1)

NO. 198/12

Cr Pavlovich requested that his name be recorded as voting against the motion.

9.2.3 MUIR HIGHWAY AND DENMARK-MOUNT BARKER ROAD – PROCLAMATION OF REALIGNMENTS

File No:	N24021
Attachments:	Proclamation Drawings - Muir Highway and Denmark Mount Barker Road Realignments
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	25 September 2012

PURPOSE

The purpose of this report is to endorse proclamation drawings for a number of realignments of Muir Highway between Mount Barker and Denmark-Mount Barker Road.

BACKGROUND

Main Roads has undertaken a number of improvement works along Muir Highway, including several realignments, particularly in the vicinity of Jones Road and the Denmark-Mount Barker Road intersection.

The works have not changed Main Roads' management responsibility for the roads, however, their proclamation as 'main roads' requires publishing in the Government Gazette to recognise the new alignments.

Prior to making a recommendation to the Minister for Transport, to proclaim the new alignments, the Commissioner of Main Roads requires endorsement by the Council of the attached proclamation drawings, in duplicate.

STATUTORY ENVIRONMENT

Main Roads Act 1930

In accordance with Section 13, the Commissioner of Main Roads intends making a recommendation to the Minister to proclaim the new alignments of Muir Highway and Denmark-Mount Barker Road, as shown on the attached drawings 1221-0105-00, 1221-0106-00, 1221-0107-00 and 1221-0108-00, as 'main roads'.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

No change is being made to the management responsibility of the roads. It is recommended that the Council endorse the proclamation drawings to allow the Commissioner of Main Roads to formally request proclamation of the realignments.

Following proclamation, a copy of the final drawings showing gazettal details will be sent to the Council for its records.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That the attached drawings numbered 1221-0105-00, 1221-0106-00, 1221-0107-00 and 1221-0108-00 of the Muir Highway realignments between Mount Barker and the Denmark-Mount Barker Road intersection be endorsed to enable formal proclamation as main roads.

CARRIED (8/0)

NO. 199/12

9.3 COMMUNITY SERVICES REPORTS

9.3.1 NARRIKUP COMBINED SPORTING ASSOCIATION - MEMORANDUM OF UNDERSTANDING

File No: N24004
Attachments: [NCSA Memorandum of Understanding](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to seek approval to enter into a Memorandum of Understanding (MOU) between the Narrikup Combined Sporting Association Incorporated (NCSA) and the Shire of Plantagenet, regarding the Narrikup sporting facilities.

BACKGROUND

The NCSA represents the interests of the Narrikup Cricket Club and the Narrikup Tennis Club. Both clubs are based at the Narrikup Sporting Ground, located on Reserve 17849 and adjoining vacant crown land in Hannan Way, Narrikup. Reserve 17849 is managed by the Shire of Plantagenet for the purpose of Recreation / Showground.

In June 2011 the Cricket Club renewed the cricket pitch, replacing it with new concrete and a new synthetic turf covering.

At the ordinary meeting of the Council held on 20 December 2011, the Council considered a request from the Narrikup Cricket Club for financial assistance towards the cost of refurbishing the cricket wicket. The Council resolved to adjourn the question to allow for leasing information to be presented.

The objective of a lease was to formalise the current arrangements with the NCSA regarding the sporting grounds.

On reviewing the site plan for the Narrikup Sporting Grounds it was discovered that a majority of the sporting infrastructure is located on vacant Crown land.

The Department of Regional Development and Lands has been contacted regarding amalgamating the vacant crown land into Reserve 17849. The Department has advised that the amalgamation process will take between one to three years to complete due to the negotiations that need to occur with other State Government agencies and authorities. This process has begun.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 provides for the disposition of land. 'Disposition' includes 'sell, lease or otherwise dispose, whether absolutely or not.' Further, Regulation 30 of the Local Government (Function and General) Regulations 1996 provide that the proposed disposition would be an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with the NCSA, Narrikup Cricket Club and the Department of Regional Development and Lands.

FINANCIAL IMPLICATIONS

The MOU proposes lease terms of ten years at \$1.00 per annum on request. There will be no costs associated with the preparation or application of the MOU.

The Council has endorsed a Financial Assistance Grant for the Narrikup Cricket Club, (representing the NCSA) of \$1,500.00 in the 2012 / 2013 Annual Budget. This amount was to be made available on the signing of a lease between the NCSA and the Shire.

It is proposed that this amount be made available on the signing of a MOU.

