



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers,
2.45pm Tuesday 13 November 2007.

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

2 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 13 November 2007.

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr B Hollingworth	Deputy Shire President - Town Ward
Cr M Skinner	East Ward
Cr D Nye-Chart	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

Nil

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 five (5) 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

Mount Barker Visitor Centre – Scott Drummond

Mr Drummond advised of items that had been completed in the last year.

1. Become an accredited Visitor Centre;
2. Change the layout at the Visitor Centre;
3. Adopting the Book easy system (with the assistance of a \$5,000 grant from Tourism WA);
4. Trial of volunteers;
5. Seeking a new manager;
6. Produced an Action Plan and update the Business Plan;
7. Web site produced; and
8. Replaced the old white *i* signs with the more visible yellow *i* signs (funded totally by a grant from Tourism WA).

Items in progress are:

1. Internal security cameras;
2. Point of sale system (bar code scanner and computerised inventory system)
3. Display cabinet (for new wine display);
(Points 1 to 3 will be paid for by our successful grant applications from Tourism WA, totalling approximately \$6,500);
4. New look brochure;

5. Representation at the 2008 Perth Caravan and Camping Show (Points 4 and 5 are being co-supported by funding from the Great Southern Development Commission);
6. Continual updating of our web site;
7. MOU with the Shire;
8. Walks trail grant with the Shire (GSDC);
9. Road Sign Review for the public on 20 November 2007 at Banksia Farm;
10. Shire of Plantagenet for their continued support of tourism and the Mount Barker Visitor Centre with their annual grant of \$40,000 (without which the MBVC would not survive). Also for their offer of funding allowing us to update our business plan and put into place an action plan which was facilitated by Colleen Brown.

The future is still far from clear. Hopefully with the appointment of a new manager, the Visitor Centre and area promotion will have a more defined role. Areas that need to be looked at are:

1. How to make the Visitor Centre self-sufficient in coming years;
2. Look at Constitution;
3. New funding avenues for running the centre and area promotion;
4. The way the board is made up (maybe an industry representative); and
5. The work done on creating a Product Centre is in the hands of a consultant at the moment which will present a report to the board when finished.

Mr Drummond welcomed new Councillors and thanked those Councillors who have remained on the Board and also Cr Nye-Chart as a new Council representative.

Wilson Inlet Management Committee - Environmental Weed Workshop – Lyn Heppell

The Wilson Inlet Catchment Committee was approached by Mr Ian Bartlett Manager Works and Services in relation to the control of weeds and a public workshop was held on Monday 5 November 2007.

Eight (8) weeds of concern were:

Watsonia;
Golden Wreath Wattle
Victorian Tea Tree
Sydney Golden Wattle
Tagasaste
Bridal Creeper
Broom Bush
Pampas Grass

Many reserves were identified and it was felt that protection from weed invasion was needed.

Some issues that raised concerns were:

Trail Master Plan

- Limit access to horses on walk trails to reduce spread of weedy grasses; and
- Friend groups to adopt areas to label native species to assist with appreciation by the general public of bushland.

Road Verge Maintenance

- Spraying of road verges does not differentiate between native grass species and weed species;
- Over clearing creating wide road reserves;
- Scalping removes organic layer leaving disturbed areas ripe for weed invasion; and
- Mounding of dirt when road maintained creates disturbed area for weed invasion.

Fire Management

- Wide fire breaks encroaching on remnant bush.

Fire response plan

- To control weeds at an early stage after wildfires.

Code of Conduct

- Defining edge of road reserve and bushland; and
- Dumping spoil/overburden.

Leadership

- From the Council; and
- Community will follow.

Education

- Weed identification and control
 - Brochures and displays;
 - To value bushland; and
 - Signage e.g. 'Lake King self guided walk'.

Other

- Target woody weeds of road reserve;
- Identified a limited number of weeds to target if funding limited.
- Identify funding sources;
- Target areas close to sensitive areas:
 - Waterways; and
 - Flora at risk.
- Revegetation plan for post weed control;
- Road reserve 'adopted' 'cared for' by community;
- Cooperation between stakeholders;
 - Department of Environment and Conservation (DEC);
 - Shire of Plantagenet;
 - Main Roads WA;
 - Westnet Rail;
 - Landowners; and

- Community.

Kendenup Skate Park - Val Sagers

Three points to address in response to the comments made by some concerned Councillors as written up in the meeting Agenda.

- **Urgency.** This skate park project has been pushed along by the fact that there is no suitable casual recreation area for the young people of Kendenup. They are skating in the street, around the busy shop and on the 80 metres of footpath in the town. This is undesirable, dangerous with all the farm machinery and trucks plus normal traffic in the town. Here are 300 young people under the age of 18 with no facilities readily available.
- **Support.** It was mentioned that we do not represent the broader Kendenup population and that the three different groups each want a different recreational outcome. We have from the start consulted all the youth of the town through surveys, questionnaires, petitions as well as the parents and other adults. **All** the sporting clubs have been contacted, briefed and have actively given their support. All the service groups and clubs have also been totally behind the project. Most businesses in the town are behind this as well. We could not contact all the businesses but all that were contacted were totally behind us. The three groups mentioned have the same feelings regarding provision for recreational facilities for the community. We each have different target populations but all are working for the better good. We have encountered no opposition to our proposal from them.
- **Safety.** After considering any other alternatives to the proposed site for the skate park it has been agreed that the railway reserve east of the line, central in the town, is the most suitable and only available site. Other high profile skate parks such as Fremantle and Kojonup are sited close to railway lines. With the required and appropriate security fencing and maze like track crossing there is less danger than the situation now where children are riding bikes, creating jumps, playing games and crossing the rail tracks. The young people surveyed showed that 97% wanted the park to be central and safe in the middle of town near the shops. They are the ones who we are representing here today.

I hope this settles any misunderstandings Councillors may have regarding this project. Thank you for the hearing.

Petition – Kendenup Skate Park

'We the undersigned committees and groups of Kendenup, want to show our support for a Local Skate Park.'

Moved Cr J Mark, seconded Cr M Skinner:

That the petition delivered to the Council on 13 November 2007 be received and that a report be presented to the Council at its meeting to be held on 11 December 2007.

