



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held in the
Council Chambers,
2.45pm Tuesday 11 December 2007.

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

Mr Stewart read aloud the following disclaimer:

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

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

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

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

Leave Of Absence

Cr John Mark 23 October 2007 to 11 December 2007 (Inclusive) in attendance 11 December 2007.

Present

| | |
|-------------------|------------------------------------|
| Cr B Hollingworth | Deputy Shire President – Town Ward |
| Cr D Nye-Chart | East Ward |
| Cr M Skinner | East Ward |
| Cr A Budrikis | Kendenup Ward |
| Cr J Moir | South Ward |
| Cr K Clements | Town Ward |
| Cr J Mark | Town Ward |
| Cr S Grylls | Rocky Gully / West Ward |

Apologies

Cr K Forbes Shire President – Rocky Gully / West Ward

Staff

| | |
|-----------------|--------------------------------|
| Mr Rob Stewart | Chief Executive Officer |
| Mr John Fathers | Deputy Chief Executive Officer |
| Ms N Selesnew | Manager Community Services |
| Mr P Duncan | Manager Development Services |
| Mr Ian Bartlett | Manager Works and Services |
| Mrs K Skinner | Executive Secretary |

There were no members of the public present.

There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Previously Approved Leave Of Absence

Cr J Mark 23 October to 11 December 2007 (inclusive)

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Council held 27 November 2007 be confirmed.

CARRIED (8/0)

No.397/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Cr Hollingworth – advised that a Media Release had been received from the Premier’s Department advising that \$12m had been allocated to complete the Mount Barker ‘One Community – One College’ project by the end of 2009.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 RADIO COMMUNICATION TOWER - LEASE PLANTAGENET LOCATION 273

| | |
|----------------------------|---|
| Location / Address: | N/A |
| Attachments: (2) | Certificate of Title Lease |
| Name of Applicant: | N/A |
| File Reference: | ET/9/2 |
| Author: | Ms Nicole Selesnew - Manager of Community Services |
| Authorised By: | Mr Rob Stewart - Chief Executive Officer |
| Date of Report: | 3 December 2007 |

Purpose

The purpose of this report is to consider a lease agreement with Craven Lea Pty Ltd, for a one hectare portion of the north-western corner of Plantagenet Location 273 (refer Diagram One). It is proposed to lease the land for the purpose of a radio communication tower.

Background

Shire officers have been liaising with Mr Ross Pickles of Craven Lea Pty Ltd, to establish a lease for a one hectare portion of Location 273 for the purpose of installing a radio communication tower. The land is located at the summit of Mount Barrow.

A radio tower, owned by the Mount Barker CB Club, is currently located on the north eastern portion of Location 273. The Shire has an agreement with the CB Club to keep a radio antenna and equipment at the site for the Shire's own radio network.

The existing radio tower support structure is in poor condition and is unsafe to climb for radio equipment maintenance purposes. The lifespan of the tower is also in question given the strength of the wind at the top of Mount Barrow. The Mount Barker CB Club has indicated it cannot afford to restabilise or replace its tower.

In June 2003 the Shire ordered a new tower including installation, radio equipment (including solar panels, cables, surge arrestors) and a radio hut to house the equipment. The tower was purchased and is stored at the Shire depot awaiting installation. The radio equipment has also been purchased and has been installed at the site, in an existing old hut. The purchase of the new hut is pending the installation of the new tower.

The installation of the tower did not take place immediately as the Shire was negotiating with Mr Pickles to subdivide and consequently purchase the one hectare

portion of Location 273. Land valuations were sought and Mr Pickles was agreeable to the purchase. However, the owner of the neighbouring property which provides access to the site was not willing to provide a 'right of carriageway' easement. Therefore, the Department for Planning and Infrastructure would not endorse the proposed subdivision.

In order to proceed with the installation of the new tower, the Shire will need to enter into a lease for Location 273 with the property owner. The owner of the neighbouring property has provided a letter to the Shire, approving access to the tower site as required.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred with Mr Pickles and Mr Antoine Pickles of Craven Lea Pty Ltd and the Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

Negotiations with Mr Pickles have been based on an annual \$50-00 payment for Location 273, provided there are no commercial tenants paying rental to the Shire for a position on the radio communication tower.

If the Shire engages in a commercial arrangement with a tenant on the tower site, Mr Pickles may seek a proportion of the commercial agency's rental.

The Council's 2007 / 2008 adopted budget provides an amount of \$50,000 for the construction of the radio communications tower on Mount Barrow.

Strategic Implications

There are no strategic implications to this report.

Officer Comment

The construction of the radio communications tower at Mount Barrow has been an ongoing project since 2003. The condition of the Mount Barker CB Club's tower has continued to decline and is no longer accessible for radio equipment maintenance. The Shire has sought cost estimates to have the new tower installed at the site which have increased from \$11,000 in 2003 to \$25,000 (excluding many variables) in 2007. It is important that this project proceeds to avoid further escalation in costs.

A draft lease agreement between Craven Lea Pty Ltd and the Shire of Plantagenet has been prepared and presented to Mr Pickles for consideration. The draft document seeks a fifty year lease with rental set at \$50-00 per annum.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

THAT:

- (1) The Chief Executive Officer be authorised to finalise the terms of the lease for a one hectare portion of Plantagenet Location 273 (as indicated on Diagram One), with Craven Lea Pty Ltd, for the purpose of constructing a radio communications tower.**
- (2) The Shire President and the Chief Executive Officer be given authority to affix the Shire of Plantagenet's Common Seal to the agreement referred to in Part One.**

CARRIED (8/0)

No.398/07

(Absolute Majority)

9.1.2 ROAD VERGE FUEL REDUCTION PROGRAM

| | |
|----------------------------|---|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | ES/103/6 & ES/125/1 |
| Author: | Ms Nicole Selesnew - Manager of Community Services |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 3 December 2007 |

Purpose

The purpose of this report is to bring to the Council a request from the Bush Fire Advisory Committee (BFAC) to investigate the Council's road verge fuel reduction program.

Background

At the BFAC meeting held on 7 November 2007, discussion took place regarding the timeliness and effectiveness of the Council's road verge fuel reduction program. The BFAC resolved:

'That it be a recommendation to the Council that the Shire be informed of the Bush Fire Advisory Committee's concerns that fuel reduction on Council verges is not being undertaken by the Council in a timely and effective manner. The Committee asks that the issue be investigated with a view of ensuring that in future years verge fuel reduction is undertaken both in a timely and effective manner.'

Statutory Environment

Bush Fires Act 1954
Shire of Plantagenet Local Law – Bush Fire Brigades

Consultation

Consultation has taken place with delegates from the BFAC and the Manager of Works and Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

Road verge fuel reduction activities are charged to the road maintenance account. The Council's 2007 / 2008 adopted budget provides an amount of \$900,000 for road maintenance in urban and rural areas.

Strategic Implications

The Shire of Plantagenet Bush Fire Strategic Plan recognises the need for a road verge fuel reduction program.

Officer Comment

The road verge fuel reduction program has been raised at the Bush Fire Advisory Committee in the past. Delegates are concerned that the road verge spraying and/or slashing program is not occurring in a timely manner which has resulted in regrowth on the road verges. The Shire has, in the past, revisited the sites and either resprayed or slashed the verges to try to control the fuel growth.

A draft road verge spraying and slashing program has been established by the Manager of Technical Services, however the availability of resources at times when road verge fuel reduction is required has been limited due to other activities such as road construction or landscaping projects. Further, access to contractors at the appropriate time is also limited due to the contractors being previously engaged to work on plantations.

Further investigations to implement a more effective road verge fuel reduction program should occur, giving consideration to options such as hiring additional staff or equipment when the fuel reduction program is required or tendering the activities out to a contractor.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Nye-Chart:

THAT:

- (1) The concerns of the Bush Fire Advisory Committee regarding fuel load on Council road reserve verges be noted.**
- (2) The Committee be advised that the Council will investigate appropriate strategies and the provision of extra resources in 2008 / 2009 to address these concerns.**
- (3) Consideration be given in the 2008 / 2009 Council budget for a specific allocation for road reserve fuel reduction.**

CARRIED (8/0)

No.399/07

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 COMMITTEE MINUTES – LOCAL EMERGENCY MANAGEMENT COMMITTEE -6 NOVEMBER 2007; BUSH FIRE ADVISORY COMMITTEE – 7 NOVEMBER 2007; TOWNSCAPE REVIEW STEERING COMMITTEE – 17 OCTOBER 2007; RAINBOW COAST REGIONAL COUNCIL – 8 NOVEMBER 2007

| | |
|----------------------------|---|
| Attachment(s): (4) | LEMC, Bush Fire Advisory Committee, Townscape Review Steering Committee, Rainbow Coast Regional Council. |
| Location / Address: | N / A |
| Name of Applicant: | N / A |
| File Reference: | ES/103/6, ES/103/7, LP/103/1, ED/103/5 |
| Author: | Kaye Skinner - Executive Secretary |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 4 December 2007 |

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Local Emergency Management Committee – 6 November 2007;
- Bush Fire Advisory Committee – 7 November 2007;
- Townscape Review Steering Committee – 17 October 2007; and
- Rainbow Coast Regional Council – 8 November 2007.

