



ORDINARY MINUTES

DATE: Tuesday, 13 October 2009

TIME: 2.45 pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45 pm The Presiding Member 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 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President -Town Ward
Cr A Budrikis	Kendrup Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward

Cr D Nye-Chart East Ward
Cr M Skinner East Ward

In Attendance:

Mr Rob Stewart Chief Executive Officer
Mr John Fathers Deputy Chief Executive Officer
Ms Nicole Selesnew Manager Community Services
Mr Dominic LeCerf Manager Works and Services
Mr Peter Duncan Manager Development Services
Mrs Cobie MacLean Administration Officer (Planning)
Mrs Kaye Skinner Executive Secretary
Mr Vincent Jenkins Planning Officer

There were 12 member(s) of the public in attendance.
There was one member(s) of the media in attendance.

Previously Approved Leave of Absence:

Nil

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 ITEM 12.2.3 – RURAL ROAD HIERARCHY – MR SCOTT DRUMMOND

I am concerned that Shire employees are not permitted to use ‘their judgment’ when clearing verges on our Flora roads and registered Tourist Drives.

This is impacting negatively on:

1. Tourism – tourists visit during wildflower season to see wildflowers blooming, not getting crushed.
2. Safety – low shrubbery acts as a cushion in the event of an accident.
3. Conservation – Children at our school have been taught that Australia is losing its biodiversity faster than any other continent in the world. What kind of role model is the Shire presenting to them?
4. Financially – rate payers would benefit more from tourism income than the ‘works expenditure’ in these cases.

In light of these points I am suggesting that you create a ‘Category D’ classification for the Shire’s Flora Roads and registered Tourist Drives to enable the Shire to care for them with more flexibility.

5.2 ITEM 12.1.2 – TOWN PLANNING SCHEME POLICY NO 18 (DRAFT) – DRAFT LOCAL PLANNING STRATEGY – MR SIMON HALL, PLANNING SOUTHWEST

This presentation is regarding submission 13 to Town Planning Scheme Policy No. 18 (Draft) – Draft Local Planning Strategy (Draft LPS) contained within Attachment 2, pages 27-34.

With the submission we submitted a Proposed Plan of Subdivision for Rural Residential lots. Planning SouthWest worked closely with the Oyster Harbour Catchment Group to achieve the concept design principles presented in the submission.

We have been working on this process for the last three years so the submission is not an opportunistic strategy. After our initial contact with Mr Duncan we placed the proposal on hold until the Draft LPS was completed. We have been in regular contact with Mr Duncan and the Western Australian Planning Commission (WAPC) with regard to the progress of the Draft LPS to advertising. Since lodging our submission we have maintained the liaison with Mr Duncan and the WAPC.

The submission made reference to Rural Residential lots of 1-4ha in size which are not preferred but consideration may be given to Rural Smallholdings with lot (5-10ha).

A redesign for Rural Smallholding of 5-10ha for all lots has been completed and we seek Council support for Rural Smallholding across all three lots. The modified design has considered the protection of creek lines and low lying areas – fencing and rehabilitation (endemic species – commenced), no clearing of native vegetation, roadways on higher ground and view towards the Porongurup obtained. Location 5715 now proposes 10-11ha lots and Locations 5708 and 5709 proposes 5-10ha lots.

This development will trigger the construction and sealing of O'Neill Road from the Waste Management site through to Townsend and Watermans Roads.

The subject land is not prime agricultural land and is currently under plantations.

We understand that Rural Residential is not appropriate and that Rural Smallholding would be acceptable. We ask that the proposal of minimum 10ha lots for Location 5715 and 5-10ha lots for Locations 5708 and 5709 be considered.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

All Councillors declared a proximity interest for Item 12.1.2

Cr K Clements declared a Financial Interest – wife works for Plantagenet Sheds and Steel Pty Ltd who are the main building contractors for this project – in Item 12.3.1.

Cr D Nye-Chart declared a Proximity Interest – Business Partner is involved with the project – in Item 12.3.1.

Cr S Grylls declared an Impartial Interest, a Closely Associated Person Interest and a Voluntary Disclosure – Family member employed by Community College – in Item 12.5.4.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

8 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr K Clements:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 September 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 273/09

9 COMMITTEE MINUTES

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

That the Minutes of:

[Minutes – AGM – 5 August 2009 – Bush Fire Advisory Committee](#)

[Minutes – 22 September 2009 – Great Southern Regional Cattle Saleyards Advisory Committee](#)

[Minutes – 4 August 2009 – Local Emergency Management Committee](#)

[Minutes – 28 July 2009 – Recreation Advisory Committee](#)

[Minutes – 11 August 2009 – Recreation Advisory Committee](#)

[Minutes – 22 September 2009 – Recreation Advisory Committee](#)

[Minutes – 1 October 2009 – Recreation Advisory Committee](#)

[Minutes – 25 June 2009 – RoadWise Steering Committee](#)

[Minutes – 3 September 2009 – RoadWise Steering Committee](#)

[Minutes – 7 October 2009 – Townscape Review Steering Committee](#)

be received.

CARRIED (9/0)

NO. 274/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr K Forbes AM conveyed his condolences on behalf of all Councillors and Staff to Cr B Hollingworth on the passing of his father.

- 2 October 2009 – Mr Stewart and I attended the Western Australian Local Government Association (WALGA) Zone teleconference.
- 7 October 2009 – Attended the WALGA State Conference.
- 7 October 2009 – Attended the State Council meeting and received a Certificate of Appreciation.
- 12 October 2009 – Attended the Timber Industry Road Evaluation Strategy (TIRES) meeting in Albany. About 20 people attended this meeting and things are moving forward.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr K Clements

- 1 October 2009 – Attended the District Emergency Management Committee. Fire and Emergency Services Association (FESA) will now be forwarding information directly to Shires and not through Western Australian Local Government Association (WALGA). Several new strategies were also explained. These were:
 - Wildfire Intervention Strategy;
 - New Bushfire Strategies; and
 - New Emergency Management Strategies.

Cr B Hollingworth

- 12 October 2009 – Attended the Timber Industry Road Evaluation Strategy (TIRES) meeting in Albany.

Cr A Budrikis

- 1 October 2009 – Attended the Recreation Advisory Committee Meeting.

Cr J Mark

- 7 October 2009 – Attended the Townscape Review Steering Committee Meeting. The Committee is finding ways to move forward.

Cr D Nye-Chart

- 1 October 2009 – Attended the Recreation Advisory Committee Meeting.

Cr M Skinner

- Attended a Stirling Range National Park Management meeting. They are currently working on their fire management for the park.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 DELEGATION OF AUTHORITY FOR PLANNING MATTERS - ADDITIONAL DELEGATION

File No:	N12733
Attachment:	Delegation LG035
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	13 October 2009

PURPOSE

The purpose of this report is to consider a proposal to amend the existing delegation for planning powers to include a delegation for the renewal of permits for structures on footpaths.

BACKGROUND

The Council at its meeting held on 12 September 2006 agreed to delegation 043 which covered a variety of planning matters. The Council on 8 May 2007 agreed to an alteration to part 10 of the delegation to limit that for subdivision for up to five lots. In May 2009 it was amended to be LG035. In July 2009 a further amendment was made to the delegation as follows:

‘That the following words be added to Delegation LG035 (Implementation of Town Planning Scheme) after the word ‘Commission’ in line 1 in Part No. 11.

‘and where delegated by the Commission determine applications’.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 3 – Clause 7.7 – as follows:

‘7.7 DELEGATION OF FUNCTIONS

7.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

7.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under clause 7.7.1.

7.7.3 The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.

7.7.4 Sections 5.45 and 5.46 of the Local government Act 1995 and the regulations referred to in section 5.46 apply to a delegations made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.'

Local Government Act 1995 – Activities in Thoroughfares and Public Places and Trading Local Law 2008.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

It is proposed that the alteration be added to delegation LG035 in the Council's Delegation Register.

STRATEGIC IMPLICATIONS

This adjustment to the existing delegations will enable relevant matters to be considered in a timely manner.

OFFICER COMMENT

The ability for Councils to delegate planning powers has been in existence in the Government's Model Scheme Text for some time and Councils throughout the State have introduced a delegation clause into their respective Town Planning Schemes as did the Shire of Plantagenet in November 2004. The proper use of delegations can work extremely well, meaning a good deal of minor planning items do not need to be placed before the Council. This means the Council time is freed up to deal with the more important strategic and policy related issues.

The proposed alteration is to introduce a new part 17 as follows:

'17. Grant renewals of permits for structures in thoroughfares where required under the Activities in Thoroughfares and Public Places and Trading Local Law provided all conditions imposed by the Council have been adhered to and there have been no issues or valid complaints regarding the structure.'

The reason for this delegation is to ensure the renewal of such permits occurs in a timely manner without the need for the consideration of the Council. There are presently three permits for ramp structures in Mount Barker, all of which are due for renewal in December 2010. Obviously if there are valid complaints or should Council required conditions have not been adhered to, then the delegation will not apply and a Council determination will be required.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That delegation LG035 be amended to include a new part 17 as follows:

- '17. Grant renewals of permits for structures in thoroughfares where required under the Activities in Thoroughfares and Public Places and Trading Local Law provided all conditions imposed by the Council have been adhered to and there have been no issues or valid complaints regarding the structure.'**

CARRIED (9/0)

NO. 275/09

(Absolute Majority)

12.1.2 TOWN PLANNING SCHEME POLICY NO. 18 (DRAFT) - DRAFT LOCAL PLANNING STRATEGY - SUBMISSIONS RECEIVED

A Proximity Interest was disclosed by Cr K Forbes AM. Cr Forbes AM indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr K Clements. Cr K Clements indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr S Grylls. Cr Grylls indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr B Hollingworth. Cr Hollingworth indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr A Budrikis. Cr Budrikis indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr M Skinner. Cr Skinner indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr D Nye-Chart. Cr Nye-Chart indicated the nature and extend of her interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Mark. Cr Mark indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Moir. Cr Moir indicated the nature and extent of his interest is of a property owner within the Shire.

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

Approval has been received from the Department of Local Government and Regional Development via letter dated 1 October 2009, giving permission for Cr K Forbes, Cr B Hollingworth, Cr S Grylls, Cr D Nye-Chart, Cr M Skinner, Cr J Moir, Cr A Budrikis, Cr K Clements and Cr J Mark to participate in discussion and decision making procedures relating to Council's draft Local Planning Strategy (LPS).

All Councillors received a copy of the letter which is attached to these minutes.

File No: N12562

Attachments: [Extract From Full List of Department of Planning Modifications Summary of Submissions Schedule of Modifications](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to consider submissions received on draft Town Planning Scheme (TPS) Policy No. 18 – draft Local Planning Strategy, and also a suggested list of modifications from the Department of Planning (DOP) Albany.

BACKGROUND

The Council when it considered the Draft Local Planning Strategy (LPS) at its meeting held on 10 June 2008 resolved at Resolution 98/08 as follows:

'That the Council adopt the Draft Plantagenet Local Planning Strategy and refer it to the Western Australian Planning Commission for its approval to advertise for public comment for a period of sixty (60) days.'

The draft LPS was delivered to the Department for Planning and Infrastructure (DPI) now the Department of Planning (DOP) Albany office on 11 June 2008 for it to report to the Western Australian Planning Commission (WAPC).

The draft LPS has been prepared to satisfy Regulation 12A of the Town Planning Regulations made under the Planning and Development Act 2005. It was prepared using the suggested format for such a document prepared by the WAPC as part of its Planning Schemes Manual which satisfies the guidelines for the Model Scheme Text.

The draft LPS preparation process involved community consultation with a series of public workshops involving stakeholders and interested community members in October and November 2005. Six workshops were held in Mount Barker, the Porongurup Hall, the Narrikup Hall, the Kendenup Country Club and at the Rocky Gully CWA rooms.

In an attempt to determine future proposals from various government agencies with infrastructure or facilities within the Shire, the Council wrote in August 2007 to 19 agencies seeking advice on future directions. Responses were received from several of these agencies.

The WAPC's Lower Great Southern Strategy (LGSS) was commenced in 2001 and the final document was released in June 2007. It is the aim of the LGSS to encourage development around existing nodal settlements and ensure policies provide a presumption in favour of consolidating settlements. Not only is this an efficient use of resources such as land, infrastructure and energy but also assists in supporting social services such as hospitals, libraries, shops and community facilities.

Through the preparation phase of the draft LPS a series of workshops were held with Councillors to discuss various aspects of the draft components of the document. Those workshops are listed as follows:

1. 13 November 2007 – Introduction, State, Regional and Local Context, Profile and Issues, Strategic Plan, Risk, Monitoring and Reviews.
2. 27 November 2007 – Narrikup and Porongurup.
3. 11 December 2007 – Kendenup and Rocky Gully.
4. 12 February 2008 – Mount Barker, Urban Settlement, Industrial Strategies, Climate Change.
5. 27 May 2008 – Rural District.

Officers from the Albany office of the DOP attended all of the workshops with the exception of that held on 11 December 2007. The officers were provided with all of the papers for the various components in advance of each workshop. They have

advised on occasions that the draft LPS would be considered 'soon', that officers were to meet in the first week of October 2008 and that it would be considered in early 2009 due to their workloads. The Hon Minister for Planning John Day advised it was anticipated the draft LPS would be considered by the WAPC in March 2009 on the advice provided by the Department. The CEO spoke with the Acting Regional Manager of the Department on 16 April 2009 who advised it would be several weeks before the LPS was looked at and this depended on resources.

It was apparent from the lack of action that local planning strategies have a very low priority from a DOP officer's perspective and it was feared it could be another six months or so before it may be looked at. When it would be reported to the WAPC for advertising approval was unknown.

As in 11 months the DOP had not looked at the draft LPS prior to it reporting to the WAPC, it was considered an alternative approach would be for the Council to consider adopting the draft LPS as a draft TPS Policy and then embarking on a public advertising program to at least enable the public to have a say on the document. The LPS was updated to address many of the changes that have occurred in the past 11 months. A list of those changes was provided to the Council.

The Council when it considered draft TPS Policy No. 18 (Draft Local Planning Strategy) at its meeting held on 12 May 2009 it resolved at Resolution No. 120/09:

'That:

- 1. Draft Town Planning Scheme Policy No. 18 – Draft Local Planning Strategy be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 60 days.*
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 8 September 2009.'*

All Councillors were provided with a full copy of draft TPS Policy No. 18 with the 12 May 2009 agenda and Councillors will need to refer to that document in terms of this current report.

As Councillors were aware, the LPS differs in some instances from WAPC policy however these differences are not considered to be major and reflect local circumstances. As part of the advertising process information was included with the document that briefly explained the process to date and also the differences from the WAPC policy.

The Manager Development Services (MDS) met with the Chairman of the WAPC on 22 May 2009 to explain the reasons why the Council had progressed down this path to enable the public to provide comment. The DOP (Albany) was provided with a copy of the updated LPS in the form of TPS Policy No.18 together with a list of all of the changes/updates to the document.