POLICY IMPLICATIONS

Council Policy A/PA/14 – Sporting and Community Organisations using Council and Vested Land – Rateability will apply once the land amalgamation has concluded. This policy states that any sporting or community organisation leasing or renting land and/or facilities from the Council shall be non-rateable.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2012 – 2022, provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following strategies:

'Strategy 1.5.1: Maintain and improve sporting and recreation facilities in the District based on catchment needs; and

Strategy 1.5.2: Promote sporting, recreation and leisure facilities and programs in the District.'

OFFICER COMMENT

The attached draft MOU acknowledges the Council's intention to engage in a lease with the NCSA once the land tenure for the site is appropriate.

An agreement for the interim period is important to clarify the NCSA's occupancy at the site and it allows the NCSA or its affiliate groups to apply for funding from organisations such as the Department of Sport and Recreation to help develop the site. It is considered that a signed MOU would be sufficient to release the Council's Financial Assistance Grant to the NCSA.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. The attached Memorandum of Understanding between the Narrikup Combined Sporting Association Incorporated and the Shire of Plantagenet, for the Narrikup Sporting Ground at Reserve 17849 and adjacent Crown land, Hannan Way, be adopted.
2. The Shire President and Chief Executive Officer be authorised to sign the Memorandum of Understanding referred to in part 1 above.

CARRIED (8/0)

NO. 200/12

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – AUGUST 2012

Specific discussion arose relating to the Great Southern Regional Cattle Saleyards.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr J Moir. Nature and extent of interest – cattle farmer and employee of Elders.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner. Nature and extent of interest – Farming 400 head of cattle.

Authority to participate pursuant to Section 5.69(3) 9(b) of the Local Government Act

Approval has been received from the Department of Local Government via letter dated 9 January 2012 giving permission for Cr M. Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards from 10 January 2012 until 31 December 2012.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No: N24083
Attachment: [Financial Statement \(separate attachment\)](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Brendan Webb
Accountant / Office Manager
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 August 2012.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the Financial Statements for the month ending 31 August 2012 be received.

CARRIED (8/0)

NO. 201/12

9.4.2 LIST OF ACCOUNTS - AUGUST 2012

File No: N24084
Attachments: [List of Accounts - August 2012](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of August 2012.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr M Skinner:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended August 2012 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$581,772.72;
- b. Municipal Cheques 43118 - 43164, 43166 – 43167 and 43177 - 43212 totalling \$79,024.78;
- c. Trust Cheques 335 and 336 totalling \$9057.13; and
- D. Cancelled Cheques 43165 and 43168 - 43176.

CARRIED (8/0)

NO. 202/12

9.4.3 RENEWAL OF LEASE - WEST PLANTAGENET PONY CLUB INC

File No:	N24082
Attachments	Draft Lease
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	25 September 2012

PURPOSE

The purpose of this report is to consider the renewal of the lease agreement for the West Plantagenet Pony Club Inc for the use of Reserves 13892, 9020 and 13852 Martagallup Road, Kendenup.

BACKGROUND

The Shire entered into a lease agreement with the West Plantagenet Pony Club Inc commencing 25 September 2007, for a term of five years, to utilise Reserves 13982, 9020 and 13852 Martagallup Road Kendenup, for the purposes of a pony club. This lease is now due for renewal. The existing lease terms are as follows:

- Five year term;
- Rent of one dollar per annum;
- All outgoings are the responsibility of the West Plantagenet Pony Club Inc;
- West Plantagenet Pony Club Inc is responsible for insurance costs, including a minimum of \$10 million public liability insurance, contents and building insurance.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing. Under Functions and General Regulations, a disposition of land is an exempt disposition and is excluded from the application of section 3.58, if:

'the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive an pecuniary profit from the body's transactions.'

The lease to West Plantagenet Pony Club Inc would be an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with Heather Adams, President, West Plantagenet Pony Club inc.

FINANCIAL IMPLICATIONS

The lease is subject to a nominal rent.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The West Plantagenet Pony Club Inc has indicated an intention to move its activities to Frost Park once the Mount Barker Football Club begin to utilise Sounness Park. As this move may be some years in the future, it is recommended that the lease be renewed for a further five years under the same terms and conditions of the existing lease.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. **The lease to West Plantagenet Pony Club Inc for Reserves 13982, 9020 and 13852 Martagallup Road, Kendenup be renewed for a period of 5 years under the same terms and conditions as the existing lease.**
2. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease Agreement between the Shire of Plantagenet and the West Plantagenet Pony Club Inc relating to Reserves 13982, 9020 and 13852 Martagallup Road, Kendenup for the purpose of a pony club.**

CARRIED (8/0)

NO. 203/12

9.4.4 SOUNNESS PARK DEVELOPMENT - REGIONAL PRICE PREFERENCE

File No: N23962
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to endorse a regional price preference for tenders associated with the redevelopment of Sounness Park.