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.

Officer Comment

Any further issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That the following Committee Minutes be received:

- (a) Local Emergency Management Committee – 6 November 2007;**
- (b) Bush Fire Advisory Committee – 7 November 2007;**
- (c) Townscape Review Steering Committee – 17 October 2007; and**
- (d) Rainbow Coast Regional Council – 8 November 2007.**

CARRIED (8/0)

No.400/07

9.2.2 KALGAN LAND CONSERVATION DISTRICT COMMITTEE - COUNCIL REPRESENTATIVE

| | |
|----------------------------|--|
| Location / Address: | N / A |
| Name of Applicant: | Department of Agriculture and Food |
| File Reference: | I44242 |
| Author: | Kaye Skinner - Executive Secretary |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 26 November 2007 |

Purpose

The purpose of this report is to inform the Council that the Department of Agriculture and Food has advised that the term of appointment for the members of the Kalgan Land Conservation District Committee is due to expire on 31 December 2007. The Council's current representative is Mr David Williss.

Background

Land Conservation District Committees (LCDC) are statutory bodies formed under section 23 of the *Soil and Land Conservation Act 1945*. Membership of an LCDC must include one or more persons appointed by the Commissioner of Soil and Land Conservation on the nomination of the local government of each district that is wholly or in part comprised within the land conservation district.

Statutory Environment

Soil and Land Conservation Act 1945

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.

Officer Comment

Local government representation on the LCDC is mandatory. To ensure the continuation of the committee, a representative should be sought and a nomination put forward to the Department of Agriculture and Food.

The nominee does not have to be a Councillor or employee of the Shire, as it may be any person that a local government wishes to represent it at LCDC meetings.

Historically the Council's nominee has been a representative from the East Ward. Mr David Williss has indicated that he is willing to be the Council's representative on the Committee.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Nye-Chart:

That Mr David Williss be nominated as the Council's representative on the Kalgan Land Conservation District Committee.

CARRIED (8/0)

No.401/07

9.3 CORPORATE SERVICES REPORTS

9.3.1 VALLEY VIEW TREE FARM – OUTSTANDING RATES

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Attachments: | List of Properties |
| Name of Applicant: | N/A |
| File Reference: | FM/102/1 |
| Author: | John Fathers - Deputy Chief Executive Officer |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 3 December 2007 |

Purpose

The purpose of this report is to seek approval to apply to the District Court to have the strata scheme for the Valley View tree farm wound up.

Background

The Council will recall that substantial rates are outstanding on the Valley View strata and that standard debt collection attempts have proved unsuccessful. Standard debt collection techniques have failed to recover outstanding rates due to a variety of factors including bankruptcy, failure to locate owners and in some circumstances the death of owners.

The tree crop managers, Integrated Tree Cropping (ITC), proposed to reimburse outstanding rates moneys from the proceeds of sale upon harvest. However, legal advice received recommended against forming an agreement with ITC as agreement would have to be sought from all owners involved and ITC did not have the authority to act on the owners' behalf.

Additional legal advice failed to recommend a definitive course of action that the Council should follow and at its Ordinary Council meeting held on 14 March 2006, the Council resolved:

'That specialised strata title and land administration legal advice be sought in relation to the recovery of rates from the owners of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker known as Hambley Tree Farm.'

On 2 June 2006, at the suggestion of the Council's auditors, the Shire President and the Chief Executive Officer visited an insolvency consultant in Perth to discuss the issues.

At its meeting held on 25 September 2007, the Council resolved that the Shire's solicitors, Chalmers Legal Studio Pty Ltd, be instructed to give notice to Integrated Tree Cropping, the plantation manager of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm that unless the Shire receives an undertaking that all arrears of rates are paid with the proceeds of the impending harvest, the Shire will apply to the District Court to have the strata scheme wound up.

Statutory Environment

Section 6.64 of the Local Government Act 1995 states:

'Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -

- (a) from time to time lease the land;
- (b) sell the land;
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.'

Section 6.68 of the Local Government Act 1995 states:

'Exercise of power to sell land

(1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the "power of sale") in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.

(2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.

(3) Schedule 6.3 has effect in relation to the exercise of the power of sale.'

Sections 30 and 31 of the Strata Titles Act refer to the termination of Strata schemes.

Consultation

Consultation has occurred with solicitors, Chalmers Legal Studio Pty Ltd.

Policy Implications

There are no policy implications for this report.

Financial Implications

As at 2 November 2007, the rates outstanding (inclusive of charges) for the Valley View Farm total \$169,935.48. Twenty-nine out of 61 properties have significant arrears, totalling \$147,038.32. A list showing the details of outstanding rates for each

lot is attached. The solicitors' advice is that a budget of \$5,000.00 be set for the winding up process. This should be reviewed as matters progress.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

To protect the Council's interests and in accordance with legal advice, caveats are being lodged on each title deed to prevent dealings on the land.

The solicitor's latest advice was that the Shire continue with the lodgement of caveats and cause notice to be given to the plantation manager that unless all arrears of rates are paid, the Shire will apply to the District Court to have the strata scheme wound up, so as to enable the sale of the land upon which the whole plantation is conducted.

Such a notice needs to be given to the plantation manager before the commencement of harvesting. In the event that the plantation manager does not volunteer payment of arrears of rates, then it is in the Shire's interest that the scheme be wound up before harvesting.

Phase 1 of the solicitor's advice of giving notice to the plantation manager (ITC) that unless all arrears of rates are paid, the Shire will apply to the District Court to have the strata scheme wound up was carried out on 2 November 2007. No advice was received from ITC within the 21 day period required. It is therefore recommended that the Council proceed to phase 2 of the advice, which is to seek to have the strata scheme wound up by the District Court.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

That Chalmers Legal Studio Pty Ltd, acting on behalf of the Shire of Plantagenet, be instructed to apply to the District Court to have the strata scheme (Strata Plan 31689) for Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm to be wound up.

CARRIED (8/0)

No.402/07

9.4 TECHNICAL SERVICES REPORTS

9.4.1 TENDER C07-0708 - SUPPLY AND DELIVERY OF TIP TRUCK AND PIG TRAILER

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | PS/165/36 |
| Author: | Ian Bartlett - Manager Works and Services |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 23 November 2007 |

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C07-0708 – Supply and Delivery of Tip Truck and Pig Trailer.

Background

Tenders were recently called for the supply and delivery of one (1) 6x4 tandem axle end and side tip truck and one (1) end and side tip pig trailer for the Shire of Plantagenet. Tender C07-0708 closed 12 noon Wednesday 21 November 2007 and was advertised for a period of twenty-two days. At the close of submissions, seven (7) tenders were received from the following registered companies:

- Evertrans
- Brigold Pty
- WA Hino
- Kenworth Daf WA
- JEM Truck Sales
- Albany City Motors

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The Tendering process for goods and services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 2007.

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

Regulation 19 requires the Council to advise each tenderer in writing the results of the Council's decision.

Consultation

Mr Ian Bartlett – Manager Works and Services, with the assistance from the Administration Officer, prepared the tender documentation and specifications.

Mr Ian Bartlett, Mr Wayne Griffiths – Principal Works Supervisor, Mr Michael Seaman – Workshop Mechanic and Mr Howard Evans – Operations Staff, participated in the tender evaluation.

Policy Implications

Council Policy No. F/FM/7 – Purchasing and Tendering applies.

Asset Management Implications

This report relates to the acquisition of a capital item. Accordingly the item will be listed in the Council's asset register at its historical cost and, on a monthly basis, will be written down, based on its useful life to the Council and in accordance with Council Policy I/MP/1 (Plant – General Policy). Depreciation will be cash backed, at least partially, based on the Council's 5 year rolling plant replacement program. The tip truck component of this purchase has a useful life of 4 years or 250,000km and therefore will be replaced in the 2011/12 financial year. Annual operating costs are \$30,789, excluding depreciation. Its residual value is expected to be \$90,628.52. The pig trailer component of this purchase has a useful life of 10 years and therefore will be replaced in the 2017/18 financial year. Annual operating costs are \$810, excluding depreciation. Its residual value is expected to be \$10,000.