On 7 July 2009 the Statutory Planning Committee of the WAPC considered a report prepared by the DOP (Albany) on the June 2008 version of the LPS (not the updated version). The Shire President and the MDS attended at the beginning of that

meeting and made a presentation to the Committee. Each member was provided with a copy of the draft TPS Policy No. 18 which had not been provided to them by the DOP. The DOP report and attachments were not made available to the Shire President and the MDS at the meeting. The Chairman did authorise the Council being provided with Attachment 5 to the report which was a list of 220 modifications. That attachment was received some time later but the DOP report has been kept secret.

The MDS has had a meeting with the Director General of the DOP in respect to the progress and handling of the LPS and the modifications required.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations – Regulation 12A allows a Council to prepare a Local Planning Strategy and requires such a Strategy to be forwarded to the WAPC. A Local Planning Strategy is to:

- (a) set out the long-term planning directions for the local government;*
- (b) apply State and regional planning policies; and*
- (c) provide the rationale for the zones and other provisions of the Scheme.'*

Regulation 12B requires that when the WAPC is satisfied with the strategy, it is to be advertised for public comment for a minimum period of 21 days. Following the advertising the Council is to review the Strategy in the light of any submissions received, adopt the strategy with any modifications it thinks fit and submit a copy of the Strategy to the WAPC for its endorsement.

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

'7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

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

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

- (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

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

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

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

EXTERNAL CONSULTATION

A series of public workshops on the draft LPS was held in October and November 2005. A series of five workshops was held with Councillors in late 2007 and early 2008 to discuss the components of the LPS.

It was proposed that the draft LPS, once adopted as a draft by the Council and the WAPC, be advertised for public comment for a period of 60 days. Following the advertising a further report would be placed before the Council. With the lack of consideration by the DOP the Council embarked upon the course of action for a TPS Policy.

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

The draft TPS Policy was advertised for a period of 60 days to enable the public to provide comment. That advertising consisted of newspaper notices, notices on notice boards at the Council offices, Porongurup, Kendenup, Narrikup and Rocky Gully, letters to the five adjoining local Councils and letters to 21 government agencies. Hard copies and CD's of the draft were provided and the draft was available on the Council's website.

At the end of the advertising a total of 22 submissions had been received (see Summary of Submissions).

FINANCIAL IMPLICATIONS

The cost of advertising has been met from the Town Planning advertising budget.

The draft policy document has been prepared in-house. The mapping for the LPS has been updated by the DPI in Perth at no cost to the Council.

POLICY IMPLICATIONS

This is a new TPS Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will:

'Develop and Review Town Planning Policies'.

The Strategic Plan 2003 Key Results Area 4 also indicates that the Council will:

'Facilitate the development of a Local Planning Strategy for the Shire that embraces the aims and focus of the Strategic Plan.'

'Review the existing draft Rural and Townsite Planning Strategies.'

'Ensure the outcomes of the Customer Needs Survey and relevant community workshops are incorporated into the Local Planning Strategy.'

The LPS at part 3 discusses the Strategic Plan.

OFFICER COMMENT

In the current economic climate, a LPS is a vehicle for providing the stimulus for potential for growth and pre-planning to ensure there is the ability for the economy to grow and foster future development in a planned and coordinated manner. It also provides the vehicle for Amendments to TPS3 to follow in a planned and coordinated manner in accordance with the Council's and obviously the community's wishes.

The draft LPS is a critical document in the long term planning of the whole Shire and looks at all aspects to guide growth and development well into the future. In accordance with the Town Planning Regulations, a Local Planning Strategy can be prepared at any stage in the life of a Town Planning Scheme and there is no requirement for it to be prepared as part of the writing of a new town planning scheme.

The purpose and role of the draft LPS is to review current planning strategies, to set long term planning directions for the Council, apply regional and state planning policies and strategies and to provide a rationale for various town planning scheme provisions and zones. The time frame for the LPS will be for the next 10 to 20 years and beyond.

The Shire has experienced steady population growth over the years. The sub-regional centre of Mount Barker is only 50km from the regional centre of Albany and is experiencing strong growth.

The future proposals for the Rural areas are discussed under section 6 and this work was completed by consultants (LandVision) following on from an environmental component for the rural areas prepared in 2003. Appendix 6 provides detailed recommendations for each of the rural planning units.

As stated earlier, the DOP report to the WAPC included a list of 220 suggested modifications. These modifications have been analysed and only 14 are valid and worthy of alterations to the draft LPS. Many of the DOP modifications are inconsistent and based on poor interpretation or a lack of understanding of a draft LPS. The modifications are based on the WAPC policies being unvariable statutes which is not the case as they are clearly policies written to cover planning on rural land over the whole State. In some instances lines have been identified as needing alteration but they have been read out of context in respect to the whole paragraph or relevant section of the draft LPS. The modifications also suggest deleting all future proposals in the rural section of the draft LPS and including them as separate local planning policies, but what the DOP have not understood, is that this TPS policy is just that. It would be pointless and confusing to create a whole suite of separate TPS policies on each of the rural initiatives as it is far more appropriate to have the one comprehensive document so that other areas are not read out of context.

An interesting observation is that the DOP modifications have not addressed any of the 97 components that were updated when the Council adopted the document as a TPS policy in May 2009.

One DOP modification was to split the document into two, one section would be background data and the other the strategic initiatives. The format followed in preparing the LPS was that actually required by the WAPC and if the Council had departed from that, there would have been a modification to follow the WAPC format. This was raised with the Statutory Planning Committee on 7 July 2009 and the Chairman did agree if the Council wished, the document could be split into two. To do this would reduce the bulk of the document and make it cheaper to produce for the public once it is finalised as the public would mainly require the strategic (future proposals) part of the document and not the background data.

Attached is a copy of an extract of the DOP modifications detailing the 14 which are worthy of alterations to the LPS. The MDS has the full list should Councillors wish to peruse it.

The 22 submissions received during the advertising are detailed in the attached Summary of Submissions. From these submissions there are areas where modifications to the LPS are required. For the purposes of this report the comments made and recommended alterations relate to the draft TPS Policy No. 18 document that has recently come off advertising and not the June 2008 original version of the draft LPS which the DOP commented on. The DOP did have the draft TPS Policy No. 18 document from 25 May 2009 but the officers chose to report on the old document. The WAPC members were provided with a copy of the draft TPS Policy No. 18 document.

The major submissions have been provided by Government agencies such as the Department of Water (DOW), Main Roads Great Southern (MR) and the Department of Agriculture and Food (DAFWA) and they are commented on in the following text.

Department of Water (submission 17)

The DOW provided a lot of editorial changes to update and correct terminology to current standards for features such as Urban Water Management Plans and so on

and the majority of these are agreed. As the Denmark River Catchment is currently having a protection plan prepared and as it is a drinking water source the DOW considered it should be shown as a Special Control Area in the draft LPS and this is agreed.

Main Roads (submission 18)

It appears the Main Roads Department is concerned that as a town grows, additional cars will drive on the State's roads and their preference is for the cars to use Council roads. The submission refers to increasing traffic volumes, increasing conflict points, conflict with high speed traffic, freight haulage and linear development.

The growth of towns actually should be seen as a positive outcome for the State. It is recognised that throughout Australia major roads do run through country towns and that this is not unique to Mount Barker and the Shire's villages. Where country towns have had bypasses built, the actual town has suffered.

The submission even refers to Kendenup traffic impacting on Albany Highway which is acknowledged as that is a road to Mount Barker, Albany and Perth. The submission expresses concerns about development at Rocky Gully but the draft LPS proposals will be over a very long time and will be extremely limited.

The reference to the development on the north side of Muirs Highway, Mount Barker opposite the recreation centre and school complex generating 1,500 lots is a gross exaggeration. A figure of 600 lots is more realistic and this will be over a 20 plus year time frame. Intersections with Albany Highway and Muirs Highway will be controlled at the subdivision stage and speed limits can actually be adjusted if Main Roads agree.

The department must accept some responsibility for the State road network and also accept that as towns grow, more cars will use 'their' roads.

Department of Agriculture and Food (submission 19)

The department provided some very useful additional information in terms of data, tables and figures which are to be incorporated into the document.

One of the department's main concerns related to the 200ha lot size minimum in rural planning units P1, 3, 4, 9, 11 and 12. Following further detailed discussions with the officer concerned it is considered appropriate to delete reference to this minimum lot size of 200ha in the planning units and the Council can again consider this matter when the draft LPS is reviewed in the future.

Another main concern was the proposal for a 30ha minimum lot size for intensive agricultural use in rural planning units P6, 8 and 11. The department considered the WAPC policy figure of 80ha should be used. The WAPC policy covers the whole State and 80ha is considered inappropriate for these three planning units. It is agreed that if the department has concerns then the 30ha figure could be lifted to 40ha with the area of good soil being lifted from 20ha to 30ha on the 40ha size lot.

Research has found that the Shire of Donnybrook has a 20ha minimum, Busselton has a 30ha minimum with land and water justification. In the WAPC's Warren

Blackwood Rural Strategy adopted in 2009 for all rural shires in the South West without a rural strategy, a minimum lot size of 40ha for intensive agriculture subject to testing is the standard.

The smaller areas proposed for intensive agriculture in this LPS do require thorough justification in the form of an agronomists report and a hydrologists report. The smaller lot size will also mean these lots when proven up will be less attractive for the timber plantation industry and as such will keep it available for food production. The change from 30ha to 40ha is considered appropriate for these three rural planning units. A modification will require support from DAF and DOW for the soil and water reports where relevant. The areas identified for the 40ha minimum should be restricted to the west of Albany Highway in unit P8.

As that department updates and refines its research into land qualities and water availability then the draft LPS can be modified if appropriate in subsequent reviews of the draft LPS.

Two submissions were provided by planning consultancies on behalf of land owners and these are discussed below.

Cardno (submission 11) – Location 4973 Spencer Road, Narrikup

This land is west of Narrikup and adjoins a densely vegetated Crown reserve. A large portion of the land is low lying and subject to inundation where the higher southern portion is proposed for a large number of Rural Residential lots of 5,000m² to 1ha. The northern wet area is proposed for five larger lots. The concept plan put forward does not address fire safety issues and has many house sites located very close to vegetation and fire standards could not be met. The wet nature of a good part of the site makes it unsuitable for closer development.

The land is just over 80ha in area and is within a general agricultural area within rural unit P8 and the draft LPS suggests a minimum lot size of 40ha could be considered for intensive agricultural development subject to thorough justification being provided. If this submission was supported and the area shown as potential Rural Residential, it would set a precedent for other similar low lying land to the west also being included. A more appropriate option for the land is for the larger Rural Smallholding size lots of over 4ha in area and the low northern area as one larger lot.

Planning South West (submission 13) – Locations 5708, 5709 and 5715 Watermans Road, Mount Barker

This submission provides positive support for the initiatives proposed in the LPS. It then proposes a large area of land on Watermans Road be shown as Rural Residential and a concept plan involving over 350 lots is included.

The three lots involved are in rural planning units P8, 10 and 11. The draft LPS proposals for P10 are no additional lots, P8 potential for intensive agriculture down to 40ha with justification and P11 possible larger lot Rural Smallholdings (RSH) in this part of the unit near location 5715. RSH lots can range from 4 – 40ha. The area consists of priority agricultural land and the LPS certainly does not suggest 1ha Rural Residential lots. The submission also includes another concept plan with

potential 4,000m² lots. The draft LPS does refer to 4,000m² plus lots but only when they are adjacent to an existing village (e.g. Mount Barker 4,000m², Narrikup 5,000m², Rocky Gully 5,000m²). This land is certainly not adjacent to a village and the draft LPS suggestion for possible RSH would be the absolute maximum level of development.

A 350 lot development in this location would be contrary to the principles of the draft LPS and place a good degree of strain on the Council resources and pressure on the adjoining and nearby rural land uses.

Due to the location of the land it is suggested the wording in unit P11 be modified to clarify that limited RSH be considered on location 5715 only but these RSH lots must be in the order of 6-10ha subject to detailed capability and planning justification. Lots below 5ha on location 5715 will not be supported.

In respect to the process now to be followed, as the document is a draft TPS Policy, the Council needs to consider the submissions made and decide to finally adopt the draft with or without amendment or not to proceed with the draft. As it also is the draft Local Planning Strategy, the WAPC needs to grant its approval. It is suggested the first step will be for the Council to consider the submissions and agree to finally adopt the draft TPS Policy No. 18 subject to the modifications contained in the Schedule of Modifications being carried out. The second step will be the draft TPS Policy No. 18 with the Summary of Submissions and the Schedule of Modifications be referred to the WAPC for its approval. The final step will be once the WAPC grants its approval, the draft TPS Policy No. 18 will be modified accordingly and then advertised publicly as being finalised.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr A Budrikis:

That in respect to the draft Town Planning Scheme Policy No. 18 (Local Planning Strategy):

- 1. The submissions received be noted and the final draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) be adopted subject to the modifications contained in the Schedule of Modifications being carried out.**
- 2. The draft Town Planning Scheme Policy No. 18, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval.**
- 3. Once approved by the Western Australian Planning Commission the draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.**

CARRIED (9/0)

NO. 276/09

12.1.3 LOT 101 STRATA LOT 2 ALBANY HIGHWAY, MOUNT BARKER (VALLEY VIEW TREE FARM) - GROUPED DWELLING

File No: N12834

Attachments: Locality Plan
Strata Subdivision Plan
Site Plan
Floor Plan
Elevation

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 13 October 2009

Applicant: Monica Schmid

PURPOSE

The purpose of this report is to consider an application for a grouped dwelling at Strata Lot 2 of Lot 101 Albany Highway/Muir's Highway, Mount Barker.

BACKGROUND

Council records show the registered owner of Strata Lot 2 of Lot 101 is MM Schmid.

Strata Lot 2 of Lot 101 is located within the strata subdivision known as Valley View Tree Farm. The owner of the property is seeking approval to build a new house and outbuilding.

At a general meeting of the strata company (Strata Asset Services Pty Ltd) held on 19 June 2009 the proposal to construct a new house and outbuilding at Strata Lot 2 of Lot 101 was supported. That decision came in force as no valid votes had been received against the decision at the close of the prescribed objection period.

The Council on 28 July 2009 received this planning consent application for a grouped dwelling. The proposal was advertised for comment and letters were sent to adjoining strata lot owners and no submissions have been received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R13.

– Special Provisions include:

'(b)(1)(i) Grouped dwelling subject to prior approval of the Council.'

'(c)(2)(i) No grouped dwelling shall be constructed unless a minimum 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.'

- '(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (e.g., zincalume) is prohibited.'*
- '(c)(3)(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the Council.'*
- '(c)(3)(ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the Council.'*
- '(c)(4)(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the Council considers is deficient in tree cover it may require as a condition of any planning consent the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the Council.'*

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Grouped Dwelling is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2. The application has been advertised in accordance with Clause 6.2.

EXTERNAL CONSULTATION

In accordance with Delegation LG 035 the proposal was advertised for comment for a 21 day period closing on 3 September 2009. Letters were sent to the adjoining strata lot owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site. At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$297.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

TPS Policy 16 (Outbuildings) – sets controls for area and wall height does not apply in this instance as the land is zoned Special Site.

STRATEGIC IMPLICATIONS

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

‘Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.’

Draft Local Planning Strategy (LPS) – shows the parent lot as possible residential – any future rezoning of this overall strata subdivision to a Residential Zone will need to be initiated by all of the landowners of the total property.