CARRIED (9/0)

No. 370/07

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Council held 23 October 2007 and the Minutes of the Special Meeting of the Council held 23 October 2007 be confirmed subject to the following changes to the Minutes of the Special Meeting of the Council held 23 October 2007:

Page 2 Paragraph four – Delete the word 'Forbes' and replace with the word 'Hollingworth' and delete the words 'and assumed the chair.'

CARRIED (9/0)

No. 371/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Crs Forbes and Hollingworth attended a Saleyards Strategy Meeting in Belmont on Friday 26 October 2007.
- Cr Forbes advised that he, Crs Hollingworth and Grylls along with Mr Stewart attended a Meeting of the Rainbow Coast Regional Council (RCRC) on Thursday 8 November at the Shire Office. Discussion took place on Tourism between the four Council's being Cranbrook, Denmark, Plantagenet and the City of Albany. It was also noted that the City of Albany Tourism Committee would invite the other Council's to a meeting to discuss the promotion of Tourism in the Great Southern.
- Cr Forbes advised that he attended a Plantations Industry Ministerial Advisory Committee (PIMAC) meeting with Minister Chance and advised that several submissions had been received and that most of the concerns were the same as those submitted by the Shire of

Plantagenet in relation to the proposed Plantation Strategy that was being developed.

- Cr Forbes also advised that Minister Chance advised that both the PIMAC and the Timber Plantations Strategy Group (TPSG) were going to be disbanded and that a new committee will be known as the 'Plantation and Farm Forestry Ministerial Advisory Committee (PFFMAC)' and that he had been asked to be the local government representative on that committee.
- Cr Forbes advised that he and Mr Ian Bartlett would be meeting with Mr Steel on Friday 16 November 2007 to discuss Spencer Road compensation issues.
- Cr Forbes advised that there would be a Great Southern Zone Meeting held in Jerramungup on Friday 23 November 2007 and also reminded Councillors that the Councillors' change-over dinner would be held that evening at Fios Restaurant.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 CSRFF GRANT APPLICATIONS AND PRIORITISATION 2007 / 2008

A Financial Interest was disclosed by Cr D Nye-Chart for Item 9.1.1
Nature of Interest: Committee Member of Polocrosse Club

3.16pm Cr Nye-Chart withdrew from the meeting.

Location / Address:	N/A
Name of Applicant:	Various
File Reference:	GS/125/1
Author:	Nicole Selesnew – Manager Community Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	5 November 2007

Purpose

The purpose of this report is to obtain the Council's support of the applications submitted to the 2007 / 2008 Community Sport and Recreation Facilities Fund (CSRFF) and to prioritise the submitted applications.

Background

The CSRFF grant scheme is advertised annually by the Department of Sport and Recreation (DSR) and provides grant funding for facility and infrastructure provision / upgrades to incorporated community sporting clubs and local governments. The CSRFF grant scheme generally funds projects on the basis of a one-third contribution from the applicant, local government and DSR.

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

This year two applications have been submitted: one from the Great Southern Branch of the Australian Stock Horse Society for the construction horse and cattle yards (including a cattle loading ramp) as part of the continued development of the Frost Oval Multi-use Equine Facility and the other from the Council for the construction of a skate park at Kendenup.

Statutory Environment

There are no statutory implications for this report, however the guiding principles of the CSRFF process must be adhered to for applications to be considered by DSR.

Further, Section 6.37 of the Local Government Act 1995 relates to Specified Area Rates.

Consultation

Consultation has occurred between members of the Great Southern Branch of the Stock Horse Society, Woogenellup Polocrosse Club, Plantagenet Riding for the Disabled Association, Mount Barker Turf Club and DSR in the development of the Stock Horse Society application.

Consultation has also taken place between members of the Kendenup Skate Park Steering Committee (KSPSC), representatives from WestNet Rail, DSR, staff from the City of Albany and Shire of Denmark, Convic Skate Park Designs, Mr Rob Stewart and Mr Peter Duncan in relation to the Kendenup skate park.

Policy Implications

There are no policy implications for this report.

Financial Implications

The anticipated cost for the construction of horse and cattle yards is \$27,843.00 (GST exclusive) with a contribution from the Council estimated at \$6,922.00.

The anticipated cost to establish a skate park at Kendenup is \$180,000.00 with a minimum contribution from the Council estimated at \$60,000.00. The KSPSC has been sourcing donations, sponsorship, funding from other agencies and in-kind materials to provide a one-third contribution. It should be noted that if the Committee is not successful in raising one-third of the project cost, the Council would be expected to provide the short fall if CSRFF funding was successful.

If the skate park is constructed on the eastern side of the railway line, a 1.2m high security fence and crossing will need to be installed by the Shire. This has not been included in the cost. Approximate costings are in the vicinity of \$15,000.

During discussion relating to an application for funds in the Council's 2007/08 Financial Assistance Grants Program, the Council agreed to contribute \$500.00 to the administrative and research costs for the Kendenup Skate Park project. The Council considered that a business plan should be prepared for this project with a view to funds being sought from the Department of Sport and Recreation, prior to any further funds being sought from the Shire of Plantagenet.

Strategic Implications

The Council's Strategic Plan – Key Result Area 3 (Community Services) aims to engender a sense of belonging and community pride across all sections of the community. To achieve the aim, two of the key actions are to assist junior and senior sporting clubs with, in partnership with those clubs, the provision of quality facilities and to facilitate the increased provision of youth oriented activities.

Officer CommentConstruction of Horse and Cattle Yards

The Multi-use equine facility at Frost Oval is a three phase project. Phase One was the construction of a steel framed arena (large enough for two polocrosse fields) an adjoining yard and wheel chair ramp which was funded by the Shire of Plantagenet, DSR and the Woogenellup Polocrosse Club, Great Southern Branch of the Stock Horse Society and the Plantagenet Riding for the Disabled (through a Lotterywest grant) and was completed in 2003.

The facility is used by the polocrosse club for training and carnivals, the Plantagenet Riding for Disabled Association for weekly riding activities, the Stock Horse Society to host campdrafts, training days and stock horse skills challenges and occasional bookings such as the Mount Barker Horse Show.

The construction of permanent horse and cattle yards (including a loading ramp) and installation of water points to strategic locations around the facility forms Phase Two of the development. The user groups installed the water points last year and are seeking financial assistance to construct the yards.