Financial Implications

The combined budget allocation for the purchase of one (1) new Tip Truck and Pig Trailer is \$163,500 net.

Strategic Implications

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

Officer Comment

A request for tenders was published in the West Australian on Wednesday 31 October and Saturday 3 November 2007. In addition a tender notice was placed on the Shire of Plantagenet website and also the noticeboard at the Administration Office, to inform prospective Tenderers. The closing date for the receipt of tenders was Wednesday 21 November 2007, with delivery of submissions to the tender box.

Seven (7) tenders were received from the various suppliers for the supply and delivery of one (1) tandem axle end and side tip truck and one (1) end and side tip pig trailer to the Shire of Plantagenet. A summary of the cost to supply and deliver this tip truck and pig trailer is shown tabulated below:

| Supplier | Machine Make / Model | Purchase Price (ex GST) | Trade Offer (ex GST) | Nett Cost (ex GST) | Warranty | Delivery Date |
|---|-------------------------------|-------------------------|----------------------|--------------------|---|-----------------------------|
| Kenworth DAF WA | DAF FAT CF 85.410 | \$259,715.00 | \$100,000.00 | \$159,715.00 | 36 months engine & driveline | Apr-08 |
| Kenworth DAF WA (Alternative) | DAF FAT CF 85.410 | \$273,530.00 | \$100,000.00 | \$173,530.00 | 36 months engine & driveline | 18 - 20 weeks / April 2008 |
| JEM Truck Sales | Isuzu 2008 GIGA CXZ 455 | \$239,852.00 | \$95,306.55 | \$144,545.45 | 36 months / 500,000km | 14-18 weeks from acceptance |
| Albany City Motors | Isuzu GIGA 385 CXZ | \$219,912.00 | \$87,272.73 | \$132,639.27 | New Vehicle - 3yrs / 500,000km Engine Components - 5yrs / 750,000km Cab Corrosion - 3yrs / unlimited km | Feb / March 08 |
| WA Hino | Hino FSIELPD | \$228,278.00 | \$83,636.36 | \$144,641.64 | 3yr / 500,000km plus 5yr / 750,000 drive train | 14 - 16 weeks |
| Tipper Body & Pig Trailer Only | | | | | | |
| Evertrans | Evertrans | \$ 91,090.00 | N/A | \$91,090.00 | 12 months | 3 months |
| Outright Purchase of Trade Only | | | | | | |
| Brigold Pty | N/A | N/A | \$77,555.45 | N/A | N/A | N/A |

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

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

The Manager Works and Services, Principal Works Supervisor, Workshop Mechanic and an Operations Staff member reviewed each of the tenders submitted, rating each tender against the selection criteria.

Inspections were carried out on the Kenworth DAF CF 85.410, Hino FSIELPD and Isuzu Giga CXZ 385. An inspection was not available for the Isuzu Giga CXZ 455. The Principal Works Supervisor, Workshop Mechanic and Maintenance Supervisor all agreed that the Kenworth DAF CF 85.410 was the preferred choice following the inspections.

The Kenworth DAF CF 85.410 has a very comfortable and spacious cab, with good layout, easy to use controls and very good visibility. It has easy access to major service points, and good access to engine bay / filters / radiator and major components. The truck has automated manual transmissions which offers exceptional power delivery at all times as the correct gear is selected in every situation, resulting in lower fuel consumption. Cruise control is also standard.

The Kenworth DAF CF 85.410 comes standard with ABS, EBS (Electronic Brake System) and ARS (Anti Slip Reduction) which are important safety features. It has 8 rod tandem suspension (as opposed to 6 rod) which offers high articulation and excellent traction capabilities. Kenworth DAF also has on call field service 24 hours a day, 7 days a week and extended operating hours for their workshop in Perth.

The two (2) other trucks that were inspected were both satisfactory however did not have all of the features of the Kenworth DAF. Also the Kenworth DAF has the highest ground clearance of the three (3) trucks making it more suitable for construction type work.

It is the opinion of the Tender Evaluation Team that the Kenworth DAF CF 85.410 is the best value for money investment for the Shire of Plantagenet. Although this machine is the more expensive of the three (3) trucks inspected, it is still under the budget amount for the truck and trailer. It is also believed that it is the most suited to the Council's requirements.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr S Grylls:

That the tender from Kenworth DAF WA to supply and deliver one (1) DAF FAT CF 85.410 Tip Truck with Pig Trailer to the Shire of Plantagenet, be accepted in accordance with the following pricing schedule:

| Supplier | Machine Make / Model | Purchase Price (ex GST) | Trade Offer (ex GST) | Nett Cost (ex GST) | Warranty | Delivery Date |
|-----------------|----------------------|-------------------------|----------------------|--------------------|------------------------------|---------------|
| Kenworth DAF WA | DAF FAT CF 85.410 | \$259,715.00 | \$100,000.00 | \$159,715.00 | 36 months engine & driveline | Apr-08 |

CARRIED (8/0)

No.403/07

9.4.2 TENDER C09-0708 - SUPPLY AND DELIVERY OF SKID STEER LOADER

A Proximity Interest was declared by Cr Hollingworth
Extent of Interest: Adjacent landholder

A Financial Interest was declared by Cr Skinner
Extent of Interest: Farming 400 head of cattle

A Financial Interest was declared by Cr Moir
Extent of Interest: Casual Employee and cattle producer

A Financial Interest was declared by Cr Nye-Chart
Extent of Interest: Owner of Cattle

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

Approval has been received from the Department of Local Government and Regional Development via letter dated 6 November 2007, giving permission for Cr K Forbes, Cr M Skinner, Cr D Nye-Chart, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until 20 October 2008.

Mr Rob Stewart - Chief Executive Officer, read aloud the attached letter.

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | PS/165/38 |
| Author: | Ian Bartlett - Manager Works and Services |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 3 December 2007 |

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C09-0708 Supply and Delivery of Skid Steer Loader.

Background

Tenders were recently called for the supply and delivery of one (1) skid steer loader to the Shire of Plantagenet. Tender C09-0708 closed 12 noon Wednesday 28 November 2007 and was advertised for a period of fifteen (15) days. At the close of submissions, eleven (11) tenders were received from the following registered companies:

- BT Equipment
 - Hitachi Construction Machinery
 - BJ Burns
 - Construction Equipment Australia
-

- LiftRite Hire & Sales
- Clark Equipment
- Westrac Pty Ltd
- JEM Truck Sales

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The Tendering process for goods and services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 2007.

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

Regulation 19 requires the Council to advise each tenderer in writing the results of the Council's decision.

Consultation

Mr Ian Bartlett – Manager Works and Services, with the assistance from the Administration Officer, prepared the tender documentation and specifications.

Mr Ian Bartlett, Mr Wayne Griffiths – Principal Works Supervisor, Mr Michael Seaman – Workshop Mechanic and Mr Peter McGovern – Operations Staff, participated in the tender evaluation.

Policy Implications

Council Policy No. F/FM/7 – Purchasing and Tendering applies.

Asset Management Implications

This report relates to the acquisition of a capital item. Accordingly the item will be listed in the Council's asset register at its historical cost and, on a monthly basis, will be written down, based on its useful life to the Council and in accordance with Council Policy I/MP/1 (Plant – General Policy). Depreciation will be cash backed, at least partially, based on the Council's 5 year rolling plant replacement program. This asset has a useful life of 4 years or 3,000 hours and therefore will be replaced in the 2011/12 financial year. Annual operating costs are \$12,967, excluding depreciation. Its residual value is expected to be \$20,478.35.

Financial Implications

The budget allocation for the purchase of one (1) new Skid Steer Loader is \$47,000 net.

Strategic Implications

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

Officer Comment

A request for tenders was published in the West Australian on Wednesday 14 November 2007 and Saturday 17 November 2007. In addition a tender notice was placed on the Shire of Plantagenet website and also the noticeboard at the Administration Office, to inform prospective Tenderers. The closing date for the receipt of tenders was Wednesday 28 November 2007, with delivery of submissions to the tender box.