OFFICER COMMENT

The Valley View Tree Farm strata subdivision is located northwest of the Muirs Highway junction with Albany Highway. The strata subdivision consists of 61 lots subdivided into mainly two parts. Part one consists for 48 strata lots to the northwest of the land, part two consists of 12 strata lots abutting southeast boundary of the land. The strata subdivision consists of lot sizes varying in area from 9,000m² to 1.2ha. Strata Lot 2 of Lot 101 is 1ha in area and located within the eastern part of the strata subdivision.

The proposed house is a single storey building with a living room, kitchen, two bed rooms, one bathroom and a laundry. The house is 272.32m² in area which includes the verandah that surrounds the house. The roof will be clad in heritage red colorbond and the external walls are to be constructed of granite and double brick. The colours are sympathetic to the surrounding area.

The proposed outbuilding will be constructed in classic cream colorbond and located to the west of the house. The outbuilding will be 315m² in area with a wall height of 5.4m. No difficulties are seen with the area of the outbuilding being 315m² and the wall height of 5.4m given the size of the lot being 1ha and the Council’s TPS Policy 16 (Outbuildings) does not apply in this instance as the land is zoned Special Site.

The proposed building envelope is (2000m² in area) rectangular, positioned in the centre of the lot and complies with the building envelope requirement for this special site zone. All buildings and structures are located within the defined building envelope. The proposal includes two water storage tanks within the building envelope with a combined capacity of 104,000 litres and this is above the minimum water storage requirement of 92,000 litres.

The subject lot is entirely deficient of trees and revegetation is required to enhance the rural amenity. The proposed development at Strata Lot 2 of Lot 101 is not likely to adversely affect the amenity of the locality once some revegetation is carried out.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr J Mark:

That planning consent be granted for a grouped dwelling at Strata Lot 2 of Lot 101 Albany Highway Mount Barker subject to:

1. The development being in accordance with the plans dated 28 July 2009 and 2 August 2009.
2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.
3. The position of the crossover being to the satisfaction of the Manager Works and Services.
4. Forty native trees being provided and maintained on the lot in accordance with the species list and specifications set out in the Mount Barker Townscape Review and no trees being located within the Building Protection Zone.

AMENDMENT

Moved Cr J Mark, seconded Cr K Clements:

That a part five be added to the motion as follows:

- '5. The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.'

CARRIED (9/0)

NO. 277/09

FURTHER AMENDMENT

Moved Cr J Mark, seconded Cr M Skinner:

That the word '/shrubs' be added to part four of the motion after the word 'trees'.

CARRIED (9/0)

NO. 278/09

COUNCIL DECISION

That planning consent be granted for a grouped dwelling at Strata Lot 2 of Lot 101 Albany Highway Mount Barker subject to:

1. The development being in accordance with the plans dated 28 July 2009 and 2 August 2009.
2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.

3. The position of the crossover being to the satisfaction of the Manager Works and Services.
4. Forty native trees/shrubs being provided and maintained on the lot in accordance with the species list and specifications set out in the Mount Barker Townscape Review and no trees being located within the Building Protection Zone.
5. The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.

CARRIED (9/0)

NO. 279/09

**12.1.4 LOT 51 STRATA LOT 16 MOUNT BARKER-PORONGURUP ROAD,
MOUNT BARKER (HAMBLEY TREE FARM) - GROUPED DWELLING**

File No: N12829

Attachments: Locality Plan
Strata Subdivision Plan
Site Plan
Floor Plan
Elevations

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 13 October 2009

Applicant: Darren Holmes

PURPOSE

The purpose of this report is to consider an application for a grouped dwelling at Strata Lot 16 of Lot 51 Mount Barker-Porongurup Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Strata Lot 16 of Lot 51 is DJ Holmes.

Strata Lot 16 of Lot 51 is located within the strata subdivision known as Hambley Tree Farm and the owner of the property is seeking approval to build a new house.

At a general meeting of the strata company (Strata Asset Services Pty Ltd) held on 19 June 2009 the proposal to construct a new house at Strata Lot 16 of Lot 51 was supported. That decision came in force as no valid votes had been received against the decision at the close of the prescribed objection period.

The Council on 28 July 2009 received this planning consent application for a grouped dwelling. The proposal was advertised for comment and letters were sent to adjoining strata lot owners and no submissions have been received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R12.

– Special Provisions include:

'(b)(1)(i) Grouped dwelling subject to prior approval of the Council.'

'(c)(2)(i) No grouped dwelling shall be constructed unless a minimum 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.'

- '(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (e.g., zincalume) is prohibited.'*
- '(c)(3)(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the Council.'*
- '(c)(3)(ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the Council.'*
- '(c)(4)(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the Council considers is deficient in tree cover it may require as a condition of any planning consent the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the Council.'*

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Grouped Dwelling is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2. The application has been advertised in accordance with Clause 6.2.

EXTERNAL CONSULTATION

In accordance with Delegation LG 035 the proposal was advertised for comment for a 21 day period closing on 30 September 2009. Letters were sent to the adjoining strata lot owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site. At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$836.48 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

TPS Policy 16 (Outbuildings) – sets controls for area and wall height does not apply in this instance as the land is zoned Special Site.

STRATEGIC IMPLICATIONS

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

'Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.'

Draft Local Planning Strategy (LPS) – shows the parent lot as possible rural residential (equestrian) – any future rezoning of this overall strata subdivision to a Rural Residential Zone will need to be initiated by all of the landowners of the total property.

OFFICER COMMENT

The Hambley Tree Farm strata subdivision is located north of the Mount Barker-Porongurup Road approximately 2.1km east of Mount Barker. The strata subdivision consists of 30 lots to the east of the land with lot sizes around 1ha. Strata Lot 16 of Lot 51 is 1ha in area and located to the north part of the survey strata subdivision.

The proposed house is a five bedroom single storey building. The house is 444.12m² in area which includes the verandah that partly surrounds the house. The roof will be finished in bushland colorbond and the external walls are to be constructed in Hardies Primeline Heritage external wall cladding and to be paperbark cream in colour. The colours are sympathetic to the surrounding area.

The proposed outbuilding will be constructed in bushland colorbond and located to the north of the house. The outbuilding will be 128m² in area with a wall height of 2.7m. No difficulties are seen with the area of the outbuilding being 128m² and the wall height of 2.7m given the size of the lot being 1ha and the Council's TPS Policy 16 (Outbuildings) does not apply in this instance as the land is zoned Special Site.

The proposed building envelope is 2,000m² in area, duplicates the outline of the lot and is positioned off centre to the southeast on the lot. This proposal complies with the building envelope requirement for this special site zone. All buildings and structures are located within the defined building envelope. The proposal includes water storage tanks within the building envelope with a capacity of 125,000 litres and this is above with the minimum water storage requirement of 92,000 litres.

There is one isolated patch of remnant vegetation adjoining the north boundary of the property. Another larger patch is located mainly on lot 17 to the west but extends beyond the shared boundary onto lot 16. The existing vegetation is satisfactory and revegetation is not required. The proposed development at Strata Lot 16 of Lot 51 is not likely to adversely affect the amenity of the locality.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr J Moir:

That planning consent be granted for a grouped dwelling at Strata Lot 16 of Lot 51 Mount Barker-Porongurup Road Mount Barker subject to:

1. The development being in accordance with the plans dated 26 May 2009.
2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.
3. The position of the crossover being to the satisfaction of the Manager Works and Services.

AMENDMENT

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

That a part four be added to the motion as follows:

- ‘4. The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.’

CARRIED (9/0)

NO. 280/09

COUNCIL DECISION

That planning consent be granted for a grouped dwelling at Strata Lot 16 of Lot 51 Mount Barker-Porongurup Road Mount Barker subject to:

1. The development being in accordance with the plans dated 26 May 2009.
2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.
3. The position of the crossover being to the satisfaction of the Manager Works and Services.
4. The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.

CARRIED (9/0)

NO. 281/09

12.1.5 LOT 51 SEVENTH AVENUE CORNER DE GARIS STREET, KENDENUP – DWELLING WITH REDUCED SECONDARY STREET SETBACK

File No:	N12835
Attachments:	<u>Locality Plan</u> <u>Site Plan</u> <u>Elevations</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	13 October 2009
Applicant:	Alan Messenger

PURPOSE

The purpose of this report is to consider a proposal for a dwelling on Lot 51 Seventh Avenue corner De Garis Street, Kendenup, with a reduced secondary street setback.

BACKGROUND

Council records show the registered owner of Lot 51 is AA Messenger.

The previous owners, Vicky Burgess and Christine Barker, bought the property as what they believed to be a house in September 2006. After placing the property on the market earlier this year they were informed by the Council's Principal Building Surveyor (PBS) that the building was approved as an outbuilding. The building licence for the outbuilding was issued on 27 March 1992.

The new owner when buying the property on 21 August 2009 was made aware of the situation of the building being an outbuilding by the previous owners and the Council's PBS. The new owner is now seeking approval to convert the outbuilding with a secondary street setback of 2m to a dwelling where a secondary street setback of 3.0m is required.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) Zoned Rural - The property is located within the Kendenup Village where the boundary setbacks for buildings are per R 10 standards in the Residential Design Codes (RCodes). A secondary street setback of 3m is required in this instance.

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development.

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use

under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

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

- a) the stated purpose and aims of the scheme;*
- b) the provisions of parts 1-7 of the codes, as appropriate;*
- c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) any local planning strategy incorporated into the scheme;*
- f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) orderly and proper planning.'*

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

FINANCIAL IMPLICATIONS

The application fee of \$331.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Amendment No. 50 to TPS3 proposes this land to be zoned Residential (R5). That amendment is now with the Department of Planning for a report to the Western Australian Planning Commission and the Minister for Planning.

OFFICER COMMENT

The property is located within the Kendenup Village where the boundary setbacks for buildings are per R 10 standards in the RCodes.

The outbuilding was constructed in accordance with the building licence issued on 27 March 1992 with a secondary street setback of 2.0m. The RCodes at Table 1 – General site requirements, require a 3m secondary street setback.

Lot 51 is 3273m² in area and abuts Seventh Avenue to the east and the un-constructed De Garis Street to the north. The proposed house is a single storey building with a loft and 48m² in area. The roof is colorbond and the external walls are brick. The wall facing the un-constructed road does not have any major openings (windows or doors). The building is located 37m from the street boundary and 2m from the secondary street.

The property most directly affected by this proposal is Lot 968 located to the north of the application site. Due the 20m wide un-constructed De Garis Street being situated between the lots and Lot 968 being well covered in advanced vegetation, the proposed reduced secondary street setback in this instance is not likely to adversely affect privacy or amenity of the locality.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr J Mark:

That in accordance with clause 2.5.2 of the Residential Design Codes, the dwelling situated at Lot 51 Seventh Avenue corner De Garis Street, Kendenup be approved with a reduced secondary street setback of 2m subject to:

- 1. The development being in accordance with the plans dated 24 September 2009.**
- 2. A crossover being constructed and drained to the satisfaction of the Manager Works and Services.**

CARRIED (9/0)

NO. 282/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 LOT 625 (RESERVE 9859) - ROAD DEDICATION

File No:	N12816
Attachments:	Reserve 9859 - Map
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	13 October 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the dedication of the proposed road adjoining the south of Lot 625 (Reserve 9859) Lowood Road, Mount Barker. The proposed road is already constructed as a driveway on the southern boundary to provide vehicular access to the carpark of the Administration Centre land on Lowood Road.

BACKGROUND

This proposal is part of the ongoing rationalisation of reserves in the vicinity of the Council's administration building in Lowood Road Mount Barker. The Council at its meeting held on 10 March 2009 resolved:

'That State Land Services of the Department for Planning and Infrastructure be requested to rationalise lot and reserve boundaries in the vicinity of the Council's administration building as follows:

- 1. Lot 623 (Council freehold) and Lot 627 (Reserve 7694) be amalgamated to form one reserve for Shire Administration and Council Chambers, Park, Library, Car Parking, Toilets and Vehicular Access.*
- 2. The southern (approximately 5m wide) leg of Lot 623 (Council freehold) which extends over a sewer line be amalgamated with Lot 624 (Reserve 6454) to be part of Wilson/Centenary Parks complex.*
- 3. Lot 625 (Reserve 9859) be converted to freehold and transferred to the Council free of cost in exchange for the transfer of Lot 623 to the Crown at 1 and 2 above.'*

To the south of the driveway is a strip of land approximately 3m wide adjacent to the land owned by Fire and Emergency Services Authority (FESA) and marked with a boundary fence. State Land Services has recommended that the 3m wide strip of land, together with a further 23m wide strip to the east, be amalgamated into the proposed road reserve to create a 9m road reserve.

STATUTORY ENVIRONMENT

Land Administration Act 1997

- Lot 625 (Reserve 9859) – purpose Shire Office – Management Order in favour of the Council.

The Land Administration Act 1997 governs the road naming process.

FINANCIAL IMPLICATIONS

All costs associated with dedication of the proposed road will be the responsibility of the Shire. It is estimated that the advertising and signage will cost approximately \$500.00.

POLICY IMPLICATIONS

A road name has been suggested from Council Policy I/RR/1 – Future Street and Reserve Names.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

The name Hicks has been selected from the Council's Future Street and Reserve List. According to that list, Mr Hicks was the first blacksmith in Mount Barker. His shop was located opposite the Police Station.

The Geographic Names Committee Principals, Names and Guidelines document describes the suffix as follows:

- Close – A short enclosed roadway.
- Court – A short enclosed roadway.
- Cove – A short enclosed roadway.
- Place – A short sometimes-narrow enclosed roadway.

It is believed that the suffix 'Close' is the most appropriate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That:

- 1. A request be made to the Minister for Lands to dedicate the proposed road adjoining the south of Lot 625 (Reserve 9859) Lowood Road, Mount Barker as shown on the attached plan dated 2 October 2009 as road under Section 56(1) of the Land Administration Act.**

2. The Minister for Lands and the Department of Regional Development and Lands be indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred, by the Minister in considering and granting the request to dedicate the land as a road.
3. The proposed road adjoining the south of Lot 625 (Reserve 9859) Lowood Road, Mount Barker, as shown on the attached plan dated 2 October 2009 be named 'Hicks Close'.

CARRIED (9/0)

NO. 283/09

12.2.2 BUDGET REALLOCATION – ROADS TO RECOVERY

File No: N12813
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager of Works and Services
Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to consider an amendment to the 2009/2010 adopted budget by reallocating funds from the Roads to Recovery funded Eulup-Manurup Road reseal to the Lowood Road/Mondurup Street intersection realignment project.

BACKGROUND

The Council's budget was adopted on 14 July 2009. This budget includes an allocation of \$237,000.00 for the realignment of the Lowood Road/Mondurup Street intersection which is significantly less than the required funds for the completion of the project. The application which was submitted did not allow for a realignment of the intersection and is estimated at costing \$452,970.85 (inclusive of GST).

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 Financial Management, Division 4 General Financial Provisions.

Section 6.8 - Expenditure from municipal fund not included in annual budget.

- '(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*;* or
 - (c) is authorised in advance by the mayor or president in an emergency.'*

** Absolute majority required.*

- (1a) In subsection (1) —*
'additional purpose' means a purpose for which no expenditure estimate is included in the local government's annual budget.'