Phase Three is the consideration of facility lighting.

Permanent horse yards are required as horses may stay at the facility for up to three days at big events. Without existing yards, competitors must transport and erect temporary yards which are not secure and compromise the safety of competitors, spectators and the horses. The Polocrosse Association insurance also stipulates that temporary horse yards must be made of panels, which are difficult to locate, transport and erect for each event throughout the season. Horse yards will also encourage the use of the facility by other equine groups.

Cattle yards are used in stock horse events such as campdrafting, station cutting and team penning. Efficient and secure yards are essential to handle cattle safely and humanely. Presently, portable yards are used which are heavy and difficult to transport, install, remove and store.

Kendenup Skate Park

The KSPSC formed on 10 December 2006 with the intention of lobbying the Council to provide a recreational facility for the young people in Kendenup.

The Committee has conducted surveys (94 respondents all supporting a skate park development), petitions (over 200 petitioners supporting a skate park development) several promotional displays, press releases and has liaised with several other local governments about their skate park facilities. The Committee has also met with Shire staff on several occasions to discuss funding options, site locations and to update staff on their progress. Several thousand dollars in donations and sponsorship has been raised so far, with a number of funding applications to a variety of agencies pending.

There are a number of benefits associated with providing skate parks as a recreation site for the community. The parks are accessible, cost free and are recognised as an area where users (predominantly youth) learn a variety of skills, including improved balance, co-ordination, team working skills, fitness and goal setting. Well designed parks that exist in other local government authorities are a popular venue for users (including skate boarders, bike riders and rollerbladers) of varying levels of ability, spectators and parents.

The location of skate parks is integral to ensure a safe and well used facility. Skate parks should be located in an area that is visible to the community to ensure appropriate behaviour. The City of Albany has recently relocated a skate park at considerable expense as the old park was located in an area away from the public and resulted in anti-social behaviour such as bullying, alcohol and drug use.

Mr Peter Duncan has investigated potential crown and Council owned sites throughout Kendenup, however there is no appropriate land for a skate park.

The KSPSC has also investigated a number of potential sites for a skate park:

- Community Agricultural Ground and Kendenup Country Club – poor options due to the distance from the town and lack of passive supervision;
- Kendenup Golf Club (land adjacent to the Town Hall area) – not supported by the Golf Club as they would need to redesign the golf course greens; and
- Rail land adjacent to the main street of Kendenup.

WestNet Rail has been approached regarding the use of the land adjacent to the railway line and is supportive of the development. WestNet Rail is willing to lease a portion of land to the Shire provided the area does not incorporate the rail corridor land (land immediately adjacent to the railway line). If the skate park was to be situated on the eastern side of the railway line then a rail crossing and a security fence would be required.

Shire staff and DSR representatives are concerned about the location of a skate park on the eastern side of the railway line due to potential safety issues and distance from the town. Using the western side of the railway line is possible, but the scope of the park would need to be reduced to fit in the available land.

Concept design plans have been sourced from Convic Design Pty Ltd, a specialised skate park design company, based on feedback from the KSPSC. The 38m long by 9m wide design incorporating features such as a quarter pipe, jump box, stairs, rail and a small seating area other has been costed at \$180,000.00 (excluding GST).

Some concerns are raised with regard to the skate park proposal. The group proposing the skate park has indicated that the standard of the skate park should be similar to that of the recently constructed Denmark Skate Park. The estimated cost of \$180,000.00 would generally be shared between the proponent, the Council and DSR as mentioned earlier. However, there is no necessity for the Council to contribute at all, provided the community group comes up with the two thirds component. Concerns are also raised that the Mount Barker community (and indeed other communities within Plantagenet) may want similar facilities. Councillors will recall that the original regional recreation plan commissioned some years ago, on completion was largely irrelevant, so that future planning for recreation across the shire has not occurred. Further, the group interested in seeing the skate park constructed is not necessarily representative of the broader Kendenup population. In fact at least three (3) different groups can be identified within Kendenup each wanting a different outcome from a recreation point of view. Without a Recreation Strategic Plan across the district it is suggested that the Council should not be making long term capital decisions.

Further, provisions are available in the Local Government Act for a Specified Area Rate to be raised when an asset benefiting an identified local area is to be purchased.

Given the above details, it is recommended that the projects be ranked in the following priority order:

- (1) Construction of permanent horse and cattle yards at Frost Oval; and
- (2) Kendenup skate park.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The applications submitted to the 2007 / 2008 round of Community Sport and Recreation Facilities Fund be supported and prioritised as follows:

Priority One:

Applicant: Great Southern Branch – Australian Stock Horse Society

Project: Construction of permanent horse and cattle yards (including a cattle loading ramp) at Frost Park, Mount Barker

Total Cost: \$27,843.00

Priority Two:

Applicant: Shire of Plantagenet

Project: Kendenup Skate Park

Total Cost: \$180,000.00

- (2) The Council's contributions of \$6,922.00 for the construction of permanent horse and cattle yards and \$60,000.00 for the construction of the Kendenup Skate Park are listed for consideration in the 2008 / 2009 annual budget.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) **The applications submitted to the 2007 / 2008 round of Community Sport and Recreation Facilities Fund be supported and prioritised as follows:**

Priority One:

Applicant: Great Southern Branch – Australian Stock Horse Society

Project: Construction of permanent horse and cattle yards (including a cattle loading ramp) at Frost Park, Mount Barker

Total Cost: \$27,843.00

Priority Two:

Applicant: Shire of Plantagenet

Project: Kendenup Skate Park

Total Cost: \$180,000.00

-
- (2) The Council's contributions of \$6,922.00 for the construction of permanent horse and cattle yards and \$60,000.00 for the construction of the Kendenup Skate Park are listed for consideration in the 2008 / 2009 annual budget.
- (3) A twenty year Recreational Strategic Plan for the Shire of Plantagenet be undertaken as soon as possible with priority given to:
- (i) Kendenup
 - (ii) Mount Barker
 - (iii) Rocky Gully / Porongurup / Narrikup.

AMENDMENT

Moved Cr J Moir, seconded Cr M Skinner:

That in Part Three (3), delete all words after the word 'possible'.