Ten (10) tenders were received from the various suppliers for the supply and delivery of one (1) skid steer loader to the Shire of Plantagenet. One (1) tender was received for the outright purchase of the Shire's trade skid steer loader. A summary of the cost to supply and deliver this skid steer loader is shown tabulated below:

| Supplier | Machine Make / Model | Purchase Price (ex GST) | Trade Offer (ex GST) | Nett Cost (ex GST) | Warranty | Delivery Date |
|----------------------------------|----------------------|-------------------------|----------------------|--------------------|---|---------------------------------|
| BT Equipment | Mustang 2076 | \$73,000.00 | \$25,000.00 | \$48,000.00 | 1 year / 1500 hours whichever occurs first | 2-4 weeks subject to prior sale |
| Hitachi Construction Machinery | John Deere 317 | \$56,600.00 | \$16,000.00 | \$40,600.00 | 12 months / 1000 hours, 36 months / 3000 hours | 16 weeks |
| Construction Equipment Australia | JCB ROBOT 170 | \$67,611.50 | \$ 25,000.00 | \$42,611.50 | New machine warranty of 12 months / 2000 hours (whichever occurs first) plus major components warranty (in conjunction with new machine warranty) of additional 24 months / 4000 hours (whichever occurs first) | 4 weeks |
| LiftRite Hire & Sales | GEHL 4840E | \$57,000.00 | \$27,700.00 | \$29,300.00 | 3 year / 3000 hour full warranty | 4 weeks subject to prior sale |
| Clark Equipment | Bobcat S185 SJC | \$48,000.00 | \$19,000.00 | \$29,000.00 | 12 months / 1200 hours (whichever occurs first). Warranty extension available - 24 months / 2400 hours (whichever occurs first) | 2-3 weeks |
| Clark Equipment Alternative | Bobcat T190 SJC | \$51,200.00 | \$19,000.00 | \$32,200.00 | 12 months / 1200 hours (whichever occurs first). Warranty extension available - 24 months / 2400 hours (whichever occurs first) | 2-3 weeks |
| Clark Equipment Alternative 2 | Bobcat S205 SJC | \$66,200.00 | \$19,000.00 | \$47,200.00 | 12 months / 1200 hours (whichever occurs first). Warranty extension available - 24 months / 2400 hours (whichever occurs first) | 2-3 weeks |

| | | | | | | |
|--|--|-------------|--------------|-------------|-------------------------------------|------------------------|
| Westrac Pty Ltd | Caterpillar 226B2AC Skid Steer Loader | \$62,935.00 | \$19,500.00 | \$43,435.00 | 36 months / 3000 hours full machine | 10-12 weeks from order |
| Westrac Pty Ltd Alternative | Caterpillar 247B2AC Multi Terrain Loader | \$79,370.00 | \$19,500.00 | \$58,870.00 | 36 months / 3000 hours full machine | 6-8 weeks from order |
| JEM Truck Sales | Bobcat S160 | \$46,380.00 | \$14,561.82 | \$31,818.18 | 12 months / unlimited hours | 4 weeks |
| Outright Purchase of Trade Only | | | | | | |
| BJ Burns | | | \$ 21,000.00 | | | |

Voting Requirements

Simple Majority

MOTION TO ADJOURN THE MEETING**Moved Cr M Skinner, seconded Cr D Nye-Chart:****3.34pm That the meeting be adjourned for resumption at 3.40pm.****CARRIED (8/0)****No.404/07****RESUMPTION****3.40pm The meeting resumed.**Attendance

| | |
|-------------------|------------------------------------|
| Cr B Hollingworth | Deputy Shire President – Town Ward |
| Cr D Nye-Chart | East Ward |
| Cr M Skinner | East Ward |
| Cr A Budrikis | Kendenupp Ward |
| Cr J Moir | South Ward |
| Cr K Clements | Town Ward |
| Cr J Mark | Town Ward |
| Cr S Grylls | Rocky Gully / West Ward |

Staff

| | |
|-----------------|--------------------------------|
| Mr Rob Stewart | Chief Executive Officer |
| Mr John Fathers | Deputy Chief Executive Officer |
| Ms N Selesnew | Manager Community Services |
| Mr P Duncan | Manager Development Services |
| Mr Ian Bartlett | Manager Works and Services |
| Mrs K Skinner | Executive Secretary |

OFFICER'S RECOMMENDATION

That the tender from Clark Equipment for the supply and delivery one (1) Bobcat S185 Skid Steer Loader to the Shire of Plantagenet, be accepted in accordance with the following pricing schedule:

| Supplier | Machine Make / Model | Purchase Price (ex GST) | Trade Offer (ex GST) | Nett Cost (ex GST) | Warranty | Delivery Date |
|-----------------|----------------------|-------------------------|----------------------|--------------------|--|---------------|
| Clark Equipment | Bobcat S185 SJC | \$48,000.00 | \$19,000.00 | \$29,000.00 | 12 months / 1200 hours (whichever occurs first). Warranty extension available – 24 months / 2400 hours (whichever occurs first) | 2-3 weeks |

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That no Tender be accepted.

CARRIED (7/1)

No.405/07

Reason For Change

Possibility that the trade-in may be utilised at the Great Southern Regional Cattle Saleyards.

9.4.3 TENDER C10-0708 - SUPPLY AND DELIVERY OF 4 X 2 TIP TRUCK

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | PS/165/39 |
| Author: | Ian Bartlett - Manager Works and Services |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 3 December 2007 |

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C10-0708 Supply and Delivery of 4 x 2 Tip Truck.

Background

Tenders were recently called for the supply and delivery of one (1) 4x2 tip truck to the Shire of Plantagenet. Tender C10-0708 closed 12 noon Wednesday 28 November 2007 and was advertised for a period of fifteen (15) days. At the close of submissions, four (4) tenders were received from the following registered companies:

- Albany City Motors
- WA Hino
- Southern Range Wholesale

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The Tendering process for goods and services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 2007.

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

Regulation 19 requires the Council to advise each tenderer in writing the results of the Council's decision.

Consultation

Mr Ian Bartlett – Manager Works and Services, with the assistance from the Administration Officer, prepared the tender documentation and specifications.

Mr Ian Bartlett, Mr Wayne Griffiths – Principal Works Supervisor and Mr Michael Seaman – Workshop Mechanic, participated in the tender evaluation.

Policy Implications

Council Policy No. F/FM/7 – Purchasing and Tendering applies.

Asset Management Implications

This report relates to the acquisition of a capital item. Accordingly the item will be listed in the Council's asset register at its historical cost and, on a monthly basis, will be written down, based on its useful life to the Council and in accordance with Council Policy I/MP/1 (Plant – General Policy). Depreciation will be cash backed, at least partially, based on the Council's 5 year rolling plant replacement program. This asset has a useful life of 4 years or 250,000km and therefore will be replaced in the 2011/12 financial year. Annual operating costs are \$14,333, excluding depreciation. Its residual value is expected to be \$23,769.54.

Financial Implications

The budget allocation for the purchase of one (1) new 4x2 Tip Truck is \$22,000 net.

Strategic Implications

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

Officer Comment

A request for tenders was published in the West Australian on Wednesday 14 November 2007 and Saturday 17 November 2007. In addition a tender notice was placed on the Shire of Plantagenet website and also the noticeboard at the Administration Office, to inform prospective Tenderers. The closing date for the receipt of tenders was Wednesday 28 November 2007, with delivery of submissions to the tender box.

Three (3) tenders were received from the various suppliers for the supply and delivery of one (1) 4x2 tip truck to the Shire of Plantagenet. One (1) tender was received for the outright purchase of the Shire's trade tip truck. A summary of the cost to supply and deliver this 4x2 tip truck is shown tabulated below:

| Supplier | Machine Make / Model | Purchase Price (ex GST) | Trade Offer (ex GST) | Nett Cost (ex GST) | Warranty | Delivery Date |
|--------------------------------|-----------------------|-------------------------|----------------------|--------------------|--|---------------|
| Albany City Motors | Isuzu MPR 300 2007 N5 | \$50,911.82 | \$23,636.36 | \$27,275.45 | New vehicle - 3 years / 100,000km / 2000 hours, cab perforation corrosion - 3 years / unlimited km | 8 weeks |
| Albany City Motors Alternative | Isuzu MPR 300 2008 NH | \$54,694.82 | \$23,636.36 | \$31,058.45 | New vehicle - 3 years / 100,000km / 2000 hours, cab perforation corrosion - 3 years / unlimited km | 12 weeks |
| WA Hino | Hino 716 Medium | \$53,760.00 | \$21,818.18 | \$31,941.81 | 3 years / 100,000km Cab / chassis | Not stated |

| | | | | | | |
|--|--|--|--|--|--|--|
| Outright Purchase of Trade Only | | | | | | |
|--|--|--|--|--|--|--|

| | | | | | | |
|--------------------------|--|--|-------------|--|--|--|
| Southern Range Wholesale | | | \$25,987.27 | | | |
|--------------------------|--|--|-------------|--|--|--|