EXTERNAL CONSULTATION

The Chief Executive Officer and the Manager of Works and Services have had a site meeting with Main Roads WA's Regional Manager, Mr Andrew Duffield to discuss changing the scope of works for the project to represent the required realignment of the intersection.

FINANCIAL IMPLICATIONS

Should this item be adopted the result on the Council's Budget would be that the Eulup-Manurup Road reseal (Job Number 51253.0250) for the amount of \$162,089.00 is reallocated to Lowood Road/Mondurup Street intersection realignment project (Job Number 51254.0250)

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Result Area 2 provides the following aim in the Infrastructure category:

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

OFFICER COMMENT

Roads to Recovery funding can be used to fund the Council's contribution towards road works. It is recommended that Roads to Recovery funding which is allocated to the resealing of Eulup-Manurup Road be used to fund portion of the required funds for the Lowood Road/Mondurup Street intersection realignment project.

The Eulup-Manurup Road is in need of resealing and should the Council wish to reallocate these funds it would be prudent that the reseal for Eulup-Manurup Road be carried out during the 2010/2011 financial year using either Council or Roads to Recovery Funding depending on allocation of RTR funds.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That:

1. The Roads to Recovery funded reseal of Eulup-Manurup Road be reallocated to the Lowood Road/Mondurup Street intersection realignment project; and
2. The adopted 2009/2010 Annual Budget be amended as follows:

Account	Description	Current Budget	New Budget	Net Amount
51291.0250	Eulup-Manurup Road (SLK 0 to SLK 5.3)	(\$162,089)	(\$0)	\$162,089
51254.0250	Lowood Road – Mondurup Street	(\$237,000)	(\$399,089)	(\$162,089)

3. The sum of \$162,089.00 for the Eulup-Manurup Road reseal be recommended for inclusion in the 2010/2011 draft budget.

CARRIED (9/0)

NO. 284/09

(Absolute Majority)

12.2.3 POLICY REVIEW – RURAL ROAD HIERARCHY

File No:	N12812
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	13 October 2009

PURPOSE

The purpose of this report is to review Council Policy No. I/R/16 – Rural Road Hierarchy.

BACKGROUND

This policy was last reviewed by the Council on 24 October 2006.

Council Policy I/R/16 – Rural Road Hierarchy reads as follows:

OBJECTIVE:

The road hierarchy classification system provides a template to identify priority roads for asset maintenance purposes and the setting of minimum standards of construction for rural roads. This system incorporates traffic volume and design characteristics into the ratings system which will identify priority roads and major regional routes which require higher levels of funding and maintenance. Level of construction is the determining factor in the classification system. The aim is for all relevant staff and contractors to know what the ratings mean and the simple criteria behind them. This will assist communication between Councillors, staff, ratepayers and utilities. The hierarchy includes three (3) classifications, A, B and C Class roads.

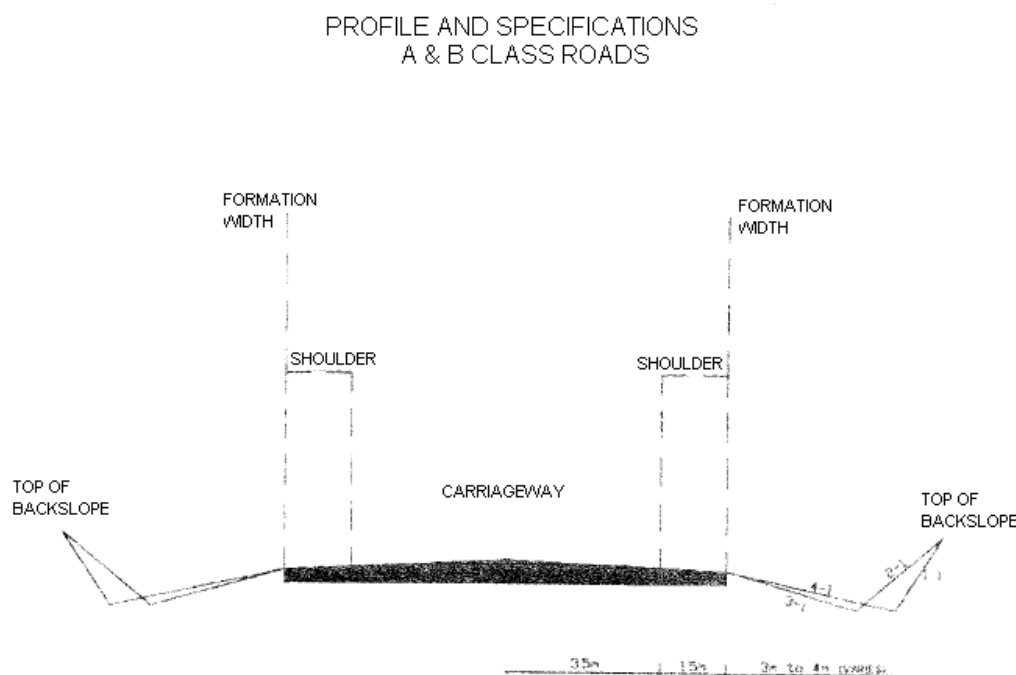
POLICY:

That Council roads be grouped into the three (3) categories below:

A Class Road

- *Major sealed strategic travel routes with major connecting purpose.*
- *200 or more average vehicle movements.*
- *Depending on design and development characteristics, the speed limits are set between 50kph in heavily built up areas with the open road limit being 110kph - topography permitting.*
- *Equates to a level five (5) road Hierarchy on the RoMan database. These roads will get priority budgeting consideration.*
- *7m or higher sealed section.*
- *1.5m shoulders left and right.*
- *10m formation.*
- *4%-%5 cross fall.*
- *Batter grade to be minimum 1-3 and maximum 1-4.*

- *Extent of clearing to be to the top of back slope. Drains will be cleared annually for re-growth by clearing or chemical spraying.*
- *Floodways to be equipped with a minimum of two (2) x 237mm culverts and headwalls.*



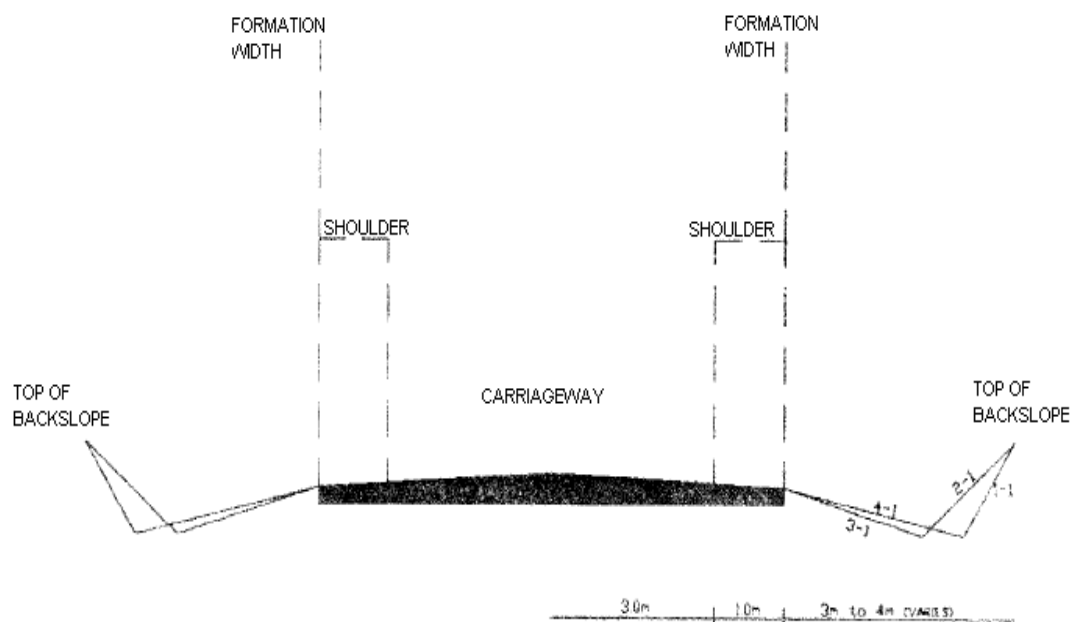
B Class Roads

- *This rating is for formed and paved gravel roads built to a pre-seal standard.*
- *These roads would be of strategic feeder and arterial significance.*
- *Gravel roads are de-restricted for speed and the driver is responsible for selecting a safe traveling speed.*
- *There should be no impairment for heavy goods vehicles: However passage in wet weather is actively discouraged.*
- *30-200 average daily vehicle movements.*
- *These roads are designed with the intention of potential bitumen sealing at a later time when traffic volumes justify it.*
- *Must have a 10m formation, 7m lane, 1.5m shoulders left and right and a 5% maximum cross fall.*
- *Batter grade to be minimum 1-3 and maximum 1-4.*
- *Extent of clearing to be to the top of back slope. Road reserves will be cleared annually for re-growth by clearing or chemical spraying.*
- *Floodways to be equipped with a minimum of two (2) x 237mm culverts and headwalls.*
- *4-5% cross fall range.*

C Class Roads

- *Non strategic property gravel / dirt access roads.*
- *10-30 average daily vehicle movements.*

- *Heavy goods vehicles should not be regular users of these roads and access may be compromised on some roads.*
- *8m formation width.*
- *6m carriageway width with 1m shoulders on both sides on formed roads.*
- *Roads may include table drains with the batter grade to be minimum 1-3 and maximum 1-4.*
- *May include minimally constructed roads.*
- *Roads not mentioned previously will be in this category.*



<i>Name</i>	<i>Hierarchy</i>
<i>Beverley Road</i>	<i>A</i>
<i>Carbarup Road</i>	<i>A</i>
<i>Chillinup Road</i>	<i>A</i>
<i>Denbarker Road</i>	<i>A</i>
<i>Frankland - Rocky Gully Road</i>	<i>A</i>
<i>Hannan Way</i>	<i>A</i>
<i>Martagallup Road</i>	<i>A</i>
<i>Mount Barker - Porongurup Road</i>	<i>A</i>
<i>Oatlands Road</i>	<i>A</i>
<i>Pardelup Road</i>	<i>A</i>
<i>Perillup Road</i>	<i>A</i>
<i>Settlement Road</i>	<i>A</i>
<i>Spencer Road</i>	<i>A</i>
<i>Sturdee Road</i>	<i>A</i>
<i>Tower Road</i>	<i>A</i>
<i>Woogenellup Road</i>	<i>A</i>
<i>Yellanup Road</i>	<i>A</i>
<i>Blue Lake Road</i>	<i>A / B</i>
<i>Bolganup Road</i>	<i>A / B</i>
<i>Boyup Road</i>	<i>A / B</i>
<i>Chauvel Road</i>	<i>A / B</i>
<i>Chorkerup Road</i>	<i>A / B</i>
<i>Eulup - Manurup Road</i>	<i>A / B</i>
<i>Jackson Road</i>	<i>A / B</i>
<i>Mallawillup Road</i>	<i>A / B</i>
<i>Mount Barker Road</i>	<i>A / B</i>
<i>Nornalup Road</i>	<i>A / B</i>
<i>Palmdale Road</i>	<i>A / B</i>
<i>Red Gum Pass Road</i>	<i>A / B</i>
<i>St Werburghs Road</i>	<i>A / B</i>
<i>Takalarup Road</i>	<i>A / B</i>
<i>Taylor Road</i>	<i>A / B</i>
<i>Woodlands Road</i>	<i>A / B</i>
<i>O'Neill Road</i>	<i>A / C</i>
<i>Pellew Road</i>	<i>A / C</i>
<i>Bangalup Road</i>	<i>B</i>
<i>Barrow Road</i>	<i>B</i>
<i>Bloxidge Road</i>	<i>B</i>
<i>Ferry Road</i>	<i>B</i>
<i>Halsey Road</i>	<i>B</i>
<i>Harwood Road</i>	<i>B</i>
<i>Healy Road</i>	<i>B</i>
<i>Hudson Road</i>	<i>B</i>
<i>Jellicoe Road</i>	<i>B</i>
<i>Jutland Road</i>	<i>B</i>
<i>Knight Road</i>	<i>B</i>
<i>Kwornicup Road</i>	<i>B</i>

<i>Lake Matilda Road</i>	<i>B</i>
<i>Martagallup - Tenterden Road</i>	<i>B</i>
<i>Moorilup Road</i>	<i>B</i>
<i>Morande Road</i>	<i>B</i>
<i>Narrikup - Chorkerup Road</i>	<i>B</i>
<i>Old Coach Road</i>	<i>B</i>
<i>Perillup South Road</i>	<i>B</i>
<i>Poorarecup Road</i>	<i>B</i>
<i>Quangellup Road</i>	<i>B</i>
<i>Quindabellup North Road</i>	<i>B</i>
<i>Quindabellup South Road</i>	<i>B</i>
<i>Rocky Gully Road</i>	<i>B</i>
<i>Settlement Road East</i>	<i>B</i>
<i>Seymour Road</i>	<i>B</i>
<i>Sidcup Road</i>	<i>B</i>
<i>Stirling School Road</i>	<i>B</i>
<i>Syred Road</i>	<i>B</i>
<i>The Springs Road</i>	<i>B</i>
<i>Turpin North Road</i>	<i>B</i>
<i>Turpin Road</i>	<i>B</i>
<i>View Range Road</i>	<i>B</i>
<i>Washpool Road</i>	<i>B</i>
<i>Wilson Road</i>	<i>B</i>
<i>Woogenellup North Road</i>	<i>B</i>
<i>Surrey Downs Road</i>	<i>B TO TIP / C</i>
<i>Burnside Road</i>	<i>B / C</i>
<i>Harvey Road</i>	<i>B / C</i>
<i>Jones Road</i>	<i>B / C</i>
<i>Mill Road</i>	<i>B / C</i>
<i>Reynolds Road</i>	<i>B / C</i>
<i>Watermans Road</i>	<i>B / C</i>
<i>Allenby Road</i>	<i>C</i>
<i>Amarillup Road</i>	<i>C</i>
<i>Angwin Park Road</i>	<i>C</i>
<i>Armstrong Road</i>	<i>C</i>
<i>Arnolds Road</i>	<i>C</i>
<i>Austin Street</i>	<i>C</i>
<i>Bails Road</i>	<i>C</i>
<i>Ball Road</i>	<i>C</i>
<i>Beattie Road</i>	<i>C</i>
<i>Belfield Road</i>	<i>C</i>
<i>Bevan Road [Mount Barrow]</i>	<i>C</i>
<i>Bore Road</i>	<i>C</i>
<i>Bostock Road</i>	<i>C</i>
<i>Boxhill Road</i>	<i>C</i>
<i>Branson Road</i>	<i>C</i>
<i>Bridges Road</i>	<i>C</i>
<i>Brunton Road</i>	<i>C</i>