BACKGROUND

The redevelopment of Sounness Park has been the subject of discussion and planning for some time now with the Council in agreement and funding from the Council and external sources being secured. Detailed plans are nearing finalisation and it is expected that the Council will be able to seek tenders for the construction work in early October 2012.

The project architect has sought advice as to whether the Council wishes to incorporate a regional price preference in the tender documentation. The Sounness Park Action Group (represented by staff across the organisation) has recommended that, in this instance, a regional price preference be given where contractors and / or suppliers are based within the Shire of Plantagenet.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.

Regulations 24 A to G provide that a local government located outside the metropolitan area may give a regional price preference to a 'regional' tenderer and specifies the process for implementing this. The Council can implement a regional price preference for this project, without creating a policy that would impact on future tenders.

Where the contract is for construction (building) services, a preference may be given to a regional tenderer by assessing the tender as if the price bids were reduced by up to 5%, up to a maximum price reduction of \$50,000.00 in total.

The term 'regional' needs to be defined. As indicated above, it is recommended that the regional preference be given where contractors and / or suppliers are based within the Shire of Plantagenet.

Regulation 24B (2) states that:

- (2) *A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —*
- (a) *that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or*

- (b) *some or all of the goods or services are to be supplied from regional sources.'*

EXTERNAL CONSULTATION

Advice has been sought from the Western Australian Local Government Association in regard to procedural requirements under the Local Government (Functions and General) Regulations.

FINANCIAL IMPLICATIONS

Setting a regional price preference for this project may result in a higher priced tenderer being awarded the contract. The maximum additional cost would be \$50,000.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following strategy 1.5.3:

'Develop Sounness Park as the primary ball sports facility in the District.'

Further, the Plan provides at Outcome 3.2 (A strong and diverse economic base) the following strategy 3.2.3:

'Develop and review policy to facilitate and support business development and economic growth.'

OFFICER COMMENT

Given that this project is a major project for the Shire, it is considered that it would be desirable to encourage tenderers to use local contractors and suppliers.

Only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the tender assessment. Price is only one of the factors to be assessed when a local government is to decide which of the tenders it thinks would be most advantageous.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr L Handasyde:

That:

- 1. In accordance with Part 4A of the Local Government (Functions and General) Regulations 1996, a regional price preference be established for tenders associated with the redevelopment of Sounness Park.**
- 2. The tender documentation provide that a preference will be given to tenderers that include contractors and suppliers based within the Shire of Plantagenet, by assessing the tender as if the price bids were reduced by up to 5%, to a maximum price reduction of \$50,000.00.**

CARRIED (7/1)

NO. 204/12

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 RESERVE 1916 MUIR HIGHWAY – FUTURE MANAGEMENT

File No:	N23907
Attachments:	Map Photos
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	25 September 2012

PURPOSE

The purpose of this report is to consider a proposal from the Department of Environment and Conservation (DEC) to add Reserve 1916 Muir Highway into the Mount Roe National Park (Class A, Crown Reserve 47890).

BACKGROUND

Reserve 1916 Muir Highway is 250.2ha in area and is located adjacent to the Mount Roe National Park and is dissected by Muir Highway, the Frankland River and Bangalup Road. The reserve is currently vested in the Water and Rivers Commission for the purpose of 'water'. The Department of Water has advised the DEC that it does not actively manage the reserve and is willing to transfer management to another agency.

The DEC has undertaken a site inspection on the reserve and found that it contains significant conservation values. The reserve contains *'near pristine areas of Jarrah and Marri woodlands, Swamp Paperbark and Candlestick Banksia as well as sizable populations of rare flora'*. The reserve also plays an important role in the Frankland River catchment, acting as a buffer to surrounding agricultural land uses. The DEC considers that the above values make it important to ensure that the reserve is formally managed and that the values are maintained.

The DEC is seeking management of Reserve 1916 for addition to the Mount Roe National Park.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

‘Strategy 2.2.6 – Support the conservation and maintenance of heritage buildings, heritage items and places of interest.’

OFFICER COMMENT

The DEC is seeking support for its proposal to add Reserve 1916 Muir Highway to the Mount Roe National Park.