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart:

That the tender from Albany City Motors for the supply and delivery of one (1) Isuzu MPR 300 2007 N5 4 x 2 Tip Truck to the Shire of Plantagenet, be accepted according to the following pricing schedule:

| Supplier | Machine Make / Model | Purchase Price (ex GST) | Trade Offer (ex GST) | Nett Cost (ex GST) | Warranty | Delivery Date |
|--------------------|-----------------------|-------------------------|----------------------|--------------------|---|---------------|
| Albany City Motors | Isuzu MPR 300 2007 N5 | \$50,911.82 | \$23,636.36 | \$27,275.45 | New vehicle – 3 years / 100,000km / 2000 hours, cab perforation corrosion – 3 years / unlimited km) | 8 weeks |

CARRIED (8/0)

No.406/07

9.4.4 TENDER C06-0708 - SUPPLY AND DELIVERY OF FUEL

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | PS/165/35 |
| Author: | Ian Bartlett - Manager Works and Services |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 20 November 2007 |

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C06-0708 – Supply and Delivery of Fuel.

Background

Tenders were recently called for the supply and delivery of fuel to the Shire of Plantagenet. Tender C06-0708 closed at 12 noon Wednesday 14 November 2007, and was advertised for a period of twenty-two days. At the close of submissions, two (2) tenders were received from the following registered companies:

- Fuel Distributors WA Pty Ltd
- Link Energy Pty Ltd

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The Tendering process for goods and services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 2007.

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

Regulation 19 requires the Council to advise each tenderer in writing the results of the Council's decision.

Regulation 11, at (2) (g) provides that tenders need not be publicly invited for the supply of fuel. In the interests of 'transparency' tenders were nevertheless called.

Consultation

Mr Ian Bartlett – Manager Works and Services, with the assistance from the Administration Officer, prepared the tender documentation and specifications. Mr Ian Bartlett participated in the tender evaluation.

Policy Implications

Council Policy No. F/FM/7 – Purchasing and Tendering applies.

Financial Implications

The budget allocation for the purchase of fuels for 2007 / 2008 is \$ 250,000.

Strategic Implications

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

Officer Comment

A request for tenders was published in the West Australian on Wednesday 24 October 2007 and Saturday 27 October 2007. In addition a tender notice was placed on the Shire of Plantagenet website and also the noticeboard at the Administration Office, to inform prospective Tenderers. The closing date for the receipt of tenders was Wednesday 14 November 2007, with delivery of submissions to the tender box.

Two (2) tenders were received from the various suppliers for the supply and delivery of approximately 250,000 litres of diesel fuel to the Shire of Plantagenet. A summary of the cost to supply and deliver this fuel is shown tabulated below:

| Supplier | Price | Comments | Example (price based on 20/11/2007) |
|------------------------------|---|-----------------------------|---|
| Fuel Distributors WA Pty Ltd | FDWA Daily Posted List Price (DPLP) plus 1.1c/litre | No minimum delivery amount. | FDWA DPLP = 1.40 + 1.1c = 1.41 (inc GST) = 1.28 (ex GST) |
| Link Energy Pty Ltd | Albany Caltex Terminal Gate Price (TGP) plus 3.5c/litre | Minimum 7,000L delivery | TGP = 1.3990 + 3.5c = 1.43 (inc GST) = 1.30 (ex GST) |

The selection criteria for the Tender consisted of three components being:

- Price;
- Quality Assurance and Experience; and
- Conformity to Specification.

Both tenders received scored equally in relation to the bottom two components of the selection criteria (as above), however the tenders were then separated when pricing was taken into account. The Tender from Fuel Distributors of WA Pty Ltd was the cheaper of the two tenders received. Fuel Distributors of WA Pty Ltd also (following further clarification with the Tenderer) have no minimum delivery amount which is seen as beneficial to the Shire, meaning that no charge would be made for excess fuel that is not taken by a particular order.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

That the tender from Fuel Distributors of WA Pty Ltd for the supply and delivery of fuel to the Shire of Plantagenet for a twelve (12) month period, be accepted, in accordance with the following pricing schedule:

| Supplier | Price | Comments | Example (price based on 20/11/2007) |
|------------------------------|---|-----------------------------|---|
| Fuel Distributors WA Pty Ltd | FDWA Daily Posted List Price (DPLP) plus 1.1c/litre | No minimum delivery amount. | FDWA DPLP = 1.40 + 1.1c = 1.41 (inc GST) = 1.28 (ex GST) |

CARRIED (8/0)

No.407/07

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 TOWN PLANNING SCHEME POLICY NO. 17 – SEA CONTAINERS

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | LP/120/19 |
| Author: | Peter Duncan - Manager Development Services |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 12 November 2007 |

Purpose

The purpose of this report is to consider Draft Town Planning Scheme Policy No. 17 Sea Containers, to enable it to be advertised for public comment.

Background

In recent times throughout the State there is a growing awareness of persons placing sea containers on properties and to convert the containers into houses. Three such containers have been placed on a site in Hassell Street and they are gradually being converted into a house. A building licence was issued for this structure as when completed it will meet the Building Code of Australia standards for a Class 1A dwelling. Staff have received several adverse comments about the appearance of these containers. Another building licence has been issued for a single container to be used as a home in Booth Street.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 ‘Power to Make Policies’

Building Code of Australia

Consultation

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two (2) 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 twenty-one (21) days.

Policy Implications

This is a new Town Planning Scheme Policy.

Financial Implications

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

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 draft Town Planning Scheme Policy No. 17 has been prepared to provide guidance and direction when considering proposals to erect sea containers in particular zones.

In recent years there has been an increased use of sea containers as sheds and storage facilities on properties throughout various zones within the Shire. They serve a useful purpose but can have a significant adverse visual impact on the amenity of the district and the visual character of streets and neighbourhoods depending upon their location, use and the length of time they are on site.

This draft Town Planning Scheme Policy No. 17 has been prepared to provide guidance in the use and siting of sea containers. The policy will apply to all land zoned in the Shire and is to be read in conjunction with the existing Town Planning Scheme Policy No. 16 – Outbuildings. The draft does not apply to transportable houses, relocated houses, railway carriages or transportable offices.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

THAT:

- (1) Draft Town Planning Scheme Policy No. 17 – Sea Containers, as follows, be advertised in accordance with Clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of twenty-one days.**

Town Planning Scheme No. 3

Draft Town Planning Scheme Policy No. 17

SEA CONTAINERS

Objective

OBJECTIVE: To regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.

In considering any application for approval to place a sea container(s) on a lot, the criteria below will be considered.

Policy Criteria:

- (i) This policy applies to the whole district of the Shire of Plantagenet excluding Crown Reserves. It applies to all zoned land.**

-
- (ii) Applications for planning consent and a building licence are required to be lodged prior to siting a sea container on a property. That application will include:

 - (a) A completed application for planning consent and a building licence and the appropriate fees.
 - (b) A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property.
 - (c) The proposed size and use of the sea container.
 - (d) Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.
 - (e) If a sea container can be seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided.
 - (iii) Sea containers may be approved in the Commercial, Service Industrial, Industrial, Special Industrial and Rural (outside Townsites) zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping. Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the Council.
 - (iv) In all zones, a sea container may be temporarily placed on a property to store building materials while construction of a house, commercial or industrial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence for the proposed permanent building and must be removed upon completion of construction or expiry of the building licence.
 - (v) A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 – Outbuildings.
 - (vi) Sea containers are not permitted on any land zoned Residential, Rural Residential, Rural Smallholding and Landscape Protection other than as detailed at (4) above in a temporary situation during construction of an approved building.
 - (vii) Sea containers are not to be used for habitable purposes.
 - (viii) Sea containers cannot be located within front boundary setbacks as required by Town Planning Scheme No. 3.
 - (ix) Sea containers must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened where considered necessary.
-

- (xi) The Council may require the exterior of the sea container to be upgraded to blend with the surrounding development or landscape in terms of colour, finish and appearance.
 - (xii) Where a sea container is to be place on site permanently in accordance with (3) above, the application required by (2) above shall include certification from a professional engineer as to the method of providing structural tie down.
- (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 12 February 2008.