<i>Bunker Road</i>	C
<i>Caldwell Road</i>	C
<i>Camballup Road</i>	C
<i>Carmendale Road</i>	C
<i>Carr Road</i>	C
<i>Castle Rock Road</i>	C
<i>Chapel Road</i>	C
<i>Clearhills Road</i>	C
<i>Collins Road</i>	C
<i>Coopers Road</i>	C
<i>Costello Road</i>	C
<i>Craddock Road</i>	C
<i>Creek Road</i>	C
<i>Crockerup Road</i>	C
<i>Crystal Brook Road</i>	C
<i>De Pledge Road</i>	C
<i>Duck Road</i>	C
<i>Duggan Road</i>	C
<i>Dunn Road</i>	C
<i>Duthie Road</i>	C
<i>Elliot Road</i>	C
<i>Fawcett Road</i>	C
<i>Filmer Road</i>	C
<i>Fisher Road</i>	C
<i>Ford Road</i>	C
<i>Forest Hill Road</i>	C
<i>Forster Road</i>	C
<i>Gaalgegup Close</i>	C
<i>Garyup Road</i>	C
<i>Gidley Lane</i>	C
<i>Gills Road</i>	C
<i>Gorton Road</i>	C
<i>Gough Road</i>	C
<i>Goundrey Road</i>	C
<i>Greenhills Road</i>	C
<i>Greeuw Road</i>	C
<i>Haig Road</i>	C
<i>Halden Road</i>	C
<i>Happy Valley Road</i>	C
<i>Harding Road</i>	C
<i>Hawker Road</i>	C
<i>Hay River Road</i>	C
<i>Hobbs Road</i>	C
<i>Holmes Road</i>	C
<i>Hope Valley View</i>	C
<i>Hughes Road</i>	C
<i>James Road</i>	C
<i>Jolly Road</i>	C
<i>Kalgan Plains Road</i>	C
<i>Kent River Road</i>	C

<i>Kidman Road</i>	C
<i>Kirkwood Road</i>	C
<i>Lake Barnes Road</i>	C
<i>Lake Katherine Road</i>	C
<i>Lionetti Road</i>	C
<i>Luscombe Road</i>	C
<i>Magpie Hill Road</i>	C
<i>Marks Road</i>	C
<i>McCook Road</i>	C
<i>McKeaig Road</i>	C
<i>McMahon Road</i>	C
<i>Merfield Road</i>	C
<i>Mildura Road</i>	C
<i>Millinup Pass Road</i>	C
<i>Millinup Road</i>	C
<i>Mills Road</i>	C
<i>Mira Flores Ave</i>	C
<i>Mitchell Road</i>	C
<i>Monash Road</i>	C
<i>Mulcahy Road</i>	C
<i>Munro Road</i>	C
<i>Newdegate Road</i>	C
<i>Newman Road</i>	C
<i>Nindiup Road</i>	C
<i>Papes Road</i>	C
<i>Pavlovich Road</i>	C
<i>Pearce Road</i>	C
<i>Pettit Rise</i>	C
<i>Pugh Road</i>	C
<i>Randell Road</i>	C
<i>Rawlinson Road</i>	C
<i>Red Hill Road</i>	C
<i>Renmark Road</i>	C
<i>Revet Brook Road</i>	C
<i>Riches Road</i>	C
<i>Robertson Road</i>	C
<i>Rogers Road</i>	C
<i>Ross Road</i>	C
<i>Sanders Road</i>	C
<i>Scott Road</i>	C
<i>Shanhun Road</i>	C
<i>Simpson Road</i>	C
<i>Sixpenny Road</i>	C
<i>Skinner Road</i>	C
<i>Smoker Road</i>	C
<i>Smuts Road</i>	C
<i>South Marmion Road</i>	C
<i>Spring Road</i>	C
<i>St Jack Road</i>	C
<i>Steicke Road</i>	C

<i>Stirlings Road</i>	C
<i>Stothard Road</i>	C
<i>Teddington Road</i>	C
<i>The Pass Road</i>	C
<i>Tingelup Road</i>	C
<i>Todd Road</i>	C
<i>Toone Road</i>	C
<i>Townsend Road</i>	C
<i>Trent Road</i>	C
<i>Wamballup Road</i>	C
<i>Wandoo Road</i>	C
<i>Wansbrough Walk</i>	C
<i>Warburton Road</i>	C
<i>Ward Road</i>	C
<i>Waycott Road</i>	C
<i>Webb Road</i>	C
<i>Whitworth Road</i>	C
<i>Williams Road</i>	C
<i>Williss Road</i>	C
<i>Woodville Road</i>	C
<i>Wragg Road</i>	C
<i>Wyuna Heights</i>	C
<i>Yallambe Road</i>	C
<i>Yaralla Road</i>	C
<i>Yerriminup Road</i>	C
<i>Young Road</i>	C'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

To achieve this we will:

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

OFFICER COMMENT

A number of amendments have been made to the policy. The objective has been simplified and the existing objective has been incorporated into the policy.

The average daily vehicle movements for 'B Class Roads' has been changed to 50-200 and 'C Class Roads' has changed to 0-50.

A number of amendments have been made to the rankings of individual roads following the Heavy Haulage Committee Workshop held on 22 September 2009.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That amended Council Policy No. I/R/16 – Rural Road Hierarchy as follows:

OBJECTIVE:

The objective of this Policy is to provide a template to identify priority roads for asset maintenance purposes and the setting of minimum standards of the construction of rural roads.

POLICY:

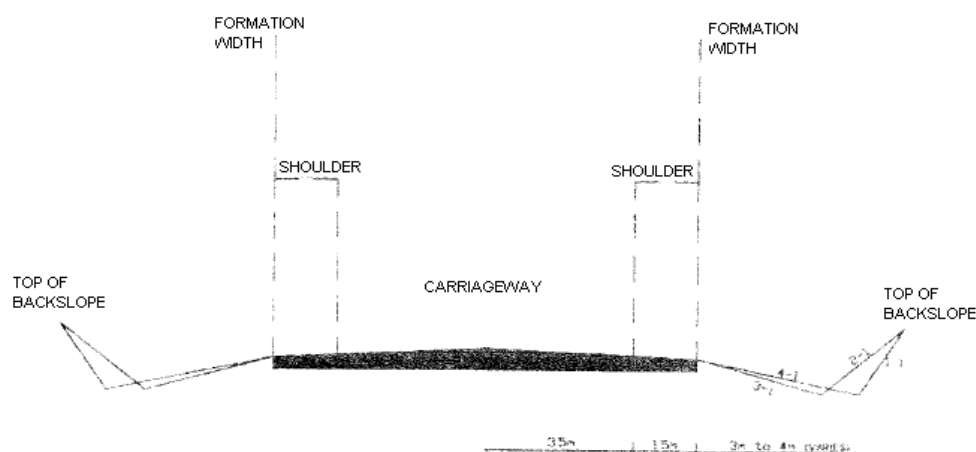
This system incorporates traffic volume and design characteristics into the ratings system which will identify priority roads and major regional routes which require higher levels of funding and maintenance. Level of construction is the determining factor in the classification system. The aim is for all relevant staff and contractors to know what the ratings mean and the simple criteria behind them. This will assist communication between Councillors, staff, ratepayers, residents and utility providers. The hierarchy includes three classifications, A, B and C Class roads. Some roads will have multiple classifications due to road standards on different parts of the road.

A Class Road

- a) Major sealed strategic travel routes with major connecting purpose.
- b) 200 or more average vehicle movements.
- c) Depending on design and development characteristics, the speed limits are set between 50km/h in heavily built up areas with the open road limit being 110km/h - topography permitting.
- d) Equates to a level five road Hierarchy on the RoMan database. These roads will get priority budgeting consideration.
- e) 7m or higher sealed section.
- f) 1.5m shoulders left and right.
- g) 10m formation.
- h) 4%-5% cross fall.
- i) Batter grade to be minimum 1:3 and maximum 1:4.
- j) Floodways to be equipped with a minimum of two x 375mm culverts and headwalls.

- k) 6m clearance height from established road formation to vegetation overhang.

PROFILE AND SPECIFICATIONS
A & B CLASS ROADS



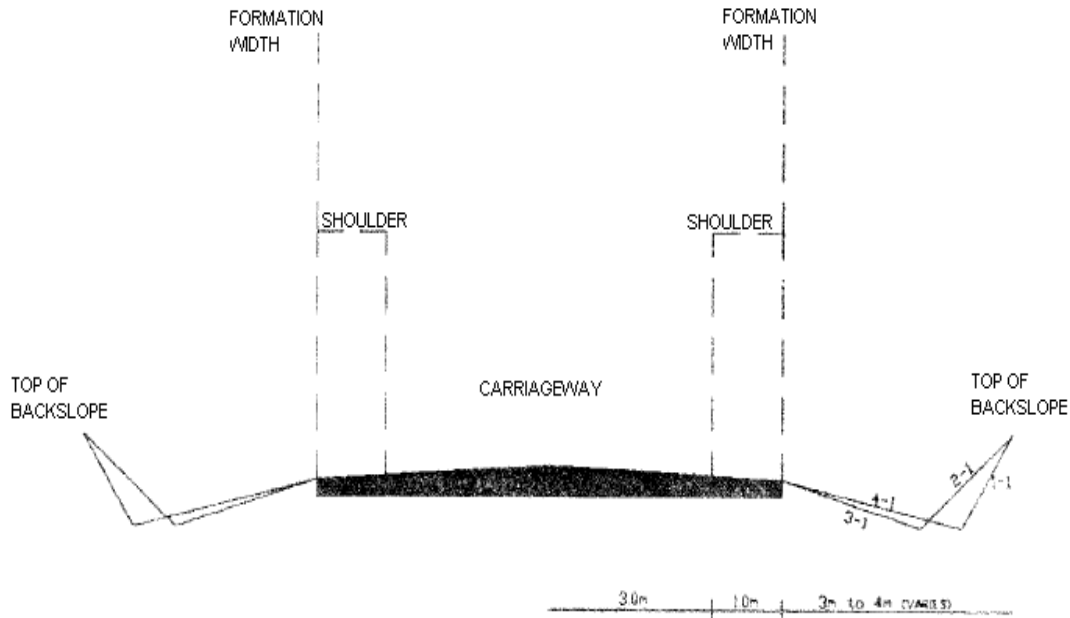
B Class Roads

- a) This rating is for formed and paved gravel roads built to a pre-seal standard.
- b) These roads would be of strategic feeder and arterial significance.
- c) Gravel roads are de-restricted for speed and the driver is responsible for selecting a safe traveling speed.
- d) There should be no impairment for heavy goods vehicles. However passage in wet weather is actively discouraged.
- e) 50-200 average daily vehicle movements.
- f) These roads are designed with the intention of potential bitumen sealing at a later time when traffic volumes justify it.
- g) Must have a 10m formation, 7m lane, 1.5m shoulders left and right and a 5% maximum cross fall.
- h) Batter grade to be minimum 1:3 and maximum 1:4.
- i) Floodways to be equipped with a minimum of two x 375mm culverts and headwalls.
- j) 4-5% cross fall range.
- k) 6m clearance height from established road formation to vegetation overhang.

C Class Roads

- a) Non strategic property gravel/dirt access roads.
- b) 0-50 average daily vehicle movements.
- c) Heavy goods vehicles should not be regular users of these roads and access may be compromised on some roads.
- d) 8m formation width.
- e) 6m carriageway width with 1m shoulders on both sides on formed roads.

- f) Roads may include table drains with the batter grade to be minimum 1:3 and maximum 1:4.
- g) May include minimally constructed roads.
- h) Roads not mentioned previously will be in this category.



Name	Hierarchy
Beverley Road	A
Carbarup Road	A
Chillinup Road	A
Denbarker Road	A
Frankland-Rocky Gully Road	A
Martagallup Road	A
Mount Barker-Porongurup Road	A
Oatlands Road	A
Perillup Road	A
Settlement Road	A
Spencer Road	A
Sturdee Road	A
Wooogenellup Road	A
Yellanup Road	A
Blue Lake Road	A/B
Bolganup Road	A/B
Boyup Road	A/B
Chorkerup Road	A/B
Eulup-Manurup Road	A/B
Jackson Road	A/B
Mallawillup Road	A/B
Mount Barker Road	A/B
Red Gum Pass Road	A/B
Takalarup Road	A/B
Taylor Road	A/B

Woodlands Road	A/B
O'Neill Road	A/C
Pellew Road	A/C
Barrow Road	B
Chauvel Road	B
Hannan Way	B
Healy Road	B
Jutland Road	B
Knight Road	B
Kwornicup Road	B
Lake Matilda Road	B
Martagallup-Tenterden Road	B
Millinup Road	B
Moorilup Road	B
Morande Road	B
Narrikup Road	B
Nornalup Road	B
Old Coach Road	B
Palmdale Road	B
Pardelup Road	B
Perillup South Road	B
Poorarecup Road	B
Quangellup Road	B
Quindabellup North Road	B
Quindabellup South Road	B
Rocky Gully Road	B
Settlement Road East	B
Seymour Road	B
Sidcup Road	B
South Marmion Road	B
St Werburghs Road	B
Stirling School Road	B
Syred Road	B
The Springs Road	B
Tower Road	B
Turpin North Road	B
Turpin Road	B
View Range Road	B
Washpool Road	B
Woogenellup North Road	B
Surrey Downs Road	B TO TIP/C
Craddock Road	B/C
Harvey Road	B/C
Halsey Road	B/C
Harwood Road	B/C
Jones Road	B/C
Mill Road	B/C
Reynolds Road	B/C
Watermans Road	B/C
Wilson Road	B/C

Allenby Road	C
Amarillup Road	C
Angwin Park Road	C
Armstrong Road	C
Arnolds Road	C
Austin Street	C
Bails Road	C
Ball Road	C
Bangalup Road	C
Beattie Road	C
Beattie West Road	C
Belfield Road	C
Bevan Road [Mount Barrow]	C
Bloxidge Road	C
Bore Road	C
Bostock Road	C
Boxhill Road	C
Branson Road	C
Bridges Road	C
Brunton Road	C
Bunker Road	C
Burnside Road	C
Caldwell Road	C
Camballup Road	C
Carmendale Road	C
Carr Road	C
Castle Rock Road	C
Chapel Road	C
Clearhills Road	C
Collins Road	C
Coopers Road	C
Costello Road	C
Creek Road	C
Crockerup Road	C
Crystal Brook Road	C
De Pledge Road	C
Duck Road	C
Duggan Road	C
Dunn Road	C
Duthie Road	C
Elliot Road	C
Fawcett Road	C
Ferry Road	C
Filmer Road	C
Fisher Road	C
Ford Road	C
Forest Hill Road	C
Forster Road	C
Gaalgegup Close	C
Garyup Road	C

Gidley Lane	C
Gills Road	C
Gorton Road	C
Gough Road	C
Goundrey Road	C
Greenhills Road	C
Greeuw Road	C
Haig Road	C
Halden Road	C
Happy Valley Road	C
Harding Road	C
Hawker Road	C
Hay River Road	C
Hobbs Road	C
Holmes Road	C
Hope Valley View	C
Hudson Road	C
Hughes Road	C
James Road	C
Jellicoe Road	C
Jolly Road	C
Kalgan Plains Road	C
Kent River Road	C
Kidman Road	C
Kirkwood Road	C
Lake Barnes Road	C
Lake Katherine Road	C
Lionetti Road	C
Luscombe Road	C
Magpie Hill Road	C
Marks Road	C
McCook Road	C
McKeaig Road	C
McMahon Road	C
Merfield Road	C
Mildura Road	C
Millinup Pass Road	C
Mills Road	C
Mira Flores Ave	C
Mitchell Road	C
Monash Road	C
Mulcahy Road	C
Munro Road	C
Newdegate Road	C
Newman Road	C
Nindiup Road	C
Papes Road	C
Pavlovich Road	C
Pearce Road	C
Pettit Rise	C

Pugh Road	C
Randell Road	C
Rawlinson Road	C
Red Hill Road	C
Renmark Road	C
Revett Brook Road	C
Riches Road	C
Robertson Road	C
Rogers Road	C
Ross Road	C
Sanders Road	C
Scott Road	C
Shanhun Road	C
Simpson Road	C
Sixpenny Road	C
Skinner Road	C
Smoker Road	C
Smuts Road	C
Spring Road	C
St Jack Road	C
Steicke Road	C
Stirlings Road	C
Stothard Road	C
Teddington Road	C
The Pass Road	C
Tingelup Road	C
Todd Road	C
Toone Road	C
Townsend Road	C
Trent Road	C
Wamballup Road	C
Wandoo Road	C
Wansbrough Walk	C
Warburton Road	C
Ward Road	C
Waycott Road	C
Webb Road	C
Whitworth Road	C
Williams Road	C
Williss Road	C
Woodville Road	C
Wragg Road	C
Wyuna Heights	C
Yallambe Road	C
Yaralla Road	C

Yerriminup Road	C
Young Road	C'

be endorsed.

