



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 8 February 2005.

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7	CONFIRMATION OF MINUTES.....	4
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	4
9	REPORTS OF COMMITTEES AND OFFICERS.....	6
9.1	DEVELOPMENT SERVICES REPORTS.....	6
9.1.1	COMMUNITY ARTS PROJECT - GOVERNMENT DAM, RESERVE 1790.....	6
9.1.2	GROUPED DWELLINGS - LOT 387, 6 BOOTH STREET, MOUNT BARKER; LOT 6, 32A & B MONTEM STREET, MOUNT BARKER AND LOT 85, 30A & B WEBSTER STREET, MOUNT BARKER.....	10
9.1.3	LOCATION 5471 ALBANY HIGHWAY, NARRIKUP - PRIVATE RECREATION.....	15
9.1.4	LOTS 779 & 780 SEVENTH AVENUE, KENDENUP - BUILDING HOME ACROSS BOUNDARY.....	18
9.2	TECHNICAL SERVICES REPORTS.....	20
9.2.1	TIRES FUNDING - SPENCER ROAD NARRIKUP.....	20
9.2.2	NOISE COMPLAINT - ROOSTER - LOT 3 MARMION STREET, MOUNT BARKER.....	23

9.3	EXECUTIVE SERVICES REPORTS.....	25
9.3.1	DELEGATION APPROVAL - BUILDING PLANS	25
9.3.2	COMMITTEE APPOINTMENTS - CHILLINUP LANDFILL SITE MANAGEMENT COMMITTEE	27
9.3.3	COMMITTEE APPOINTMENTS - RESIGNATION COUNCILLOR DONALDSON	29
9.3.4	GREAT SOUTHERN REGIONAL CATTLE SALEYARDS - AUTHORITY TO BORROW	32
9.3.5	PLANTAGENET DISTRICT HALL - PROPOSED UTILISATION	35
9.4	CORPORATE SERVICES REPORTS	39
9.4.1	FINANCIAL STATEMENTS – QUARTERLY - DECEMBER 2004	39
9.4.2	LEASE - NARPANUP GOLF CLUB.....	40
9.4.3	REPLACEMENT OF BARBECUE FACILITIES	42
9.4.4	GENERAL MEETING OF ELECTORS - 6 DECEMBER 2004....	45
9.5	COMMUNITY SERVICES REPORTS	47
9.5.1	SERVICE AGREEMENT DEED OF VARIATION - 2004-2005 PLANTAGENET HOME & COMMUNITY CARE (HACC).....	47
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	49
12	CONFIDENTIAL.....	49
13	CLOSURE OF MEETING.....	49

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.47pm The Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, read aloud the following disclaimer:

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

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

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

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

Cr K Forbes	Rocky Gully / West Ward - Shire President
Cr D Williss	East Ward – Deputy Shire President
Cr K Hart	Kendenup Ward
Cr J Moir	South Ward
Cr M Skinner	East Ward
Cr K Clements	Town Ward (Withdrew 3.27pm, Returned 3.32pm) (Withdrew 3.47pm, Returned 3.48pm)
Mr R Stewart	Chief Executive Officer
Mr S Bell	Executive Director Technical & Development Services
Mr J Byrne	Executive Director Corporate & Community Services
Ms D Baesjou	Manager Development Services
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer – Minutes & Agenda

There were five (5) members of the public present.

There were two (2) members of the media present.

Apologies

Cr J Cameron Rocky Gully / West Ward

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Presentation

David Williamson – Plantagenet Family Church (CP/88/1)

Councillors will be aware that the Plantagenet Family Church (PFC) has shown interest last year in using the District Hall complex, including the Home & Community Care (HACC) Centre, for its activities when HACC moved to Redman House. The church has used both the HACC Centre and then the Town Hall in 2000 for its regular Sunday meetings, and other activities during the week. Currently we are leasing the Uniting Church building but this has limitations for working with small groups of people. In using that building since early 2002 I believe we have shown ourselves to be good tenants and quite able to accommodate the Uniting Church for their periodic needs for funerals, anniversary events and the like.

We wrote to the Shire in December 2004 to 'establish the PFC's interest in leasing the current HACC Centre when it became vacant in 2005'. Subsequently we became aware of the desire by the Shire to consider offering the HACC Centre to the Returned Services League (RSL) whose facilities here in the shire office complex will be lost when the new administration centre is constructed.

The purpose of making a statement to the Council today is to inform you that the leaders of the PFC support the proposal which you will consider today that the lease of the HACC Centre be offered to a community group like the RSL. We have had some very positive discussions with representatives of the RSL. We agree that our use of the facilities at the Lesser Hall would be very complementary to those of the RSL, and this arrangement would see a fuller utilisation of the available facilities. We realise the importance of flexibility in use because there will be occasions in the year when, due to the needs of the RSL, the church would have to find an alternative location. We also recognise that there are periodic events organised by groups other than the RSL or the church for which the Lesser Hall would be the best venue. The church is very willing to collaborate fully with the RSL in planning the shared use of the facilities.

As far as the formal lease is concerned, it makes sense to us for there to be just one community organisation leasing the premises from the Shire. We can see good reasons why the RSL would be a preferred lessee. The church is willing to work with the RSL to formalise mutually acceptable sub-leasing arrangements, and provide a copy of the arrangements to the Shire.

We are aware that the HACC Centre will not be moving to Redman House until July 2005. If the Council agrees to leasing the HACC Centre to the RSL or other community organisation, there is adequate time for us to make appropriate arrangements with the lessee.

Thank you for allowing me to make this statement and we look forward to a favourable decision.