CARRIED (6/2)

No.408/07

**9.5.2 AUSTRALIAN HERITAGE COUNCIL - NATIONAL HERITAGE LIST -
INCLUSION OF PORONGURUP NATIONAL PARK AND TWIN CREEKS**

| | |
|----------------------------|---|
| Location / Address: | Lot 6889 Knight Road, Porongurup (Twin Creeks); and Reserve A 18987 Porongurup National Park |
| Attachments: (1) | Locality Plan |
| Name of Applicant: | Australian Heritage Council |
| File Reference: | LP/108/1 |
| Author: | Juliet Albany - Planning Officer |
| Authorised By: | Peter Duncan - Manager Development Services |
| Date of Report: | 19 November 2007 |

Purpose

The purpose of this report is to consider a request from the Australian Heritage Council for advice and information regarding the possible inclusion of the Twin Creeks conservation area at Lot 6889 Knight Road, Porongurup and the Porongurup National Park, in the National Heritage List and/or the Commonwealth Heritage List.

Background

The request includes the entire Porongurup National Park, Reserve A 18987, being approximately 2,621ha vested with the Conservation Commission of WA and managed by the Department Environment and Conservation (DEC) and the privately owned Twin Creeks conservation area of approximately 511ha.

The request is for advice regarding any heritage register under the Council's jurisdiction or whether any previous assessments of the heritage values of the place have been undertaken.

The owners of Lot 6889 Knight Road, the Friends of the Porongurup Range Inc, have a covenant with the National Trust of Australia (WA) and maintain wildflower and bird life walk tracks.

Statutory Environment

National Heritage Protocol (2004) S3.3 and 4.1 – the Australian Heritage Council is pursuing procedures of consultation between the Commonwealth, State and local governments on heritage issues.

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – the Porongurup Range is identified as a Parks and Recreation Reserve and is within Special Control Area 5 (SCA5) where timber plantations are an 'SA' use requiring Council approval and public advertising.

Lot 6889 Knight Road (Twin Creeks) is zoned Rural.

Porongurup National Park is a Class A Reserve. Class A affords the greatest degree of protection for reserved lands, requiring approval of Parliament to amend the reserve purpose or area, or to cancel the reservation.

Consultation

Consultation has occurred with the National Trust of Australia (WA) and DEC.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Shire Strategic Plan recognises that 'the natural beauty of the Stirling and the Porongurup Ranges, wildflowers and bio diversity add to the Shire's attractions.' Key Result Area 4 aims to 'Conserve and enhance the natural environment, the rural landscape and the features and views unique to the Shire such as the Stirling and Porongurup Ranges.' and 'recognise and protect Heritage Places', by having input into State and Regional Policies based on the needs of the Shire.

Officer Comment

Lot 6889 Knight Road (Twin Creeks), consists of 511ha of which approximately 400ha is remnant or regrowth natural bushland. It lies 4 kms north of the Porongurup National Park boundary. The Gaalgegup Creek flows through the property and feeds into the Kalgan River. An estimated 1,000 plant species can be found here, with two rare and six priority flora species already known. The Albany Bird Group has conducted surveys with 74 species initially recorded.

Twin Creeks was purchased by the Friends of the Porongurup Range Inc (the Friends) on behalf of the community in order to conserve the 'incredible bio diversity found there for the benefit of future generations and as a wildlife corridor for the Porongurup National Park'. The Friends received funding from the Federal Government under the National Reserves System to help them purchase the property because the property offered eco-systems that were not already preserved in the district. The Friends are registered as an Environmental Charity and have the status as a Deductible Gift Recipient to enable them to raise funds to keep going.

The National Trust of Australia (WA) advises that the Friends of the Porongurup Range Inc. (the owners) entered into a restrictive nature conservation covenant in February 2004 resulting in the protection in perpetuity of 387.38 hectares of native remnant bushland. Such covenants are designed to protect remnant native bushland and any biologically significant areas therein. These restrictions are negotiated with the landowner to facilitate both practical land management usages whilst preserving the integrity of the bushland. The covenant is registered on title and remains on title as a registered interest in perpetuity. The conservation covenant does not cover the entire land holding of Lot 6889 and excludes the cleared land.

The Porongurup National Park is under the control of the DEC, is vested with the Conservation Commission of Western Australia and Reserve 18987 is an 'A' class reserve. The DEC advises that the Management Plan for the Stirling Range and Porongurup National Parks 1999 – 2009 prepared for the National Parks and Nature Conservation Authority Perth WA in 1999 is the only major document for the area.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the proposal to include the Porongurup National Park, Reserve A 18987 and the vegetated portions of Lot 6889 Knight Road (Twin Creeks) in the National Heritage List and/or the Commonwealth Heritage List be supported.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

That the proposal to include the Porongurup National Park, and Reserve A18987 in the National Heritage List and / or the Commonwealth Heritage List be supported.

CARRIED (8/0)

No.409/07

Reason for Change

The matter was moved such that Twin Creeks could be considered separately.

Moved Cr J Moir, seconded Cr A Budrikis:

That the proposal to include vegetated portions of Lot 6889 Knight Road (Twin Creeks) in the National Heritage List and / or the Commonwealth Heritage List be supported.

MOTION TO ADJOURN THE QUESTION

Moved Cr K Clements, seconded Cr D Nye-Chart:

That the question be adjourned so that a further report can be presented to the 12 February 2008 Council Meeting regarding the need for a Bush Fire Management Plan and a Land Management Plan and pertinent legislation as it relates to requirements to abide by the Bush Fires Act 1954.

CARRIED (8/0)

No. 410/07

9.5.3 LOT 15 (37) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A TRADER'S PERMIT

A Closely Associated Person Interest was disclosed by Cr Skinner
Nature of Interest: Applicant Family Member

4.19pm Cr Skinner withdrew from the meeting.

| | |
|----------------------------|--|
| Location / Address: | Lot 15 (37) Lowood Road, Mount Barker |
| Attachments: (2) | Locality Plan Site Plan |
| Name of Applicant: | NJ & MJ Skinner |
| File Reference: | RV/182/1809 |
| Author: | Eric Howard - Environmental Health Officer |
| Authorised By: | Peter Duncan - Manager Development Services |
| Date of Report: | 19 November 2007 |

Purpose

The purpose of this report is to consider an application for a trader's permit to enable the applicant to conduct trading activities in a public thoroughfare in conjunction with their retail store at Lot 15 Lowood Road, Mount Barker.

Background

The applicant seeks the Council's approval to display assorted clothing and home-ware goods on the public thoroughfare (footpath) directly in front of the Collections of Mount Barker retail store located at Lot 15 Lowood Road, Mount Barker. The applicant intends to place several racks of clothing, assorted goods and a small table and two (2) chairs directly in front of the shop window each day of trading, Monday to Friday from 9.00am to 5.00pm and Saturday 9.00am to 12.00noon. The goods, table and chairs will be removed from the thoroughfare at the completion of each day's trading.

Statutory Environment

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001

Part 6 – Division 1 – Subdivision 2 – Permits, Subdivision 3 – Conduct of stallholders and traders and Part 7 – Permits

Consultation

There has been no consultation for this report.

Policy Implications

Council officers have produced and utilise a 'Draft Information and Application Form' to assist proponents with this type of proposal.

Financial Implications

The \$110.00 application fee has been paid.

Strategic Implications

The Shire of Plantagenet Strategic Plan - Key Result Area 4 aims to encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment.

Officer Comment

The proposed display, clothing racks, table and chairs occupy an area of approximately 3.0 square metres of public thoroughfare. There remains in excess of 2.5 metres of clear unobstructed pedestrian access directly adjacent to the store to allow free pedestrian movement along the thoroughfare.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Mark:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit to trade be issued to NJ and MJ Skinner, to display goods on a public thoroughfare directly adjacent to and in conjunction with the retail store trading as Collections of Mount Barker at Lot 15 Lowood Road, Mount Barker subject to:

- (1) The goods on display are located in accordance with the approved site plan dated 24 October 2007.**
- (2) The goods on display shall be located to ensure public safety is maintained at all times and a minimum clear unobstructed pedestrian access of 2.0 metres is provided along the public thoroughfare.**
- (3) The goods shall only be displayed between the hours of 9.00am and 5.00pm daily, Monday to Friday and 9.00am and 12.00noon Saturdays.**
- (4) The display area being maintained in accordance with the provisions of the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001.**
- (5) The permit is valid for a period of twelve (12) months or part thereof, effective from 11 December 2007 until 30 June 2008.**
- (6) The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period.**
- (7) The permit is transferable, subject to written approval by the Council.**
- (8) The permit holder maintaining public liability insurance to a minimum value of \$5,000,000.00 for the proposed trading area.**
- (9) A statement of indemnity 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 thoroughfare or public place by the permit holder.