CARRIED (9/0)

NO. 285/09

12.3 COMMUNITY SERVICES REPORTS

12.3.1 LEASE - MOUNT BARKER COMMUNITY CENTRE

A Financial Interest was disclosed by Cr K Clements.

Nature of Interest: Wife is employed by Plantagenet Sheds and Steel Pty Ltd, the main building contractors.

A Proximity Interest was disclosed by Cr D Nye-Chart.

Nature of Interest: Business partner is involved in the project.

3.36pm Cr Clements and Cr Nye-Chart withdrew from the meeting.

File No: N10973

Attachments: [Deed of Lease](#) – Mount Barker Community Centre

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Nicole Selesnew
Manager of Community Services

Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to consider a 55 year lease agreement with the Mount Barker Community Centre (MBCC) and the Baptist Union of Western Australia for the building, proposed building extensions (in accordance with a building licence) and area outside the building required for the convenient occupation of the building at Lot 53 Lowood Road Mount Barker.

Lot 53 Lowood Road, Mount Barker, is owned freehold by the Shire of Plantagenet.

BACKGROUND

The Council considered a proposal from the Mount Barker Baptist Church (representing the MBCC Board) to construct a Community Centre at Lot 53 Lowood Road, Mount Barker at its Ordinary Meeting held 8 May 2007. The Council resolved that:

- (1) *The Mount Barker Baptist Church be advised that the Council is prepared to engage in a lease for Lot 53 Lowood Road, Mount Barker for a period of fifty-five years, comprised of thirty years with an additional twenty-five year option, for the purpose of establishing the Mount Barker Baptist Church Community Centre.*
- (2) *The Chief Executive Officer and the Shire President be given authority to negotiate the terms of the lease for Lot 53 Lowood Road, Mount Barker with the Baptist Union of Western Australia and the Mount Barker Baptist Church.*
- (3) *The Mount Barker Baptist Church be advised that the Council is supportive of the necessary renovations and extensions required to the building located on Lot 53 Lowood Road, Mount Barker to accommodate the requirements of both the Mount Barker Baptist Church Community Centre and the Mount Barker*

Library, provided the Mount Barker Baptist Church finance all necessary changes and appropriate planning and development approvals are sought.

- (4) *The Chief Executive Office and Shire President be given authority to negotiate a Memorandum of Understanding (MOU) between the Mount Barker Baptist Church and the Shire of Plantagenet, including but not limited to the collocation of the Mount Barker Library on Lot 53 Lowood Road, Mount Barker, the use of the adjoining Sounness Park Oval, the exemption of rates for Lot 53 Lowood Road, Mount Barker, security provisions, library costs, zoning requirements and the composition of a Management Board for the Community Centre.*
- (5) *The council agrees to be a co-signatory to the Mount Barker Baptist Church's application for funding to the Regional Partnerships Program, seeking financial assistance to construct the Mount Barker Baptist Church Community Centre.*
- (6) *A public meeting be held at the discretion of the Shire President to discuss the Mount Barker Baptist Church Community Centre development and the Mount Barker Library collocation proposal.'*

The MBCC is progressing with the Community Centre concept and building alterations have commenced. Concurrently, the lease document has been prepared by the MBCC's legal representatives based on the previously negotiated Memorandum of Understanding (MOU) between the MBCC and the Shire of Plantagenet.

The Chief Executive Officer has reviewed the lease document. The attached lease binds the MBCC (tenant) and the Baptist Union of Western Australia (sponsor) for a period of 55 years and will require the common seal of the Council. The MBCC is the title given to the group that will be managing the Community Centre and is comprised of representatives from the Mount Barker Baptist Church, the Baptist Union, Shire of Plantagenet, members of the community and officers in an ex-officio capacity.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing.

Under Functions and General Regulations a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if:

'The land is disposed of to a body, whether incorporated or not –

- a) The objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- b) The members of which are not enlisted or permitted to receive any pecuniary profit from the body's transactions.'

The lease to the Mount Barker Community Centre would be an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with the MBCC, Mount Barker Baptist Church and representatives of the Baptist Union of Western Australia. Jarrod Thompson of Thompson Legal Services has provided advice to the Shire in relation to the lease document.

FINANCIAL IMPLICATIONS

It is proposed to lease the existing building, proposed building extensions (in accordance with a building licence) and adjoining areas outside the building required for the convenient occupation of the building (for example: carpark) at Lot 53 Lowood Road, Mount Barker, for a rental of one dollar per annum.

The Community Centre is responsible for financing all of the building alterations and new building extensions including the Public Library (excluding fit out).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The lease period for the Community Centre is 55 years. This will prevent Shire use of the leased buildings at the site for the duration of this period. However the use of the premises as a Community Centre providing a range of community services such as Centrelink, Foodbank, meeting spaces and offices for visiting agencies and After School Care will benefit the Council and Plantagenet residents.

OFFICER COMMENT

The MOU between the MBCC and the Shire of Plantagenet has provided the basis of the Deed of Lease document.

Given the start of building activities, it is recommended to finalise the Lease for the site.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Deed of Lease between the Shire of Plantagenet and the Mount Barker Community Centre (tenant) and the Baptist Union of Western Australia (sponsor) for the building, including any additions to the building constructed by the Mount Barker Community Centre in accordance with a building licence, and areas outside of the building required for the convenient occupation of the building, at Lot 53 Lowood Road, Mount Barker, for the purpose of Community, Recreation and Public Worship.

CARRIED (7/0)

NO. 286/09

3.48pm Cr Clements and Cr Nye-Chart returned to the meeting.

12.3.2 SPORT AND RECREATION PRECINCT PLANS - ADOPTION OF PLANS FOR FROST PARK AND SOUNNESS PARK IN MOUNT BARKER AND KENDENUP

File No:	N12807
Attachment:	Precinct Development Plans
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	13 October 2009

PURPOSE

The purpose of this report is to recommend the endorsement of the Sport and Recreation Precinct Plans for Frost Park and Sounness Park in Mount Barker and Kendenup.

BACKGROUND

The Recreation Advisory Committee (RAC) presented draft Sport and Recreation Precinct Plans for Frost Park, Sounness Park and Kendenup to the Council on 28 July 2008. The Council resolved to amend the draft plan for Kendenup to show the passive recreation area including skate park on the western side of the railway line and to advertise the Frost Park, Sounness Park and amended Kendenup draft plans for public comment for a period of 45 days.

STATUTORY ENVIRONMENT

The RAC was established pursuant to Section 5.9 (2) (a) of the Local Government Act 1995.

Further, the Council's Local Government Property Local Law empowers the Shire to determine the various uses of local government property, including recreational uses.

EXTERNAL CONSULTATION

The draft Sport and Recreation Precinct Plans were displayed at the Shire Administration Office, Mount Barker Recreation Centre, Mount Barker Public Library and the Shire website. Copies of the plans were also posted to all sport and recreation clubs that were involved in the planning process. An advertisement was placed in the Plantagenet News advising residents about the availability of the plans for public comment.

Forty submissions were received from sport and recreation clubs, people actively playing sport and interested citizens. A majority of submissions supported the plans and several submissions suggested alterations to the plans.

Following the distribution of the draft Sport and Recreation Precinct Plans consultation has occurred with numerous members of the public and sport and

recreation groups, representatives from the Mount Barker Community College and the Department of Sport and Recreation and Gerard Healy, planning consultant.

FINANCIAL IMPLICATIONS

The adoption of the draft Sport and Recreation Precinct Plans does not immediately tie the Council to expenditure on the proposed facilities. However, there will be an expectation from sport and recreation groups and the public that the Council moves forward with the proposed developments.

The 2009/2010 adopted budget lists capital expenditure for a multi-sports precinct at Sounness Park, Mount Barker (\$100,000.00) and an allocation for the Kendenup Skate Park (\$50,000.00).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan, Community Services, aims to:

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

In order to achieve this, the Council's current community services and facilities are being reviewed to:

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

OFFICER COMMENT

The public comments for the Sport and Recreation Precinct Plans were varied from general support of the concepts, suggestions for plan alterations, identification of opportunities for further collocation and resource sharing and criticism regarding the planning process and/or outcomes.

When considering the public comments the RAC supported several of the suggestions for plan alterations for the following reasons:

Public Comment	RAC recommendation
<p><i>Sounness Park</i> Combine the soccer and hockey pitch to one pitch with a synthetic surface</p>	<p>Local past and present hockey players have submitted a majority of the public comment submissions supporting a synthetic hockey pitch at Sounness Park. All hockey training and matches are presently played in Albany due to the lack of a local facility.</p> <p>The installation of a synthetic turf compared to a grass pitch is preferred due to the superior playing surface and ease of maintenance. The cost of installing a synthetic turf is in excess of \$600,000.00 (pending the necessary ground work and type of synthetic turf) however ongoing maintenance is</p>

	<p>negligible.</p> <p>A recent meeting with a representative from the State Hockey Association and Lower Great Southern Hockey League resulted in considerable support for a local synthetic turf and identified opportunities for joint use of the synthetic turf including soccer, junior cricket, outdoor netball and 'outdoor/indoor' hockey. Examples of joint use are occurring throughout the country.</p> <p>The installation of a synthetic hockey turf was identified in the draft Sport and Recreation Precinct Plan for Frost and Sounness Park, however joint use with another sporting code was not proposed. If soccer required more space than one pitch, then additional pitches could be marked on the football oval.</p> <p>The advantages of a joint use turf will result in the installation of one of set of lighting suited for both sports (as compared to lighting around both a soccer and hockey pitch) and will increase the use of the synthetic turf and associated 'turf fees' to aid fund turf replacement costs.</p> <p>The dimensions of a soccer and hockey field are very similar with a soccer pitch being the larger in length by 9m and width by 9m.</p> <p>By relocating the soccer pitch to a joint use turf site, the area left vacant by the soccer pitch can be utilised for a cricket specific area.</p>
<p><i>Sounness Park</i> Relocate the turf cricket wicket from the football oval to the former soccer site, to create a cricket specific area.</p>	<p>Feedback from both the local cricket clubs and the football club is that the retention of the turf cricket wicket on the football oval will not work unless the turf wicket is removable which is costly and requires significant maintenance.</p> <p>A representative from the Junior Cricket Club suggested the turf wicket be relocated to the former soccer pitch site where it could remain indefinitely. This would provide a cricket specific area for junior and senior cricket clubs. Additional temporary cricket pitches may be located on the synthetic turf or the football oval if/when required (a temporary pitch would need to be installed on the football oval if this was used as a cricket ground. Temporary pitches are readily available).</p>
<p><i>Frost Park</i> Incorporate an extension to</p>	<p>This feedback provided by the Mount Barker Turf</p>

<p>the race track via a chute along the south eastern side of the track</p>	<p>Club will result in races being started in the chute (distance pending) and horses racing along a long straight prior to negotiating any bends, resulting in a better quality of horse racing.</p>
<p><i>Kendenup</i> Identify the eastern side of the railway line as a future expansion area for passive recreation facilities and acknowledge that entry to the eastern side of the railway line will be through the existing vehicle crossing points and not a pedestrian crossing.</p>	<p>Several comments received from Kendenup residents did not support the passive recreation developments shown on the western side of the railway line due to the limited space and identified the eastern side of the railway line as a preference.</p> <p>Residents also queried the absence of a pedestrian crossing across the railway line and suggested that the Shire should negotiate with WestNet Rail for a pedestrian crossing.</p> <p>Shire staff have spoken with representatives from WestNet Rail as recently as 21 September 2009 and have been advised that a pedestrian crossing is not possible due to safety concerns.</p> <p>Local Kendenup groups such as the Kendenup Community Development Association are supportive of passive recreation developments (in particular the skate park) on the western side of the railway line due to a pre-existing Shire lease along the rail corridor and access from the townsite.</p> <p>The RAC has continued to support passive recreation developments on the western side of the railway line however would like to acknowledge future expansion across to the eastern side of the railway line if necessary. Advice from WestNet Rail has been that expansion to the eastern side of the railway line would only be supported if a fence was erected along the railway line and that access was via the existing vehicular crossings.</p>
<p><i>Kendenup</i> Relocate the proposed Kendenup Community Recreation Centre to the north east corner of the Agricultural Grounds area; and</p>	<p>A public meeting was organised in Kendenup on 31 August 2009 by the Kendenup Community Recreation Centre Committee, to gain community consensus regarding the location of the proposed community building. The building was originally mapped on the southern end of the tennis courts within the Agricultural Grounds site.</p> <p>Sixty four people attended the Kendenup meeting of which 58 people voted to relocate the proposed building to the north eastern corner of the Agricultural Grounds site.</p>

<p><i>Kendenup</i> Retain the trees around the tennis courts.</p>	<p>Comments received from Kendenup tennis players requested the trees around the tennis courts be retained to provide a wind break for tennis players.</p> <p>With the relocation of the Community Recreation Centre building to the north eastern corner of the Agricultural Grounds site it is important to note this consideration, to ensure the trees around the courts are retained regardless of a proposed building development nearby.</p>
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Shire staff met with Gerard Healy on 23 September 2009 to discuss the proposed amendments to the plans. Gerard supported the amendments and redrafted the plans. Copies of the amended Sport and Recreation Precinct Plans for Frost Park, Sounness Park and Kendenup were presented to the RAC on 1 October 2009. The Committee endorsed the plans for presentation to the Council once minor changes were carried out. Copies of the amended plans are attached.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements:

That:

- 1. The Sport and Recreation Precinct Development Plans for Frost and Sounness Parks in Mount Barker and Kendenup, as provided in Attachment One, be endorsed.**
- 2. The Recreation Advisory Committee be requested to prepare an implementation timeline and schedule of funding sources for the Precinct Development Plans.**
- 3. The Recreation Advisory Committee be requested to present the implementation timeline and schedule of funding sources to the Council for consideration during the 2010/2011 budget preparation process.**

CARRIED (9/0)

NO. 287/09

12.4 CORPORATE SERVICES REPORTS

12.4.1 LONG TERM FINANCIAL PLAN – 2009/2010 TO 2019/2020

File No:	N12828
Attachments: (1)	Stage 1 Draft Long Term Financial Plan
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	13 October 2009

PURPOSE

The purpose of this report is to present Stage 1 of the Draft Long Term Financial Plan (LTFP).