Due to the populations of rare flora, the near pristine nature of the vegetation and the minimal negative impacts from human activity and weeds, it is considered that the Council should support the DEC in its proposal to add Reserve 1916 Muir Highway to the Mount Roe National Park.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That the proposal for the management of Reserve 1916 Muir Highway being transferred from the Department of Water to the Department of Environment and Conservation for addition to the Mount Roe National Park be supported.

CARRIED (8/0)

NO. 205/12

9.5.2 SOUNNESS PARK RECREATION PRECINCT REDEVELOPMENT - ENTRANCE

File No: N24118
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to recommend to the Council that the motion relating to a revised entry to the Sounness Park Recreation Redevelopment off Lowood Road be re-examined.

BACKGROUND

At the Special Meeting of the Council held on 10 September 2012 it was resolved:

'That:

- 1. The existing entrance to Sounness Park off Lowood Road between the Mount Barker Bowling Club and the Library be endorsed as the main vehicular/pedestrian entrance and the plans for redevelopment of Sounness Park be amended accordingly; and*
- 2. The Lowood Road and McDonald Avenue entrances be reassessed at stage two of the development or as future requirements necessitate.'*

Staff research has now highlighted a number of issues which are believed warrant closer attention.

STATUTORY ENVIRONMENT

Should the Council believe that the issues raised in this report require action, there may be a requirement to revoke the earlier decision of the Council taken at the Special Meeting on 10 September 2012. Revoking a decision is a matter that is not taken lightly by the Local Government Act or the Local Government (Administration) Regulations 1996.

Regulation 10 of those Regulations require that at least one third of the number of offices (whether vacant or not) of members of the Council must support the motion of revocation to be put.

Further, the motion to revoke must be carried by an absolute majority.

Also, the notice of a motion to revoke, must be in writing and signed by those members of the Council supporting the matter to be put forward.

Pursuant to Standing Orders this would need to be handled as an urgent matter.

FINANCIAL IMPLICATIONS

The financial implications of either implementing the current Council decision to create the entrance of Lowood Road have not been quantified however the cost could be substantial due to the location of utilities and plant.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.4 - Opportunities for Development and Participation of our Youth.

Further the Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy 1.53:

'Develop Sounness Park as the primary ball sports facility in the District.'

The overall direction of the development of Sounness Park as a Recreation Precinct is in line with the Council's Strategic Plan.

OFFICER COMMENT

The results of the Special Council Meeting held on 10 September 2012 were considered by the Staff Sounness Park Action Committee at a meeting held on Thursday 13 September 2012.

In endeavouring to develop each of the three resolutions from the Council meeting, the resolution regarding the entrance was seen to be the most problematic.

The first issue that staff members would like to present to the Council involves pedestrian/vehicular conflict.

By combining the vehicle entrance with the pedestrian entrance, cars and pedestrians will be in a very close proximity with each other. Further, the southern side of that entrance is limited by the close proximity of the Bowling Club. The Bowling Club already encroaches onto the Cooper Road Reserve including carparking and the artificial bowling green. Although an encroachment onto a road reserve would not normally be allowed, it is known that the Council (many years ago) allowed the Bowling Club to do this.

This southern restriction will impact on the ability to provide a footpath and a 7.0m wide sealed surface which is necessary for say a bus and car to pass in opposite directions. Again, given the close proximity of vehicles and pedestrians, a 1.5m footpath would be required.

To add to the conflict issues, the possibility of vehicles turning into the Bowling Club, the Library, the Community Resource Centre (including Church services on a Sunday) plus cars seeking parking on the western side of Lowood Road between the railway line and Lowood Road create multiple areas of conflict. Added to this are those vehicles desiring to proceed straight ahead in either direction, Lowood Road

being the main road of Mount Barker's central business district (CBD) and access to Albany Highway.

Further, the turn into the entrance off Lowood Road by buses and larger vehicles will be a comparatively tight turning radius which may create difficulties and the need to swing wide either on the road or entering the driveway. Apart from the inherent danger of such manoeuvres, there will be scrubbing of the bitumen creating wear and tear.

Services in the roadway include a Telstra pit, a water hydrant, overhead powerlines and power poles. It may be that power poles will have to be relocated for necessary road and footpath works which had been discussed earlier with regard to the decision to utilise McDonald Avenue as the main entrance.

The historic stone pillars holding the Sounness Park metal sign will either need to be relocated, widened or strengthened. The metal sign at its lowest point is 3.2m above the ground and this is not high enough for a bus to travel under it safely.

The issue of safety for children playing alongside the roadway should the entrance be McDonald Avenue was considered very early on during the consultation. Therefore the plans were designed to incorporate a 5m wide playing area for children in front of the area for cars parking to view sport. In this way children playing were always under adult supervision.