Equality (4/4)

CASTING OF SECOND VOTE

Pursuant to Section 5.21 (3) of the Local Government Act (1995), the Presiding member exercised the discretion to cast a second vote, such vote being cast in the negative.

LOST (4/5)

THE SUBSTANTIVE MOTION WAS PUT

CARRIED (8/0)

No. 372/07

Reason For Change

Council believed that a Recreational Strategic Plan for the Shire of Plantagenet needed to be undertaken.

3.38pm Cr Nye-Chart returned to the meeting.

9.2 CORPORATE SERVICES REPORTS

9.2.1 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS - COMMITTEE MEMBERS – APPOINTMENTS

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

A Financial Interest was disclosed by Cr B Hollingworth
Nature and Extent of Interest: Adjoining Landholder

A Financial Interest was disclosed by Cr J Moir
Nature and Extent of Interest: Cattle Producer, Casual employee Elders and Mitchell's Transport

A Financial Interest was disclosed by Cr D Nye-Chart
Nature and Extent of Interest: Cattle Producer – 60 head of cattle

A Financial Interest was disclosed by Cr M Skinner
Nature and Extent of Interest: Cattle Producer – 400 head 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 from 5 November 2007 until 20 October 2008.

Mr Rob Stewart – Chief Executive Officer, read aloud the letter which is attached to these minutes.

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CA/103/1
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	6 November 2007

Purpose

The purpose of this report is to appoint Committee Members to the Great Southern Regional Cattle Saleyards Advisory Committee.

Background

An exemption for Councillors Forbes, Skinner, Nye-Chart, Moir and Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards and for Cr Forbes to act as Presiding member has been forwarded to the Acting Director General of the Department of Local Government and Regional Development and a response is now to hand.

Statutory Environment

The exemption was requested pursuant to Section 5.69 of the Local Government Act 1995.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That Crs Forbes, Skinner and Grylls be appointed as members of the Great Southern Regional Cattle Saleyards Advisory Committee.

CARRIED (9/0)

No. 373/07

(Absolute Majority)

9.3 TECHNICAL SERVICES REPORTS

9.3.1 MITCHELL STREET DEPROCLAMATION

Location / Address:	Mitchell Street, Mount Barker
Name of Applicant:	Main Roads WA
File Reference:	RO/99/147; GR/97/4
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	29 October 2007

Purpose

The purpose of this report is to seek approval from the Council to assume control of Mitchell Street Mount Barker from Main Roads WA.

Background

Mitchell Street Mount Barker is still classified as a main road under the control of Main Roads WA. Deproclamation will result in Mitchell Street becoming a local road under the Council's care, control and maintenance.

In December 2002, subsequent to the realignment of Albany Highway through Mount Barker, Main Roads WA sought formal reclassification of affected roads in accordance with Section 13A of the Main Roads Act.

The Council, at its ordinary meeting held 17 December 2002 resolved:

'THAT:

- (3) *The deproclamation of Mitchell Street between Albany Highway and Montem Street as a main road pursuant to section 13A of the Main Roads Act 1933 be supported subject to the road being in a condition satisfactory to the Executive Director Technical and Development Services.'*

Statutory Environment

Main Roads Act 1933.

Consultation

Consultation has occurred between Main Roads WA and the Shire of Plantagenet.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no direct financial implications for this report, however deproclamation of Mitchell Street will result in future maintenance and upgrade costs being the responsibility of the Shire of Plantagenet.

Strategic Implications

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

Officer Comment

Deproclamation of Mitchell Street is necessary to formalise management responsibilities for the road itself.

Main Roads WA has advised that works previously agreed on will be completed prior to deproclamation. These works will include second coat sealing of the recently completed pavement repairs and replacement of the flood and fire damaged bed log culvert at the southern end of Mitchell Street.

It is believed that deproclamation of Mitchell Street, resulting in control of the road being handed from Main Roads WA to the Shire of Plantagenet is reasonable subject to the completion of the above-mentioned works.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That Main Roads WA be advised that no objections are raised to the deproclamation of Mitchell Street Mount Barker subject to the completion of second coat sealing of the recently completed pavement repairs and replacement of the flood and fire damaged bed log culvert.

CARRIED (9/0)

No.374/07

9.3.2 WASTE MANAGEMENT SITES - NEW - ADVERTISING

Location / Address: N/A
Name of Applicant: N/A
File Reference: WM/151/5
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 29 October 2007

Purpose

The purpose of this report is to bring to the Council a recommendation from the Waste Management Committee regarding the Council's search for new Waste Management Sites.

Background

At the Waste Management Committee meeting held on 2 October 2007, discussion took place regarding the need to undertake public consultation in relation to the Council's search for a new waste management site.

Statutory Environment

Environmental Protection Act 1986
Shire of Plantagenet Local Law - Landfill Sites and Transfer Stations

Policy Implications

There are no policy implications for this report.

Financial Implications

The Council's 2007 / 2008 adopted budget provides an amount of \$79,000 for 'Tip Sites – development / infrastructure'.

Strategic Implications

The provision of waste and recycling services is highlighted in the Shire of Plantagenet Strategic Plan, Key Result Area 2 – Infrastructure.

Officer Comment

Since the last meeting of the Waste Management Committee, a site meeting has been held with the owners of land which is possibly suitable for a waste management site. Accordingly, it is now considered that advertising is not necessary, unless the site now under investigation proves unsuitable.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr B Hollingworth:

That the Waste Management Committee resolution from the meeting held on 2 October 2007:

'That an advertising campaign regarding proposed new tip sites (when found) be carried out at the earliest opportunity.'

be not actioned.

CARRIED (5/4)

No.375/07

9.3.3 POLICY REVIEW - OP/BP/1 - SAFETY

Location / Address:	N/A
Name of Applicant:	N/A
File Reference:	PE/120/10
Author:	Megan Sounness - Safety Officer
Authorised By:	John Fathers – Acting Chief Executive Officer
Date of Report:	30 October 2007

Purpose

The purpose of this report is to review Council Policy No. OP/BP/1 – Safety.

Background

Council Policy No. OP/BP/1 – Safety reads as follows:

Policy: That council approve of the Employee Safety Manual as presented and adopt the policies and procedures contained within.'