BACKGROUND

At its meeting held on 23 June 2009, the Council resolved *'that a working group be established comprising three Elected Members, the Chief Executive Officer and Deputy Chief Executive Officer to develop a Long Term Financial Plan and report back to the Council no later than 22 September 2009.'*

The Council further resolved that Cr K Clements, Cr J Moir and Cr M Skinner be appointed to the working group.

STATUTORY ENVIRONMENT

Although there is no legislative requirement for the Council to prepare a Long Term Financial Plan, it is good business practice and a useful financial management tool as resources become more finite and community expectations increase.

Under the Local Government Act 1995, all Councils are required to prepare a Plan for the Future as follows:

'5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.'*

A Long Term Financial Plan should assist the Council in achieving its adopted Plan for the Future and Strategic Plan goals.

CONSULTATION

Consultation has taken place with members of the Long Term Financial Planning Working Group, being Cr Michael Skinner, Cr Jeff Moir, Cr Ken Clements, Mr Rob Stewart – Chief Executive Officer and Mr John Fathers – Deputy Chief Executive Officer.

FINANCIAL IMPLICATIONS

The adoption of a sound Long Term Financial Plan will ensure that the Council has firm directions, goals and guidelines to assist in forward planning, annual budget preparation as well as allowing flexibility for when unforeseen opportunities or expenditures arise.

It also provides the Council with the opportunity to ensure that major infrastructure costs are distributed equitably between current and future ratepayers.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are Asset Management Implications for this report as Asset Management is an important aspect of planning for future expenditures. The adoption of Stage 1 of the LTFP will lead on to more detailed analysis and action in Stage 2 e.g.:

- a) asset rationalisation i.e.: reduction of under utilised assets or adoption of different maintenance standards;
- b) review of our maintenance program i.e.: better maintenance standards to increase asset life and reduce maintenance costs;
- c) review of our construction program i.e.: carefully considered construction that increases the benefit to the community whilst ensuring that expenditure is sustainable long term; and
- d) review of our road hierarchy/criteria to more realistic and achievable standards.

All of these areas will be closely considered with the view of reducing expenditure and increasing the life of our assets.

STRATEGIC IMPLICATIONS

There are no direct strategic implications for this, report although it is intended that the LTFP will work in conjunction with the objectives of the Strategic Plan.

OFFICER COMMENT

The Working Group considered many different factors and undertook a number of analyses in developing the recommendations in this LTFP. A summary of this process has been included in the LTFP document.

To date, the Working Group has developed Stage 1 of a LTFP which sets a broad financial framework for the coming ten financial years. Given the impending 2009 Council elections and structural reform proposals for local government in Western Australia, it is intended that the future Council will continue to work towards the finalisation of Stage 2, being the clarification of some outstanding issues and addition of detail. Stage 2 could also focus on more detailed planning for the next three to four years.

The Working Group considered that it would be very difficult to prepare a long term plan complete with specific capital projects. The Plan therefore provides an indication of discretionary capital works amounts for each year, but is flexible enough

to allow projects to be included or deleted based on a variety of factors. Rolling five year roadworks and other construction plans should be developed on an annual basis to give some direction to stakeholders and allow the plan to be regularly updated.

The LTFP provides a number of broad goals, directions and guidelines for achieving long term financial sustainability, responsibly matched with the Council's capacity to deliver the following outcomes:

- a) maintenance of current service levels;
- b) a capital works program that meets adequate asset renewal requirements;
- c) optimal plant replacement program;
- d) balanced budget;
- e) appropriate debt levels and financial ratios; and
- f) adequate reserve funds.

The continued provision of adequate and appropriate funding in the roadworks area was considered to be one of the main aims of an LTFP and for the future sustainability of the district. The Working Group particularly noted the work undertaken on the Recreation Precinct Plans and considered that the Frost and Sounness Parks Precinct Plan be a priority project for future funding.

The LTFP has been prepared using a number of assumptions which are detailed in the document. Any significant adverse change in these key assumptions could result in the non-achievement of some or all of the financial objectives.

It was considered that the Plan as presented is an honest assessment of the Council's ability to achieve certain goals, but that other goals require further consideration as to how they may be achieved over time.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Stage 1 of the Long Term Financial Plan 2009/2010 to 2019/2020, be adopted.
2. The Chief Executive Officer be requested to progress the completion of Stage 2 of the Long Term Financial Plan, which would include:
 - a) a more detailed focus for the next three to four years;
 - b) the development of policy on matters such as fees and charges, works program, rating levels, rationalisation of reserve funds and level of reserve funds; and
 - c) the refinement of figures contained in the plan as a result of a review of a review of the Shire's road construction and maintenance programs, road hierarchy and an asset rationalisation review.
3. A further report be presented to the Council at its meeting to be held on 22 June 2010.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That:

1. Stage 1 of the Long Term Financial Plan 2009/2010 to 2019/2020, be adopted, subject to the words 'e.g.: developing an additional recreation centre in another area when one already exists in Mount Barker' on page 12 of the document being deleted.
2. The Chief Executive Officer be requested to progress the completion of Stage 2 of the Long Term Financial Plan, which would include:
 - a) a more detailed focus for the next three to four years;
 - b) the development of policy on matters such as fees and charges, works program, rating levels, rationalisation of reserve funds and level of reserve funds;
 - c) the refinement of figures contained in the plan as a result of a review of a review of the Shire's road construction and maintenance programs, road hierarchy and an asset rationalisation review;
 - d) register of buildings unlikely to be replaced; and
 - e) capital requirements for alternative waste site(s).
3. A further report be presented to the Council at its meeting to be held on 13 April 2010.

CARRIED (9/0)

NO. 288/09

Reason for change

The Council considered that the development of a new waste disposal facility should be specifically identified for future consideration in Stage 2 of the plan as it is a major expense which the Council must undertake. A register of buildings which would not be replaced in the event of their destruction should also be determined by the Council. It was considered that Stage 2 should be developed in time for the 2010/2011 budget deliberation process. In addition, it was considered that the example of a recreation centre in Kendenup relating to the duplication of assets was misleading

12.4.2 POLICY REVIEW - PURCHASING AND TENDERING

File No: N12660
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 13 October 2009

PURPOSE

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

BACKGROUND

At its meeting held 13 February 2007, the Council adopted the pro-forma purchasing and tendering guide issued by the Western Australian Local Government Association, as follows:

'THAT:

Council Policy No. F/FM/7 - Purchasing and Tender Guide as follows:

'PURCHASING AND TENDER GUIDE**1.1 OBJECTIVES**

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

1.2 WHY DO WE NEED A PURCHASING POLICY?

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

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

- *Promotes effective governance and definition of roles and responsibilities;*
- *Upholds respect from the public and industry for the Shire of Plantagenet's purchasing practices that withstands probity examination; and*
- *Ensure the Council's Occupational Health and Safety Policy is considered when making purchasing decisions.*

1.3 ETHICS AND INTEGRITY

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

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

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

1.4 VALUE FOR MONEY

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

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

- *all relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;*

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

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

1.5 SUSTAINABLE PROCUREMENT

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

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

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

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

1.6 PURCHASING THRESHOLDS

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

Amount of Purchase	Policy
Up to \$1,000	Direct purchase from suppliers requiring only two (2) verbal quotations.
\$1,001 - \$19,999	Obtain at least three (3) verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three (3) written quotations
\$40,000 - \$99,999	Obtain at least three (3) written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

1.6.1 Up to \$1,000

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two (2) verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

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

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

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

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

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

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Shire of Plantagenet employee seeking the verbal quotations.

- *Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.*
- *Read back the details to the Supplier contact person to confirm their accuracy.*
- *Written notes detailing each verbal quotation must be recorded.*

Record keeping requirements must be maintained in accordance with record keeping policies. The Western Australian Local Government Association Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

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

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

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

NOTES: The general principles relating to written quotations are:

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

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

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

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

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

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

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

1.7 REGULATORY COMPLIANCE

1.7.1 Tender Exemption

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

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

1.7.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and / or services available from only one private sector source of supply (i.e.: manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one (1) source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

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

1.7.3 Anti-Avoidance

The Shire of Plantagenet shall not enter two (2) or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

1.7.4 Tender Criteria

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

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

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

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

1.7.5 Advertising Tenders

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

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

The notice must include:

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

1.7.6 Issuing Tender Documentation

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

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal

access to this information in order for the Shire of Plantagenet not to compromise its duty to be fair.

1.7.7 Tender Deadline

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

1.7.8 Opening of Tenders

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

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

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

The Tender Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two (2) Shire of Plantagenet Officers present at the opening of tenders.

1.7.9 No Tenders Received

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

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

1.7.10 Tender Evaluation

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

1.7.11 Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are

required, the Shire of Plantagenet may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

1.7.12 *Minor Variation*

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

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

1.7.13 *Notification of Outcome*

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

- *The name of the successful tenderer*
- *The total value of consideration of the winning offer*

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

1.7.14 *Records Management*

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

- *Tender documentation;*
- *Internal documentation;*
- *Evaluation documentation;*
- *Enquiry and response documentation; and*
- *Notification and award documentation.*

For a direct purchasing process this includes:

- *Quotation documentation;*
- *Internal documentation; and*
- *Order forms and requisitions.*

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

At its meeting held on 22 September 2009, this report was presented to the Council and a number of amendments were suggested. The Council subsequently resolved:

'That the question be adjourned and a further report prepared to enable issues regarding receiving and opening of tenders be examined and any further changes

caused by this amendment to the next meeting of the Council to be held on 13 October 2009.'

STATUTORY ENVIRONMENT

Section 3.57(1) of the Local Government Act 1995 states that:

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

Section 5.43 of the Act states that:

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

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

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

A council may delegate to its CEO to invite tenders under Section 3.57 of the Act and Part 4 of the Local Government (Functions and General) Regulations 1996 without inviting the necessity of setting a maximum limit on the tenders which the CEO may invite.

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

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

FINANCIAL IMPLICATIONS

This policy ensures that the purchasing of goods and services is compliant with legislative requirements and enhances the Council's accountability in this area.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

One area that has been regularly raised during past audits and again in our April 2008 Financial Management Review, is that purchase orders are being raised after suppliers' invoices have been received. The Auditor's recommendation was that *'all authorised officers be "reminded" of the need to ensure purchase orders are raised prior to the time of authorising works / services or ordering goods.'* They also noted that *'Purchases made without orders may commit the Shire to unauthorised expenditure.'*

To further enhance our management and control of purchasing, a paragraph has been added to the policy to provide that the Shire of Plantagenet will not pay invoices that do not quote a purchase order number. This is a standard business practice that ensures no invoices are drawn against the Shire without the appropriate controls.

Certain invoices would be exempt from such a requirement namely:

- Utilities.
- Invoices already governed by an agreement e.g.: rental payments; licensing fees.
- Kitchen staples e.g.: milk, tea, coffee.
- Minor stationery purchases (excluding the annual bulk stationery order which must be accompanied by quotes and a purchase order).

The policy has also been amended to reflect that some purchases, particularly minor ones, may be exempt from calling quotations such as low cost consumables and stationery etc. In addition, the Council has a number of preferred suppliers/contractors such as mechanical parts suppliers, plumbers, electricians, and I.T. technicians who have developed a good awareness of the Shire's facilities and infrastructure over a period of years. The policy provides that day to day expenditures may be made through such suppliers without invoking the need to obtain quotations. The policy has also been numbered to reflect current practice.

Further to the discussions at the Council meeting held on 22 September 2009, amendments have now been made to reflect that parties obtaining tenders documents become registered and that any tender received must be from a registered tenderer. These changes strengthen the process to ensure the recording of details of all parties who acquire the documentation. This is essential as if

clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information.

The process for lodgement of tenders has also been clarified. The State Government allows tenders to be submitted by a number of different media, including facsimile. It is considered that the Shire should specify that all tenders are to be submitted in hard (paper) copy by mail or in person in a sealed envelope clearly marked 'Tender - Confidential' and with both the tender number and title. This ensures that tender details remain confidential until the point where tenders are opened.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

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

'PURCHASING AND TENDER GUIDE

1.1 OBJECTIVES

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

1.2 WHY DO WE NEED A PURCHASING POLICY?

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

- a) Provides the Shire of Plantagenet with a more effective way of purchasing goods and services;
- b) Ensures that purchasing transactions are carried out in a fair and equitable manner;
- c) Strengthens integrity and confidence in the purchasing system;
- d) Ensures that the Shire of Plantagenet receives value for money in its purchasing;
- e) Ensures that the Shire of Plantagenet considers the environmental impact of the procurement process across the life cycle of goods and services;
- f) Ensures the Shire of Plantagenet is compliant with all regulatory obligations;
- g) Promotes effective governance and definition of roles and responsibilities;

- h) Upholds respect from the public and industry for the Shire of Plantagenet's purchasing practices that withstands probity examination;**
- i) Ensures the Council's Occupational Health and Safety Policy is considered when making purchasing decisions; and**
- j) Provides that the Shire of Plantagenet will not pay invoices that do not quote a purchase order number.**

1.3 ETHICS AND INTEGRITY

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

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

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

1.4 VALUE FOR MONEY

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

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

- a) all relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution,**

- as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- b) the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
 - c) financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
 - d) a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

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

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

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

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

- a) have been determined as necessary;
- b) demonstrate environmental best practice in energy efficiency/and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- c) demonstrate environmental best practice in water efficiency;
- d) are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;

- e) products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;
- f) for motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- g) for new buildings and refurbishments – where available use renewable energy and technologies.

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

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\$100,000 and above	Conduct a public tender process.

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

1.6.1 Up to \$1,000

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

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

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

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

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

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

The general principles for obtaining verbal quotations are:

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

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

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

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

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

NOTES: The general principles relating to written quotations are:

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

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

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

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

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

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

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

1.7 REGULATORY COMPLIANCE

1.7.1 Tender Exemption

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

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

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

1.7.2 Sole Source of Supply (Monopoly Suppliers)

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

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

1.7.3 Anti-Avoidance

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

1.7.4 Tender Criteria

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

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

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

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

1.7.5 Advertising Tenders

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

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

The notice must include:

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

1.7.6 Issuing Tender Documentation

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

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

1.7.7 Lodgement of Tenders

Tenders are to be:

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

Electronic mail tenders and facsimile tenders will not be accepted. A tender that is not received in full by the advertised Tender Deadline shall be rejected.

1.7.8 Opening of Tenders

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

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

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

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

1.7.9 No Tenders Received

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

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

1.7.10 Tender Evaluation

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

1.7.11 Addendum to Tender

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

1.7.12 Minor Variation

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

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

1.7.13 Notification of Outcome

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

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

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

1.7.14 Records Management

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

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

For a direct purchasing process this includes:

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

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

be endorsed.

CARRIED (9/0)

NO. 289/09

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 ADMINISTRATION OFFICE - CHRISTMAS CLOSURE

File No: N12802
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to seek approval to close the Shire's Administration Office, Recreation Centre and Libraries between Christmas and New Year - December 2009/January 2010.