It is acknowledged however that the Lowood Road entrance would 'take out' around 100m of this 'conflict' area.

On balance, senior members of the staff are of the opinion that the part of the Council resolution taken at the Special Meeting held on 10 September 2012 relating to the entrance, should be revoked. Should this occur, no further resolution would be needed as reversion to the earlier adopted plans would then occur. This would mean that McDonald Avenue would become the main entrance and Lowood Road would become the pedestrian entrance being closer to the CBD and residential areas.

To achieve such a revocation, at least three members of the Council would need to give the Chief Executive Officer notice of their intention to move such a motion of revocation. This would have to occur separately from this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the report of the Chief Executive Officer relating to the proposed entrance to the Sounness Park Recreation Redevelopment being off Lowood Road be noted.

CARRIED (7/1)

NO. 206/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr S Etherington, seconded Cr G Messmer:

That new business of an urgent nature, namely:

- **Motion to revoke Council Resolution 189/12, Special Council Meeting 10 September 2012 - Item 6.1 Sounness Park – Entry,** be introduced to the meeting.

CARRIED (8/0)

NO. 207/12

Councillor Etherington has given Notice pursuant to Clause 3.7 of Standing Orders that she intends to move:

That Council Resolution 189/12 of 10 September 2012:

'Moved Cr C Pavlovich, seconded Cr M Skinner:

That:

1. *The existing entrance to Sounness Park off Lowood Road between the Mount Barker Bowling Club and the Library be endorsed as the main vehicular/pedestrian entrance and the plans for redevelopment of Sounness Park be amended accordingly; and*
2. *The Lowood Road and McDonald Avenue entrances be reassessed at stage two of the development or as future requirements necessitate.*

CARRIED (7/0)

NO. 189/12'

be revoked.

Reasons for Revocation

- Further investigation has revealed that the existing entrance to Sounness Park off Lowood Road is not suitable for both pedestrian and vehicular access.

Councillors Messmer and Skinner have advised in writing that they support the revocation pursuant to the Local Government Act 1995 Section 5.25 (1) (c), Local Government (Administration) Regulations 1996 Part 10 (1) (b).

The Presiding Member invited Cr Etherington to move the motion.

Moved Cr S Etherington, seconded Cr G Messmer:

That Council Resolution 189/12 of 10 September 2012:

'That:

- 1. The existing entrance to Sounness Park off Lowood Road between the Mount Barker Bowling Club and the Library be endorsed as the main vehicular/pedestrian entrance and the plans for redevelopment of Sounness Park be amended accordingly; and***
- 2. The Lowood Road and McDonald Avenue entrances be reassessed at stage two of the development or as future requirements necessitate.'***

be revoked.

CARRIED (7/1)

NO. 208/12

Absolute Majority

Cr J Moir requested the following words be recorded:

'Consideration be given to:

- Full car parking on the eastern perimeter of the oval;
- Increased space between parked cars and entry traffic on the eastern side of the oval.'

12 CONFIDENTIAL**12.1.1 CHIEF EXECUTIVE OFFICER REVIEW AND CONTRACT REMUNERATION**

File No: N24003
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 25 September 2012

PURPOSE

The purpose of this report is to present to the Council the recommendations resulting from the Chief Executive Officer's (CEO) review which was held on 14 August 2012.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr B Bell:

4:30pm That the meeting be closed to members of the public pursuant to Section 5.23 (2)(a) of the Local Government Act as the matter to be considered relates to an employee.

CARRIED (8/0)

NO. 209/12

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr M Skinner:

4:48pm That the meeting proceed in public.

CARRIED (8/0)

NO. 210/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. The Chief Executive Officer's performance review for the 2011/2012 Financial Year be noted.
2. Apart from key performance indicators already recorded in the Chief Executive Officer's Contract of Employment, the following matters now be developed:
 - Area marketing;
 - Recognition;
 - Continuing contact with politicians;
 - Waste Management;
 - Appropriate industries;
 - Structural Reform;
 - Climate change;
 - Tourism issues including RV Friendly; and
 - Land rationalisation.
3. From 1 July 2012, the Chief Executive Officer's reward package be increased by 9.8% per annum taking account of the determination of the Salaries and Allowances Tribunal relating to Local Government Chief Executive Officers published in the Government Gazette dated 17 July 2012 for a Band 3 Council and subject to the Officer contributing Fringe Benefits Tax relating to the supply of a vehicle for personal use up to a maximum of \$4,420.00.

CARRIED (8/0)

NO. 211/10

13 CLOSURE OF MEETING

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

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