CARRIED (7/0)

No.411/07

4.20pm Cr Skinner returned to the meeting.

9.5.4 LOT 49 WILLIAMS STREET, NARRIKUP - APPLICATION FOR TEMPORARY ACCOMMODATION

| | |
|----------------------------|--|
| Location / Address: | Lot 49 Williams Street, Narrikup |
| Attachments: (2) | Locality Plan Site Plan |
| Name of Applicant: | G Vander Sanden |
| File Reference: | RV/182/3385 |
| Author: | Eric Howard - Environmental Health Officer |
| Authorised By: | Peter Duncan - Manager Development Services |
| Date of Report: | 19 November 2007 |

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 49 William Street, Narrikup.

Background

An application has been received from the owner of Lot 49 William Street, Narrikup seeking approval to occupy a caravan to be located on that lot for a period of twelve (12) months during the construction of the Class 1a dwelling also located on that lot.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2760). The applicant intends to reside within a caravan located on the property and connect ablution facilities provided within an existing outbuilding to an effluent disposal system approved for use with the Class 1a dwelling.

Statutory Environment

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- '(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'
-

Consultation

There has been no consultation with this report.

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.

Officer Comment

The applicant has formally agreed to comply with the provisions and conditions expressed in the 'Application for Temporary Accommodation' document.

The applicant wishes to reside on site during the construction of the dwelling to maintain site security and to expedite the building project.

It is expected that the dwelling will be constructed to a habitable standard within twelve 12 months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

The Council may revoke the temporary accommodation approval at any time during this approval period.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Nye-Chart:

That approval be granted to G Vander Sanden to occupy temporary accommodation at Lot 49 William Street, Narrikup for a maximum period of twelve (12) months from 11 December 2007, subject to:

- (1) Approval to commence occupation of the temporary accommodation is subject to inspection and certification by the Council's Environmental Health Officer that the facility meets all health and safety standards.**
- (2) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- (3) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

CARRIED (8/0)

No.412/07

9.5.5 LOT 51 CHESTER PASS ROAD, PORONGURUP - APPLICATION FOR TEMPORARY ACCOMMODATION

| | |
|----------------------------|--|
| Location / Address: | Lot 51 Chester Pass Road, Porongurup |
| Attachment: (1) | Location |
| Name of Applicant: | P & T Offin |
| File Reference: | RV/182/4911 |
| Author: | Eric Howard - Environmental Health Officer |
| Authorised By: | Peter Duncan - Manager Development Services |
| Date of Report: | 29 November 2007 |

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 51 Chester Pass Road, Porongurup.

Background

An application has been received from the owners of Lot 51 Chester Pass Road, Porongurup seeking approval to occupy a caravan located on the lot for a period of twelve (12) months during the construction of a Class 1a dwelling, also located on the lot.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2860/2007). The applicants intend to reside within a caravan located on the property and utilise ablution facilities provided within an existing outbuilding.

Statutory Environment

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.
-

Consultation

There has been no consultation with this report.

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.

Officer Comment

The applicants have formally agreed to comply with the provisions and conditions expressed in Councils 'Application for Temporary Accommodation' document.

The applicants wish to reside on site during the construction of their dwelling to maintain site security and to expedite the building project.

An approved effluent disposal system has been connected to the temporary ablution facilities and will be suitable for connection to the Class 1a dwelling.

It is expected that the dwelling will be constructed to a habitable standard within twelve (12) months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

The Council may revoke the temporary accommodation approval at any time during this approval period.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr M Skinner:

That approval be granted to P & T Offin to occupy temporary accommodation at Lot 51 Chester Pass Road, Porongurup for a maximum period of twelve (12) months from 11 December 2007 subject to:

- (1) Inspection and certification by Council's Environmental Health Officer that the facility meets all health and safety standards.**
- (2) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- (3) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

CARRIED (8/0)

No.413/07

9.5.6 TOWNSCAPE REVIEW STEERING COMMITTEE - APPOINTMENT OF MEMBERS

| | |
|----------------------------|--|
| Location / Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | LP/103/3 |
| Author: | Cobie MacLean - Administration Officer |
| Authorised By: | Peter Duncan - Manager Development Services |
| Date of Report: | 3 December 2007 |

Purpose

The purpose of this report is to recommend the appointment of new members to the Townscape Review Steering Committee.

Background

At its Special meeting held 23 October 2007, the Council resolved (370/07):

'That Council representation on the Townscape Review Steering Committee be increased to three (3) Councillors.'

Further to that resolution the Council resolved (371/07):

'THAT:

- (1) Cr Clements, Cr Mark, Cr Nye-Chart and Mr Peter Duncan Manager Development Services, be appointed as members on the Townscape Review Steering Committee.*
- (2) Cr Budrikis be appointed as Deputy to act on behalf of any Councillor unable to attend any meeting.*
- (3) All public positions be declared vacant and advertising take place.'*

The public vacancies have been advertised and six (6) nominations have been received for the four (4) positions.

Statutory Environment

The Townscape Review Steering Committee was appointed by the Council pursuant to Section 5.9 (2) (c) of the Local Government Act 1995.

Consultation

The call for nominations for the positions was advertised in the Albany Advertiser and the Plantagenet News closing on 29 November 2007.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The existence of community-based committees is consistent with the Shire of Plantagenet Strategic Plan. In particular the New Initiatives in Key Result Area 3 'Engender a sense of belonging and community pride across all sections of the community' and Key Result Area 4, 'Encourage a sense of community and improve the quality of life for all residents of the Shire', and will assist in achieving to 'revise and implement the Mount Barker Townscape Improvement Plan.'

Officer Comment

As set out in the Terms of Reference, the Mission/Purpose of the Townscape Review Steering Committee is to:

Guide the process of reviewing the Townscape Improvement Plan for the Shire of Plantagenet that will:

- Serve as an overall framework for streetscape upgrading projects over the next ten years; and
- Lead to the enhancement of the visual and practical amenity of area.

In light of the recent upgrade of Lowood Road and other projects including entry statements and a large entry roundabout for Mount Barker, broad community representation on the Committee is advocated.

Those members of the community who put forward nominations were: Ms Patricia Powell, Ms Karen McKenzie, Ms Larissa Seah, Mr Roger Bartley, Mr David Williamson and Mr Peter Thorn. The Committee is only to consist of four (4) community members whereas six (6) nominations were received.

Note from CEO – Mr P Duncan notified the Council that a further nomination from Mr Stephen Jennings had been received.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Ms Karen McKenzie, Ms Larissa Seah, Mr Roger Bartley and Mr Peter Thorn be appointed as members (community representatives) of the Townscape Review Steering Committee; and
- (2) Ms Patricia Powell and Mr David Williamson be thanked for requesting nomination on the Townscape Review Steering Committee.

COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

THAT:

- (1) Ms Karen McKenzie, Ms Larissa Seah, Mr Roger Bartley and Mr Peter Thorn be appointed as members (community representatives) of the Townscape Review Steering Committee; and**
- (2) Ms Patricia Powell, Mr David Williamson and Mr Stephen Jennings be thanked for requesting nomination on the Townscape Review Steering Committee.**

CARRIED (8/0)

No.414/07

(Absolute Majority)

Reason For Change

To enable an application from Mr Stephen Jennings to be considered.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Moir has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move, at the meeting of the Council to be held on 11 December 2007 the following three (3) motions:

1. 'That the following resolution of the Council, adopted at its meeting held on 27 November 2007:

"THAT:

- (1) The current dog pound at the Shire depot, Lot 53 Muirs Highway, Mount Barker and a proposed new stock pound at the Great Southern Regional Cattle Saleyards, be established as public pounds under Part XX of the Local Government (Miscellaneous Provisions) Act 1960.
- (2) Public Notice be given of the establishment of the pounds in part (1) above in the Government Gazette, pursuant to Section 450 of the Local Government (Miscellaneous Provisions) Act 1960 and Section 1.8 of the Local Government Act 1995.
- (3) The Saleyards stock pound be fenced accordingly."

be revoked.'

2. 'That the current dog pound at the Shire depot, Lot 53 Muirs Highway, Mount Barker be established as a public pound pursuant to part 2 Clause 4 of the Shire of Plantagenet Local Law Relating to Dogs.'
3. 'That investigations be undertaken regarding the creation of a large animal pound pursuant to the provisions of Part XX of the Local Government (Miscellaneous Provisions) Act 1960, such investigations to include potential sites at the Shire depot situated at Lot 53 Muirs Highway, Mount Barker and Frost Park, Mount Barker.'