BACKGROUND

The Council has authorised the closure of its facilities for the period between Christmas and New Year for a number of years and this has not caused any community disquiet or inconvenience.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The closure of the administration office is an opportunity for all members of the staff to utilise the former holidays enjoyed by officers in local government being Easter Tuesday and 2 January. Although these holidays were repealed some years ago, at arbitration they were retained to be taken at mutually convenient times and have been recognised in the negotiated Collective Agreement. The Chief Executive Officer has informed staff members that he would prefer these holidays to be taken between Christmas and New Year wherever possible to minimise disruption to office routine.

This year Christmas Day falls on a Friday and the Council will be asked to close the Council's facilities from close of business on Thursday 24 December 2009. This would mean that normal service would resume on Monday 4 January 2010.

- a) Friday 25 December 2009 Public Holiday;
- b) Monday 28 December 2009 Public Holiday (Boxing Day)
- c) Tuesday 29 December 2009 (Rostered Day Off in place of 25 December 2009)
- d) Wednesday 30 December 2009 Public Holiday (formerly Easter Tuesday)

- e) Thursday 31 December 2009 (Public Holiday - 2 January 2009 as required by collective agreement; and
- f) Friday 1 January 2010 (Public Holiday)

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That:

1. The Shire of Plantagenet's Administration Office, Mount Barker Public Library and the Rocky Gully Library be closed from close of business on Thursday 24 December 2009 with the resumption of normal services Monday 4 January 2010.
2. The Mount Barker Community Recreation Centre be closed from Thursday 24 December 2009 with the resumption of restricted services from Monday 4 January 2010. Normal services to be resumed from Monday 11 January 2010.
3. The closures inclusive of public holidays be advertised locally.

CARRIED (9/0)

NO. 290/09

12.5.2 OFFICE CLOSURE - CHRISTMAS CELEBRATION

File No: N12817
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to seek the consent of the Council to close the Mount Barker Office of the Council to allow staff to attend a Christmas celebration.

BACKGROUND

The Council's indoor staff social club has sought permission for the Mount Barker office to be closed on 18 December 2009 from 2.00pm to allow staff to attend a Christmas lunch.

A request of this type has not previously been made as a combined inside/outside Christmas party has traditionally been held at a Council venue. In the past the combined Christmas party has been held in late afternoon/early evening and partners and their children are invited for a BBQ/drinks with a 'secret santa'.

Attendance at these Christmas parties has been declining over time and the cost is now difficult to justify.

In early 2009 the Chief Executive Officer asked each Social Club as to their preference for a Christmas party due to concerns about declining numbers.

FINANCIAL IMPLICATIONS

The all staff Christmas functions held in the past has a direct cost of \$2,500.00. The cost of a Christmas Party attracts a Fringe Benefits Tax.

A general donation to a social club does not attract Fringe Benefit Tax.

It is suggested that a \$500.00 donation be made to each social club for their use.

In the past the outside social club members have sought permission to cease work early with Christmas approaching to hold their own BBQ in any case. Such permission has been granted in the past by the Manager Works and Services with the acknowledgment of the Chief Executive Officer.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

It is suggested that the office in Mount Barker be closed from 2.00pm on Friday 18 December 2009 to enable all staff working out of that office to attend a Christmas party being organised by the inside staff social club.

Advertising for the proposed closure will need to occur also. No direction should be made as to how such donations should be utilised.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Budrikis:

That:

1. Authority be granted for the Shire of Plantagenet Mount Barker Administration Office to be closed on Friday 18 December 2009 from 2.00pm.
2. A \$500.00 donation be made to both the inside and outside staff social clubs.
3. The closure of the office be advertised locally.

CARRIED (8/1)

NO. 291/09

12.5.3 STANDING COMMITTEES - FORMATION

File No: N12797
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to present to the Council information regarding the creation of Standing Committees and discuss the possibility of forming such Committees as part of the Council's governance and decision making systems.

BACKGROUND

The concept of Standing Committees in Local Government is a traditional form of governance. However, in more recent times Councils have moved away from Committees and increased the number of Council Meetings or created briefing and workshop sessions. This trend away from Committees has occurred over time to address 'secrecy' issues that have been raised at various enquiries into local government.

Nevertheless, Standing Committees can be beneficial. They help ensure that workloads of Councillors are shared equitably. They also give an opportunity for all Councillors to assume roles for defined areas of responsibility. Also, matters coming before the Council have already been overseen by a Councillor cohort.

STATUTORY ENVIRONMENT

Committees are established pursuant to Section 5.8 of the Local Government Act 1995.

Committees must be established by an Absolute Majority and appointments to Committees must be made by Absolute Majority.

FINANCIAL IMPLICATIONS

Some increased costs related to stationery and staff preparation time is expected. Four agendas would be prepared monthly instead of two.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area One-Corporate Services notes processes to ensure appropriate organisational practices are provided to effectively deliver services. It also notes that our success will be measured by Councillor satisfaction with governance administrative support.

OFFICER COMMENT

This matter is raised at this meeting of the Council as direction is needed for the Chief Executive Officer to compile the Agenda for the Special Meeting of the Council scheduled for 20 October 2009. At that Special Meeting the Council undertakes a number of very important statutory obligations including the election of Shire President and Deputy Shire President, the appointment of external representatives and also the creation of and appointment to Committees. As the Council has not had Standing Committees for at least eight years it would be inappropriate to simply present the concept at a Special Council Meeting.

The basic formation of Standing Committees would, it is suggested, be along the lines of a Finance and Corporate Services Committee, Works and Services Committee, and a Planning and Community Services Committee. The Finance Committee would have responsibilities relating to financial management, administration, trading undertakings, information technology and organisational practice. It would also cover areas such as legal services, public relations, internal audit, economic development, business and regional development, governance, corporate and strategic planning, risk management and community safety.

The Works and Services Committee would include responsibilities for infrastructure, natural resource management and waste management.

The Planning and Community Services Committee would include responsibilities for health and building control, statutory and strategic town planning, recreation, Ranger, Library, Swimming Pool and Emergency Services.

In the normal course of business standing committees would have three members and would not enjoy any delegation from the Council but would require to report to each Council meeting with recommendations to the Council. Again in the normal course of business recommendations from the Committees are moved and seconded by committee members and then dealt with in the normal course of debate.

As a number of experienced Councillors will be leaving the Council this October it is recommended that the further consideration of standing committees be put on hold to allow all Councillors to develop their understanding of local government processes and the issues coming before the Council. This will also allow workshops to be held relating to Standing Orders and Committee processes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

That consideration of the creation of Standing Committees be deferred until March 2010 and a further report be presented to the Council Meeting to be held on 23 February 2010 and a workshop relating to possible committee creation be held on 9 February 2010.

CARRIED (8/1)

NO. 292/09

12.5.4 VOLUNTEERISM IN PLANTAGENET

An Impartial Interest, Closely Associated Person Interest and Voluntary Disclosure was disclosed by Cr S Grylls.

Nature of Interest: Family member employed by Community College.

4.25pm Cr Grylls withdrew from the meeting.

File No: N12796

Attachments: [Notes - Volunteers Meeting O14238 - Volunteers Meeting - 25 September 2008](#)
[O14732 - Volunteers](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Rob Stewart
Chief Executive Officer

Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to provide information to Councillors regarding the meeting of volunteer group representatives held in the Shire of Plantagenet Council Chambers on 25 September 2008.

BACKGROUND

In August 2008, Sergeant Spicer addressed Councillors regarding his concern that the lack of volunteers in Mount Barker and the district of Plantagenet was reaching critical levels.

As a result of that meeting, the Shire President, Councillor Kevin Forbes AM wrote to all volunteer organisations in Plantagenet advising that a meeting of representatives from volunteer organisations would be held in the Council Chambers on 25 September 2008 so that the experiences of each organisation regarding their access to volunteers could be shared.

The notes that were taken at that meeting are attached to this report for the information of Councillors. The meeting resolved that the Chief Executive Officer would write to each organisation seeking further information especially in relation to the possibility of a promotional flyer being distributed within the community.

The letters referred to in the previous paragraph were sent out to all volunteer organisations in October 2008 and copies are attached. The response to those letters was minimal with responses being received from the Mount Barker Hospice Group, Lions Club of Mount Barker and the Plantagenet Cranbrook Home and Community Care.

Although the response was minimal it was nevertheless known that many of the volunteer groups had undertaken their own push for volunteers and had achieved some success.

What was not generally known at that time was that the Community College had commenced its own volunteer program which involved students undertaking a certain amount of volunteer hours within the community to assist with their graduation. However this volunteer program at the school has now fallen foul of the Government's three percent funding cuts and will most likely be discontinued unless external funding can be found.

EXTERNAL CONSULTATION

The Chief Executive Officer and Manager Community Services have met with College representatives.

FINANCIAL IMPLICATIONS

Should Council support be recommended, the potential cost to the Council could be \$8,000.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 3 Community Services notes a Council aim to deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well-being of the community.

OFFICER COMMENT

The Chief Executive Officer and the Manager Community Services met with Roger Barrett and Cherie Old, from the Community College to discuss the volunteer program.

Attached is a draft pamphlet being considered for distribution by the School should funding be found for the volunteer program. Coincidentally the pamphlet looks very much like the flyer that may have been designed if further interest had been shown by the volunteer organisations after the meeting held in 2008.

The School is seeking a contribution of \$8,000.00 to ensure that the program continues to run. The \$8,000.00 would effectively purchase a 0.2 full time equivalent officer at the school. Alternatively the school has asked whether the Council could take over the running of the program.

The request from the school does present a quandary. There are insufficient funds in the present budget to allocate \$8,000.00 to a volunteering program. However, the volunteering program has been a success and is developing a sense of volunteerism in school students, introducing them to concepts that they may not have been familiar with. Existing and previous students are participating in volunteer programs.

The school program addresses the needs of volunteerism in the community that were identified by the Sergeant last year and which have largely been agreed with by the volunteer groups and the Council. The continuation of the volunteer program would be beneficial.

The Federal Government has also commenced a program called the 'Golden Gurus', an initiative out of the Australia 2020 Summit.

The program aims to increase:

- a) the number of Mature Aged people who participate in Skilled Volunteering and Small Business Mentoring roles; and
- b) the availability of Skilled Volunteering and Small Business Mentoring opportunities for mature Age people.

The Council could consider being an organisational member of the program, but further research would be required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

That:

- 1. The concept of the Community College Voluntary Program be noted.**
- 2. The Manager Community Services be requested to present a further report to the Council identifying:**
 - a) key performance indicators for the College Voluntary Program;**
 - b) funding opportunities to assist with the program; and**
 - c) the potential for the Council to participate in the Federal Government 'Golden Gurus' program.**

CARRIED (8/0)

NO. 293/09

4.28pm Cr Grylls returned to the meeting.

12.5.5 POLICY CE/CS/5 - WORKSHOPS - ATTENDANCE BY MEMBERS OF THE PUBLIC

File No: N12703
Attachments: [Committee Meetings](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to seek Council direction relating to the attendance of Members of the Public at Council workshops.

BACKGROUND

The Council has adopted the practice of holding workshops to discuss items of interest and which may or may not come before the Council. This is a very practical way for developing policy or positions on matters and which also allows full debate without Standing Orders being applied and include staff participation.

However, as a workshop is not formally called in the same way that a Council or Committee Meeting is called rules about confidentiality for example are not in place. Also, the limited privilege that Councillors enjoy at a formal Council or Committee meeting do not apply.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy development will be recommended. The Council's policy relating to attendance by members of the public at Committee Meetings is attached.

OFFICER COMMENT

No particular concerns are raised regarding members of the public attending Council workshops. However, a workshop is primarily for the benefit of elected members and to a lesser extent staff members. There should be no legal expectation for members of the public to attend workshops in the same way as there is no legal expectation for members of the public to attend Committee meetings, unless that committee enjoys a delegated authority from the Council.

It would be a negative outcome if the attendance by members of the public at workshops stifled open debate as open debate is precisely what a workshop is intended to achieve.

Also, if members of the public are indeed welcome at workshops, should those workshops be advertised? Although we don't exclude members of the public from

committee meetings, neither do we advertise when they are to be held. Nor is their any legal requirement to do so.

Possibly, as a general concept, members of the public should be welcome at workshops. However, from time to time workshop subjects should not be open to public scrutiny as confidential, commercial or sensitive information may be discussed.

At the very least, some guidelines should be in existence so that should a situation arise, a policy base line is available to refer to.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That new Council Policy CE/CS/4 - Workshops - Attendance by Members of the Public as follows:

‘OBJECTIVE:

To give direction as to when members of the public may attend Councillor workshops.

POLICY:

The Council acknowledges that:

- 1. Councillor information workshops will be held from time to time to enable Councillor to be fully briefed on various matters.**
- 2. As a general position even though members of the public have no specific right to be in attendance at such workshops, the Council will not prevent such attendance unless the matters to be discussed would have been classified as confidential pursuant to the Local Government Act 1995 if the matter was being discussed at a formal meeting of the Council.’**

be adopted.

CARRIED (9/0)

NO. 294/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

Nil

15 CONFIDENTIAL**15.1.1 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT**

File No: N12818
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 13 October 2009

PURPOSE

The purpose of this report is to present to the Council a new Contract of Employment for the Chief Executive Officer to take into account the implementation of the Fair Work Act from 1 January 2010.

OFFICER RECOMMENDATION

That the Council consider this matter in the confidential component of this meeting due to:

- a) a matter affecting an employee or employees.

MOTION TO PROCEED BEHIND CLOSED DOORS

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

4.29pm That the Council move into a Confidential Session to discuss items under the terms of the Local Government Act 1995 as follows:

- a) a matter affecting an employee or employees.

CARRIED (9/0)

NO. 295/09

All Staff withdrew from the meeting.

MOTION TO PROCEED IN PUBLIC

Moved Cr K Clements, seconded Cr J Mark:

4:40pm That the meeting proceed in public.

CARRIED (9/0)

NO. 296/09

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

1. Being satisfied with the conditions of the proposed Contract of Employment for the position of Chief Executive Officer such contract be offered to Robert John Stewart on the terms and conditions as outlined in that contract for the period 14 October 2009 to 30 June 2014 and that authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the document.
2. The Chief Executive Officer be requested to continue to develop Financial Statements and Budget Reviews, including Project and Works Progress Reports to provide meaningful information to the Council and that the State of the District Reports be continued to be developed and that directions of the Council continue to be implemented and reported on in a timely manner including:
 - i) the development of quarterly capital works completion targets for 2009/2010;
 - ii) the development of a 5 year budget by 30 September 2009; and
 - iii) advising the Council of any potential threats and opportunities that may impact on the Shire's current and future financial position.
3. The points raised in (2) above be reported to the Council by the Chief Executive Officer at not less than quarterly briefing sessions.
4. The Chief Executive Officer's existing Contract of Employment shall expire, by mutual agreement between the Council and the Chief Executive Officer at midnight on 13 October 2009.

CARRIED (9/0)

NO. 297/09

(Absolute Majority)

16 CLOSURE OF MEETING

Cr K Forbes AM noted that this would be his last meeting. He took the opportunity to thank all Councillors for their support and hard work during his term as Shire President, commenting on how well the Council had worked as a team. He also said that it was sad that Cr D Nye-Chart had found it necessary to resign, but understood the circumstances that had brought this about.

Cr K Clements said that on behalf of all Councillors that the Council was privileged to have Cr Forbes at the helm. He has done an exemplary job as President for the last 12 years.

4:41pm The Presiding Member declared the meeting closed.

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