Statutory Environment

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

Consultation

Consultation has occurred between the Shire of Plantagenet Occupational Safety and Health Committee. Consultation has also occurred with Mr John Appleyard – Regional Risk Coordinator.

Policy Implications

This Policy is presented to the Council as part of its ongoing Council Policy Review Program.

Financial Implications

While there are no immediate financial implications for this report, it is important to note the financial implications and benefits that Occupational Safety and Health has had on the Shire of Plantagenet.

Each year the Shire of Plantagenet pays a percentage (premium) of the total wages of all employees to cover Workers Compensation Insurance. There has been a reduction in the Shire's premium in the last five (5) years. It was approximately at this time that the Shire joined the Regional Risk Group and ultimately acquired the services of Mr John Appleyard - Regional Risk Coordinator. The premium has decreased from 3.67% in 2002 / 2003 to 3.0% in 2006 / 2007. It is also envisaged that this will again decrease to 2.8% in the future provided that the current trend relating to lost days through injury is continued.

The Council recently received advice from Local Government Insurance Services (LGIS) that contributing local governments will receive a share of an accumulated surplus in the funds of the LGIS Liability, Workcare and Property self insurance schemes. Thanks to the ongoing commitment of local government across Western Australia to team together in the financing and management of their risks through the group self insurance approach, the Schemes have exceeded the target level of net assets set by the Board, and local governments are receiving their share in the financial benefits.

A cheque for \$11,707.30 has been received being a 'Members Experience Bonus dividend payment'. This has been assessed on a formula which takes account of members' respective contributions and their incurred claims costs over recent years. A further \$5,853.10 will be available to help offset expenditures incurred in the management of risk exposures.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

At the recent Occupational Safety and Health Committee Meeting held 17 October 2007, discussion was held regarding this policy and corresponding document (Safety Induction Manual). It was agreed at the meeting that the Safety Induction Manual as a whole is adequate with only minor typing errors, date changes and staff / general updates requiring amending.

Updated versions of the policies contained within the Safety Induction Manual have been included, further to their recent review. Council policies OP/HRS/1 – Injury Management and Rehabilitation and OP/HRE/2 – Equal Employment Opportunity have also been included into the Safety Induction Manual.

An Objective has been included into the policy as was not previously stated. Reference to the 'Employee Safety Manual' in the policy has also been updated to reflect the document's name, being the 'Safety Induction Manual'. Page 28 of the Safety Induction Manual has been amended to include the following statement under section 7.22 Work Uniforms:

'Footwear appropriate to the work area should be worn.'

Page 27 of the Safety Induction Manual has also been amended to include the following paragraph under section 7.19 Overhead Power:

'The above does not apply to works such as trimming trees near power lines. This work requires an elevated platform licence and a licence from Western Power to work within 2m from overhead power lines.'

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION**Moved Cr M Skinner, seconded Cr B Hollingworth:****THAT:**

- (1) **Council Policy OP/BP/1 – Safety (and attached Safety Induction Manual) as follows:**

Objective: To provide a document to Council staff, contractors and volunteers, which clearly identifies the Shire of Plantagenet's safety policies, standards and procedures.

Policy: That the Safety Induction Manual as presented and the policies, standards and procedures contained within it, be adopted as a policy of the Council.'

be endorsed.

- (2) **Authority be delegated to the Chief Executive Officer to approve minor updates to Section 9.0 of the Safety Induction Manual (Important Contact Details) and minor typographical and spelling changes between the Council review periods, to ensure the document stays relevant to new staff, contractors and volunteers.**

CARRIED (9/0)**No.376/07****(Absolute Majority)**

9.4 DEVELOPMENT SERVICES REPORTS

9.4.1 LOT 337 MARTIN STREET/OATLANDS ROAD, MOUNT BARKER - PROPOSED SUBDIVISION - WAPC 136089

Location / Address:	Lot 337 Martin Street/Oatlands Road, Mount Barker
Attachments: (2)	Locality Plan Subdivision Concept Plan Subdivision Plan
Name of Applicant:	John Kinnear and Associates on behalf of the Shire of Plantagenet
File Reference:	LP/181/136089, RV/182/2257
Author:	Juliet Albany - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	22 October 2007

Purpose

The purpose of this report is to consider of a proposal for an eleven (11) lot subdivision of land owned by the Council at Lot 337 Martin Street corner Oatlands Road, Mount Barker.

Background

This land was recoded from R2.5 to R5 and R20 as a part of Town Planning Scheme No.3 (TPS3) Amendment 42, which was finalised in August 2007. That Amendment set out a Subdivision Concept Plan for future subdivision of land bounded by Oatlands Road, Fellows Street, Parsons Street and Martin Street, and included privately owned Lots 359, 336, 2 and 1 and the subject Lot 337 owned by the Council.

Statutory Environment

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – Zoned Residential (R5 and R20).

Local Government Act 1995 Section 3.59

Consultation

Statutory consultation has taken place with regard to TPS3 Amendment 42.

Policy Implications

There are no policy implications for this report.

Financial Implications

Once approved there will be numerous conditions imposed by the Western Australian Planning Commission (WAPC) which will require clearance and this will involve the expenditure of substantial moneys.

A business plan will be required to be prepared for undertaking this subdivision of the Council's own land. (S3.59 LGA)

Strategic Implications

The proposal supports the Strategic Plan to 'provide for a range of lot sizes, residential opportunities and adaptable housing'.

Officer Comment

The proposal is to subdivide Lot 337, containing the existing dwellings of the Chief Executive Officer and the Deputy Chief Executive Officer, into two (2) large lots (averaged at 4,512m²), each with an existing dwelling with access from Martin Street, a further eight (8) lots of 800m², two (2) of which face Oatlands Road and the remaining six (6) face a proposed new internal road parallel to Fellows Street. The balance, a lot of 1,972m², contains a sewer pump station facing Martin Street and this lot will be for drainage purposes as well.

The proposal complies with the Subdivision Concept Plan.

All lots require frontage to a gazetted road. A new internal road running parallel to Fellows Street and Martin Street will be required for access.

No public open space has been incorporated as it is the Council's intention to provide for the upgrade and maintenance of an existing recreation reserve at Lot 285 Oatlands Road, using moneys from cash in lieu from future subdivision within the immediate area.