The Presiding Member invited Cr Moir to move the motions.

10.1 POUNDS – DOG AND STOCK - MOTION TO REVOKE

Moved Cr J Moir, seconded Cr K Clements:

That the following resolution of the Council, adopted at its meeting held on 27 November 2007:

THAT:

- (1) **The current dog pound at the Shire depot, Lot 53 Muirs Highway, Mount Barker and a proposed new stock pound at the Great**
-

Southern Regional Cattle Saleyards, be established as public pounds under Part XX of the Local Government (Miscellaneous Provisions) Act 1960.

- (2) Public Notice be given of the establishment of the pounds in part (1) above in the Government Gazette, pursuant to Section 450 of the Local Government (Miscellaneous Provisions) Act 1960 and Section 1.8 of the Local Government Act 1995.
- (3) The Saleyards stock pound be fenced accordingly.”
be revoked.

CARRIED (8/0)

No.415/07

(Absolute Majority)

10.2 DOG POUND

Moved Cr J Moir, seconded Cr K Clements:

That the current dog pound at the Shire depot, Lot 53 Muirs Highway, Mount Barker be established as a public pound pursuant to part 2 Clause 4 of the Shire of Plantagenet Local Law Relating to Dogs.

CARRIED (8/0)

No.416/07

10.3 LARGE ANIMAL POUND

Moved Cr J Moir, seconded Cr J Mark:

That investigations be undertaken regarding the creation of a large animal pound pursuant to the provisions of Part XX of the Local Government (Miscellaneous Provisions) Act 1960, such investigations to include potential site at the Shire depot situated at Lot 53 Muirs Highway, Mount Barker.

CARRIED (8/0)

No.417/07

Reason For Change

Cr Moir upon moving the motion deleted the words in his Notice of Motion relating to Frost Park.

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

Moved Cr D Nye-Chart, seconded Cr M Skinner:

That new business of an urgent nature, namely:

- **Chillinup Landfill Site**

be introduced to the meeting.

CARRIED (8/0)

No.418/07

11.1 CHILLINUP LANDFILL SITE

| | |
|----------------------------|--|
| Location / Address: | N / A |
| Name of Applicant: | N / A |
| File Reference: | WM/103/3 |
| Author: | Rob Stewart - Chief Executive Officer |
| Authorised By: | Rob Stewart - Chief Executive Officer |
| Date of Report: | 7 December 2007 |

Purpose

The purpose of this report is to advise the Council that a meeting of the Chief Executive Officers of the Shires of Cranbrook, Denmark, Gnowangerup and Plantagenet took place on 7 December 2007 to discuss the Chillinup Landfill Site.

The Chief Executive Officer of the City of Albany was unable to attend the meeting.

Background

At its meeting held on 25 September 2007 the Council resolved:

'THAT:

- (1) The Shires of Cranbrook, Denmark and Gnowangerup be advised that the Shire of Plantagenet is still of the opinion that Lot 501 Chillinup Road (former Chillinup Waste Site) must be sold immediately in its entirety as the land is unsuitable for waste disposal and seeks the urgent concurrence of the other owner Councils to agree formally to this position.*
- (2) The City of Albany be advised of the Shire's action in relation to (1) above.'*

The Council had resolved in this direction as there had been an indication from the meeting of the Chillinup Landfill Site Management Committee held on 30 August 2007 that part of the site should be retained. This was to be achieved through

excising the portion that had previously received works approval, retaining this and disposing of the balance.

As this is contrary to the stated position of the Shire of Plantagenet and the City of Albany, and as the land is owned in equal portions by the City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup and Plantagenet, further discussions were necessary.

Consultation

See Background above.

Policy Implications

There are no policy implications for this report.

Financial Implications

A valuation of the land has previously been forwarded to all Councillors and representatives of other involved local governments.

Strategic Implications

The Council's Strategic Plan at Key Result Area 2 (Infrastructure) notes the Strategic Aim to:

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

The Strategic Plan also notes measures of success for waste and recycling to be predicated on:

'Development of the waste management plan which reflects legislative requirements and community demands.'

Level of customer satisfaction.

Internal and external bench marketing.

Demonstrative pursuit of continuous improvement initiatives.'

Councillors will recall that the Great Southern Regional Council was originally formed to manage waste produced in the City of Albany and the Shires of Cranbrook, Denmark, Gnowangerup and Plantagenet. The Regional Council was not successful due primarily to the lead distances to the Chillinup Landfill Site. As a result, the Shire of Plantagenet resolved that the land was excess to its needs and should be sold. It was believed that any funds raised as a result of the sale should be directed to waste management, including the development of new site(s) for waste management.

Legal Implications

It is reasonable to note the potential downside of owning real property in conjunction with other Councils. In effect, unless Council decisions of each Council are exactly the same, actions are effectively stopped, as one Council cannot commit any other Council.

The Shire of Plantagenet is now in the situation that only two of the five owner Councils have resolved unconditionally that they would like the land to be sold. The Shire of Plantagenet and the City of Albany will be unable to act unilaterally and it

would not be possible for the Shire of Plantagenet to purport to sell the land in its entirety although each local government's 20% portion could potentially be sold to the other owners, pursuant to the ownership agreement.

Officer Comment

As advised to the Council on 25 September 2007, the recommendation of the Chillinup Landfill Site Management Committee at its meeting held on 30 August 2007 was developed as a result of a cautionary outlook of Council representatives.

At the meeting of Chief Executive Officers held on 7 December 2007, it was the stated position of Cranbrook, Denmark and Gnowangerup that no objections would be raised to the sale of the land in its entirety subject to an alternative waste site being identified and works approval gained for the site to be used as a landfill site. Further, a reserve price, agreeable to all Councils was to be set for the Chillinup site prior to disposal. Although Albany and Gnowangerup have previously indicated that lead distances are too great for effective use of Chillinup, the position of Cranbrook and Denmark is understandable given their proximity to Plantagenet and the intention to investigate joint waste management proposals through the Zero Waste initiative.

Therefore, should this position be agreed, it would appear reasonable to delay the sale of Chillinup. Although this doesn't necessarily affect Albany or Gnowangerup, the positions of the Shires of Cranbrook, Denmark and Plantagenet will be protected.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The Shires of Cranbrook, Denmark, Gnowangerup and the City of Albany be advised that although it is still the opinion of the Shire of Plantagenet that the land comprising the former Chillinup Landfill Site should be sold, it will delay such action until an alternative landfill site has been located, acquired and works approval received.
- (2) At such time as the sale is to proceed, the Shire of Plantagenet, as trustee of the land, will undertake to ensure that a reserve price is placed on the land satisfactory to each owner.
- (3) The Shire of Plantagenet proposes to take immediate steps to advertise the land for lease pursuant to Section 3.58 of the Local Government Act for a fixed period of two (2) years.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) The Shires of Cranbrook, Denmark, Gnowangerup and the City of Albany be advised that although it is still the opinion of the Shire of Plantagenet that the land comprising the former Chillinup Landfill Site should be sold, it will delay such action until an alternative landfill site has been located, acquired and works approval received.
- (2) At such time as the sale is to proceed, the Shire of Plantagenet, as trustee of the land, will undertake to ensure that a reserve price is placed on the land satisfactory to each owner.
- (3) The Shire of Plantagenet proposes to take immediate steps to advertise the land for lease pursuant to Section 3.58 of the Local Government Act for a fixed period of one (1) year.

AMENDMENT

Moved Cr J Moir, seconded Cr

That the word and numeral 'one (1)' be replaced with 'two (2)' in point three.

MOTION LAPSED FOR WANT OF A SECONDER

SUBSTANTIVE MOTION WAS PUT

CARRIED (8/0)

No.419/07

Reason For Change

Councillors believed that a one (1) year lease was sufficient.

11.2 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING (CONT'D)

Moved Cr J Mark, seconded Cr D Nye-Chart:

That new business of an urgent nature, namely:

- One Community One College

be introduced to the meeting.

CARRIED (7/1)

No.420/07

11.2 ONE COMMUNITY - ONE COLLEGE

COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart:

That Premier Alan Carpenter be thanked for ensuring the completion of the 'One Community – One College' project in Mount Barker through the allocation of \$12,000,000 to enable the Mount Barker Primary School to be relocated to the High School site by the end of 2009.

CARRIED (7/1)

No.421/07

12 CONFIDENTIAL

13 CLOSURE OF MEETING

4.45pm The Presiding member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE:/...../.....