It is proposed to provide an attractively landscaped nutrient stripping and sediment retention drainage feature on the proposed 1,972m² lot (K) that will add to the rural ambience of this subdivision.

Effort must be made to ensure the key elements of the Subdivision Concept Plan of TPS3 Amendment 42, particularly the maintenance of existing mature trees within the road reserves and the planting of new street trees are achieved. Variations to standard practices, such as aligning the road surface to avoid a mature tall tree rather than removing the tree, may be necessary to ensure the best possible outcome in this circumstance. The matter of mature tree retention has been raised with Council staff by an adjacent landowner when Amendment 42 was being considered.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the proposal to subdivide Lot 337 Martin Street corner Oatlands Road, Mount Barker into eleven (11) lots be supported subject to the following conditions:

- (1) All lots are to be provided with frontage to a sealed road, designed, drained and constructed to the satisfaction of the Manager Works and Services.
- (2) Existing mature tall trees are to be identified on detailed road design plans and on the ground and preserved as far as practicable within existing and proposed road reserves.
- (3) All roads are to be provided with street trees on both sides in accordance with the Mount Barker Townscape Review (2002) to the satisfaction of the Manager Works and Services.
- (4) Dual use paths are to be provided on one side of the road reserves as shown on the Subdivision Concept Plan.
- (5) All lots to be connected to reticulated sewerage, water and underground power.
- (6) A piped crossover is to be constructed to the satisfaction of the Manager Works and Services to Lot H.
- (7) Street lighting is required to the satisfaction of the Manager Works and Services.
- (8) Stormwater is to be contained on site and a nutrient stripping sediment retention drainage facility is to be designed and constructed on Lot K, to the satisfaction of the Manager Works and Services and in accordance with water sensitive urban design principles.
- (9) All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the site.
- (10) All buildings having the necessary clearance from lot boundaries.
- (11) Existing on site effluent disposal systems being decommissioned to the satisfaction of the Environmental Health Officer once reticulated sewer connection is provided.
- (12) The small dam on Lots C and D being drained, filled and levelled to the satisfaction of the Manager Works and Services.

CARRIED (9/0)

No. 377/07

9.4.2 PUBLIC OPEN SPACE STRATEGY – MOUNT BARKER

Location / Address:	Mount Barker
Attachment: (1)	<u>Mount Barker Public Open Space Strategy</u>
Name of Applicant:	N/A
File Reference:	LP/118/29
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	17 October 2007

Purpose

The purpose of this report is to consider the Mount Barker Open Space Strategy. It will guide the use and expenditure of funds received from subdividers in lieu of providing Public Open Space (POS) at the time of subdivision of residential land.

Background

The provision of cash-in-lieu of setting aside land for POS has been in existence in town planning legislation for many years.

When a developer/landowner subdivides residential land into three (3) lots or more, 10% of the land must be provided as POS. The 10% requirement has been in place since 1956.

The Council, when it initially considered this draft strategy at its meeting held on 25 September 2007, resolved at resolution 341/07:

'That the question be adjourned to enable a Workshop to assist in the development of a program for the expenditure of cash-in-lieu funds for the improvement of reserves and the Mount Barker Public Open Space Strategy prior to any decision being made.'

A workshop with Councillors was held on 9 October 2007 where the option of a program was discussed at length.

Statutory Environment

Planning and Development Act 2005 – S.153 contains the powers for the collection of cash-in-lieu of providing land for POS.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 5.7 enables the Council to accept cash-in-lieu of POS and to use the funds for the purchase of additional POS or for the improvement of existing facilities.

Consultation

This POS Strategy has been discussed with the Chief Executive Officer, the Albany Regional Manager of the Department for Planning and Infrastructure and the Deputy Chief Executive Officer.

As stated above, a workshop with Councillors was held on 9 October 2007.

Policy Implications

There are no policy implications for this report.

Financial Implications

This POS Strategy will provide the basis for the expenditure of funds paid in lieu of providing POS by subdividers. Those funds are held in the Council's Trust Fund. The POS Strategy provides details of the location of the particular subdivisions.

Strategic Implications

This POS Strategy will provide guidance of the expenditure of cash-in-lieu funds in Mount Barker.

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

This Mount Barker POS Strategy has been prepared to guide the expenditure of cash-in-lieu funds. Before funding can be used for a particular purpose such as upgrading of a park, the approval of the Honourable Minister for Planning and Infrastructure must be obtained each time funds are to be used. This Strategy covers the Mount Barker area only as this is where cash-in-lieu contributions have been received from subdivisions. If and when needed, the strategy can be expanded to include areas such as Kendenup, Narrikup and Rocky Gully.

Public Open Space is required to be provided when Residential Zoned land is to be subdivided into three (3) lots or more. It is not required when land is zoned Rural Residential, Rural Smallholdings or Rural due to the large size of those lots.

Cash-in-lieu funds can only be expended on a facility in reasonably close proximity to the particular contributing subdivision. This Strategy provides guidance as to where funds can be spent by creating a series of planning precincts.

Following the workshop with Councillors the Strategy has been refined to:

- Introduce two new columns in Schedule 1 to flag where a subdivision has been endorsed by the WAPC.

- Introduce a new 1.5 into Schedule 2 to include reference to Lot 587 (Reserve 28424) Booth and Webster Streets.
- Introduce a new 2.2 into Schedule 2 to include reference to Lot 585 (Reserve 28355) Hassell and Bonnyup Streets.
- Introduce a new column into Schedule 2 to establish priorities for the development of particular areas (A – within 2 years, B – 2 to 10 years and C – over 10 years).
- Refinement of the wording in Schedule 2.
- Showing Lot 587 Booth and Webster Streets and Lot 585 Hassell and Bonnyup Streets on Plans 3, 4 and 5.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

THAT:

- (1) The Mount Barker Public Open Space Strategy be adopted and referred to the Department for Planning and Infrastructure for its information.**
- (2) The Chief Executive Officer be required to maintain and update the Mount Barker Public Open Space Strategy each time a cash-in-lieu contribution is received for a subdivision.**

CARRIED (9/0)

No.378/07

9.4.3 CROWN LAND (UNALLOCATED) ADJOINING LOT 594 BOURKE STREET, MOUNT BARKER - REQUEST TO PURCHASE

Location / Address:	Unallocated Crown Land adjoining Lot 594 Bourke Street, Mount Barker
Attachments:	Location Plan Extent of Industrial Zoning
Name of Applicant:	P Wallinger
File Reference:	RV/182/1542
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	16 October 2007

Purpose

The purpose of this report is to consider a request for the Council to vary conditions it required be imposed on a purchase request considered at its meeting held on 8 May 2007.

Background

The Department for Planning and Infrastructure (DPI) in March 2007, sought comment from the Council on a proposal to purchase approximately 8,070m² of unallocated Crown land adjoining Lot 594 Bourke Street, Mount Barker. The matter was considered by the Council at its meeting held on 8 May 2007 where it was resolved at Resolution 171/07:

'That the Department for Planning and Infrastructure be advised that the Council supports the release of the portion of Unallocated Crown Land adjoining Lot 594 Bourke Street, Mount Barker subject to the following conditions and advices:

- (1) The prospective purchaser of the land be advised that the site is zoned 'Industrial' under the Shire of Plantagenet Town Planning Scheme No. 3 and is subject to all provisions and land use controls relating to an Industrial Zoned site within the Scheme.*
- (2) The Council has no immediate intention for the upgrading of Bourke Street.*
- (3) Any development at the site will be subject to a contribution to the upgrade of Bourke Street under Council Policy No. I/R/7 – Roads – Unconstructed Road, to support the increased traffic generated by that development.*
- (4) Connection of the site to reticulated water to ensure that adequate services and fire safety measures can be implemented for any development proposed at the site.*
- (5) The applicant being advised that there is no sewer connection available at the site and therefore effluent disposal methods will be required to meet with Health Department of WA requirements for onsite disposal and this may preclude some forms of development.*

ADVICE NOTE:

The Department for Planning and Infrastructure are to confirm with the Department of Environment and Conservation regarding the need for approval for clearing of vegetation on the currently uncleared heavily vegetated site.'

The adjoining landowner (Mr P Wallinger) who made the request of DPI for the purchase of the land has now written offering comments on some of the conditions requested by the Council. He advised the site is proposed for storage use only as the cement batching business is growing. His comments relative to the Council conditions are as follows:

'Item #1 - The purpose of this site for Storage to follow controls relating to the Industrial Zoned Scheme.

Item #2 - We would not be looking to upgrade Bourke Street.

Item #3 - There will be no increased traffic generated, (only traffic currently using Bourke Street).

Item #4 - As to the high costs of bringing reticulated water from McDonald Avenue around to Bourke Street making the purchase of this site unviable. We propose to Council that a tank of 92,000 liters be put in place for fire safety measures.

Item #5 - All Health Department requirements to Council approval.'

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Industrial

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004 – As this site is vegetated, approval will need to be obtained to clear the vegetation

Land Administration Act 1997

Native Title Act 1993 – As this is Crown land the DPI will need to determine whether there are any Native Title implications over this land

Consultation

This matter has been discussed with the proponent Mr P Wallinger, the Chief Executive Officer and the Manager Works and Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

The current request to not make a financial contribution to Bourke Street could have financial implications on the Council in respect to long term maintenance of the gravel roadway. The Manager Works and Services considers a reasonable financial contribution for additional gravel in some parts and the time and equipment would be in the order of \$1,500.00.

Strategic Implications

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

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

Officer Comment

The site is approximately 8,070m² in area and is located with frontage to the unsealed Bourke Street.

The Water Corporation was contacted prior to the 8 May 2007 meeting and it advised that there is no reticulated water available to the site and that the nearest access would be either via an easement through the properties to the north (Lots 589 and 581 McDonald Avenue) or from Marmion Street to the east along the Bourke Street Road Reserve. There are no plans to upgrade this service by the Water Corporation.

The proponent in his comments at point 4 above proposes as an alternative to a costly extension of the water mains to provide a 92,000 litre rainwater tank which can be used for fire services. The site is required for storage purposes for machinery and equipment and additional raw materials for the cement manufacturing business. The proponent owns Lot 594 Bourke Street east of the subject land and the cement batching operation is located on Lot 594. An alternative to the reticulated water requirement is the provision of a 92,000 litre rainwater tank and for the amalgamation of the subject land with Lot 594. Lot 594 is an existing freehold lot that does not have reticulated water connected. Water for the batching operation is obtained from a bore on site.

The lack of serviced industrial land in Mount Barker is an issue that needs to be addressed. The extent of the zoned Industrial land is shown on a plan attached. The undeveloped Industrial zoned land is unallocated Crown land that is vegetated. The development of such land is under the control of DPI. With the level of development activity now occurring in the district, the availability of serviced industrial land is of vital importance to ensure that growth continues. The DPI should be requested as a matter of high priority to subdivide and develop the zoned Industrial land on both sides of Bourke Street so that it is available for development.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

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

THAT:

- (1) In respect to the proposal to purchase an 8,070m² portion of unallocated Crown land in Bourke Street, the proponent be advised:
 - (a) The Council requires a road contribution to the upgrading and maintenance of Bourke Street of \$1,500.00 (as at November 2007); and
 - (b) The Council is prepared to accept the provision of a 92,000 litre rainwater tank as an alternative to connection to reticulated scheme water on the condition that the subject land is amalgamated with the adjoining Lot 594 Bourke Street.
- (2) The Department for Planning and Infrastructure be advised the availability of serviced industrial land is of vital importance to ensure growth in the district is not impeded and as such the Department should subdivide and make lots available in the zoned Industrial land on both sides of Bourke Street, Mount Barker as a high priority.
- (3) A further report be placed at such time as the Department for Planning and Infrastructure responds to (2) above and, in any case, no later than the meeting of the Council to be held on 11 March 2008.

CARRIED (9/0)

No.379/07

9.4.4 LOT 811 STONEY CREEK ROAD, PORONGURUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 811 Stoney Creek Road, Porongurup
Attachment: (1)	Locality Plan
Name of Applicant:	J & M Forward
File Reference:	RV/182/4856
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	26 October 2007

Purpose

The purpose of this report is to consider an application for temporary accommodation at Lot 811 Stoney Creek Road, Porongurup.

Background

An application has been received from the owner of Lot 811 Stoney Creek Road, Porongurup 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 on the land.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2844). The applicants intend to reside within a caravan located on the property and connect ablution facilities provided within an outbuilding (included in building licence No. 2844) 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 applicants have 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 B Hollingworth:

That approval be granted to J & M Forward to occupy temporary accommodation at Lot 811 Stoney Creek Road, Porongurup for a maximum period of twelve (12) months from 13 November 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 (9/0)

No.380/07

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr J Mark, seconded Cr B Hollingworth:

That new business of an urgent nature, namely:

- Tender C03-0708 – Supply and Delivery of Bitumen

be introduced to the meeting.

CARRIED (9/0)

No.381/07

11.1 TENDER C03-0708 - SUPPLY AND DELIVERY OF BITUMEN

Location / Address:	N/A
Name of Applicant:	N/A
File Reference:	PS/165/33
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	7 November 2007

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C03-0708 – Supply and Delivery of Bitumen.

Background

Tenders were recently called for the supply and delivery of bitumen to various projects within the Shire of Plantagenet. Tender C03-0708 closed 12 noon Wednesday 7 November 2007 and was advertised for a period of twenty-two days. At the close of submissions, five (5) tenders were received from the following registered companies:

- Pioneer Road Services
 - Boral Asphalt (WA)
 - Boral Asphalt (WA) Alternative Tender
 - RnR Contracting Pty Ltd
 - Malatesta Road Paving & Hot Mix
-

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 participated in the tender evaluation.

Policy Implications

There are no policy implications for this report.

Financial Implications

The combined budget allocation for the 2007 / 08 Road Construction and Maintenance Program is \$5,737,328. Incorporated in this amount is the allocation of the supply and delivery of bitumen where needed.

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 17 October 2007 and 20 October 2007. In addition, a tender notice was placed on the Shire of Plantagenet website and also the noticeboard in the Administration Office to inform prospective Tenderers. The closing date for the receipt of tenders was Wednesday 7 November 2007, with delivery of submissions to the tender box.

Five (5) tenders were received from the various suppliers for the supply and delivery of bitumen to various projects within the Shire of Plantagenet. A summary of the cost to supply a) Bulk Product – Hot Bitumen Class 170 Cut/Flux to 5%, b) Bulk Product – 50/50 Prime and c) Hire of Spreader Truck is shown tabulated below:

Tenderers Offer

Supplier	Bulk Product - <i>Hot Bitumen Class 170 Cut/Flux to 5%</i>					
	Unit Rates (cent/litre) Daily Sprayed Quantities (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Pioneer Road Services	0.9	0.95	0.99	1.03	1.08	1.38
Boral Asphalt (WA)	0.86	0.91	0.95	1.01	1.02	1.08
Boral Asphalt (WA) (Alternative Tender)	0.79	0.85	0.89	0.95	0.96	1.01
RnR Contracting Pty Ltd	0.74	0.77	0.81	0.84	0.89	1.0
Malatesta Road Paving & Hot Mix	1.14	1.14	1.33	1.33	1.33	1.85

Supplier	Bulk Product - <i>50/50 Prime</i>					
	Unit Rates (cent/litre) Daily Sprayed Quantity (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Pioneer Road Services	1.0	1.05	1.09	1.13	1.18	1.48
Boral Asphalt (WA)	1.01	1.03	1.04	1.06	1.08	1.19
Boral Asphalt (WA) (Alternative Tender)	0.96	0.99	1.0	1.02	1.05	1.14
RnR Contracting Pty Ltd	0.91	0.95	0.98	1.01	1.07	1.18
Malatesta Road Paving & Hot Mix	1.38	1.38	1.57	1.57	2.1	2.1

Supplier	Hire of Spreader Truck (\$/hr) (ex GST)	Comments
Pioneer Road Services	95	Plus Accommodation Depot - Depot
Boral Asphalt (WA)	90	
Boral Asphalt (WA) (Alternative Tender)	90	
RnR Contracting Pty Ltd	95	Depot to Depot, plus accommodation and meal costs
Malatesta Road Paving & Hot Mix	80	

The specifications for the supply and delivery of bituminous surfacing required Tenderers to demonstrate the following:

- Relevant experience – detailing past performance when completing work of a similar nature;
- Skills and experience of key personnel;
- A demonstrated understanding of the required tasks; and
- Pricing

All tenders that were received scored equally in relation to the first three components of the specifications (as above) however the tenders were then separated when the pricing was taken into account. Boral Asphalt's Alternative tender was excluded from the evaluation due to non conformance with the tender specifications. This tender offered prices subject to rise and fall; however the specifications requested fixed prices.

The tender from RnR Contracting Pty Ltd presented the most competitive prices for Bulk Product however the price of the spreader truck was equally the most expensive. Pioneer Road Services, Boral Asphalt's conforming tender and Malatesta Road Paving and Hot Mix all provided competitive tenders however with price being the governing factor were not seen as favourable. It is believed that the savings made in RnR Contracting Pty Ltd's tender on the low prices for Bulk Product justify the higher price for the spreader truck. It is therefore the opinion of the Manager Works and Services RnR Contracting Pty Ltd is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the Tender from RnR Contracting Pty Ltd to supply and deliver bitumen to the Shire of Plantagenet for various projects for a twelve (12) month period from date of acceptance, be the preferred Tenderer, in accordance with the following pricing schedule exclusive of GST:

Supplier	Bulk Product - Hot Bitumen Class 170 Cut/Flux to 5%					
	Unit Rates (cent/litre) Daily Sprayed Quantities (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
RnR Contracting Pty Ltd	0.74	0.77	0.81	0.84	0.89	1.0

Supplier	Bulk Product - 50/50 Prime					
	Unit Rates (cent/litre) Daily Sprayed Quantity (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
RnR Contracting Pty Ltd	0.91	0.95	0.98	1.01	1.07	1.18

Supplier	Hire of Spreader Truck (\$/hr) (ex GST)	Comments
RnR Contracting Pty Ltd	95	Depot to Depot, plus accommodation and meal costs

CARRIED (9/0)

No.382/07

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.15pm The Presiding member declared the meeting closed.

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