Presentation

Doug Ryan – Returned Services League (RSL) (CP/88/1)

The RSL would like to thank the Council for giving consideration to the placement / leasing requirements of the RSL due to the construction of the new administration building.

The RSL is confident that they and the PFC can reach an agreement suitable to both parties.

We are fully aware that the expectation on us is to allow other community groups access to and use of these premises.

In discussion with Mr Rob Stewart (CEO) and Mr David Williamson of the PFC, we are absolutely certain that an amicable agreement between the RSL and the PFC can be arranged for their use of the premises.

The RSL will also undertake research to source other community groups who may also be able to utilise the Lesser Hall.

We ask that you support the proposal that is before you today regarding this matter.

Presentation

Olive Bell – Millinup Road (RO/99/35)

Ms Bell noted that the last lot of funding for Millinup Road was included in the 2003-2004 Annual Budget and was concerned that once again the planned works for these roads had been deferred due to grants.

Ms Bell was aware that works funded by grants were governed by time restraints and that Council funded works were often delayed for this reason.

Ms Bell noted that work for the maintenance / construction of Millinup Road had been due to start in Autumn 2004, then Spring 2004 and finally Autumn 2005. If the work had been undertaken as planned, the funds being used to match the latest grants would not be available for transfer.

Ms Bell accepted that regular logging roads needed to be done but asked why this means that planned ordinary Council roads are neglected to meet the requirements of timber road grants.

Ms Bell noted that when looking at road funding to be considered in the Shire's 2005-2006 Annual Budget, it appeared that more matching funds would be required for grants, meaning that planned ordinary / regular works would be put back once again.

Millinup Road is in very bad condition in some areas and the Shire has been informed of residents' concerns.

The junction at Wainsborough Walk and Millinup Road is not a T Junction as it should be. After being told this matter would be fixed when the works program reaches the area, it looks like it will not happen until 2020.

Whilst I understand that our Shire has many roads needing work and that not all can be completed to schedule, this area is now well overdue.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr D Williss, seconded Cr K Hart:

That the Minutes of the:

Ordinary Meeting of Council held 14 December 2004;

Special Meeting of Council held 21 December 2004;

Special Meeting of Council held 21 January 2005; and

Special Meeting of Council 31 January 2005

be confirmed.

CARRIED (6/0)

No. 6/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Three disclosures of interest have been declared for today's meeting:
 - Item 9.2.1 - Cr K Forbes – Impartial
 - Item 9.5.1 - Cr K Clements– Financial
 - Item 9.1.3 – Ms D Baesjou -Financial
 - 6 January 2005 – A combined church service for tsunami victims was held at the local Anglican Church.
 - January 2005 – The opening of a new FESA building in Albany was attended by the Hon Kim Chance and the Hon Michelle Roberts.
 - 13 January 2005 – A TIRES meeting held in Mt Barker resulted in the Shire of Plantagenet being given extra funding towards road works.
 - 18 January 2005 – A farewell reception was held in the Council Chambers for Stephen & Donna Peacock who have left the region to move to Geraldton. The Peacock family were owners of the Mount Barker Newsagency for forty years. Stephen & Donna spent twenty three years at the newsagency after taking over from Stephen's father .
 - 21 January 2005 – Great Southern Zone of WALGA teleconference.
 - 26 January 2005 – Australia Day celebrations were held at Narrikup and Plantagenet Wines in Mount Barker and both were attended by the
-

Shire President and Chief Executive Officer. One (1) naturalisation was carried out on Australia Day making a total of sixteen held in the Shire of Plantagenet during the last twelve months.

- From 2-5 February 2005 the State Council met with Council representatives from the South West & Great Southern. Breakfast and dinner was held at Kelly's Steakhouse and attendants stayed at the Rayanne Homestead and Valley Views Motel. The feedback received was very positive.
- 10 February 2005 - The next Rainbow Coast Regional Council (RCRC) meeting will be held in the Council Chambers at 4.00pm.
- 11 February 2005 – A civic reception will be held to farewell the retiring Hon Monty House MLA at the Council Chambers commencing at 6.00pm.
- 15 February 2005 – The Structural Reform Regional Development meeting will be held in the Council Chambers for two hours commencing at 10.00am with lunch provided at 12.00 noon. Representatives from the Shire of Denmark, Shire of Cranbrook and our own representatives will be attending.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 COMMUNITY ARTS PROJECT - GOVERNMENT DAM, RESERVE 1790

Location / Address: Reserve 1790, Corner Albany Highway & Lowood Road, Mount Barker

Attachments: (2) Artist's Notes & Concept Plan

Name of Applicant: N / A

File Reference: I22345

Author: Delma Baesjou – Manager Development Services

Date of Report: 7 January 2005

Purpose

The purpose of this report is to consider a proposal for a community arts project within Reserve 1790, corner Albany Highway and Lowood Road, Mount Barker. The concept is for a metal sculpture/mural depicting a 1920's steam train along the top of the existing iron stone wall of the Government Dam.

Background

The 'A' Class Reserve is vested in the Shire of Plantagenet for the purpose of Recreation, with power to lease for up to five (5) years.

The subject land is shown as a 'Public Purpose' Local Authority Scheme Reserve on the Shire of Plantagenet Town Planning Scheme Maps.

The need for entry statements to the townsites in the Shire of Plantagenet has been identified at community workshops, through the customer satisfaction survey, by the Townscape Review process and by various tourism and marketing consultants. Relevant recommendations contained in the Townscape Review document include:

'4.3 Approaches and Entries

The main approaches to Mount Barker are already very pleasant, because of the "Rich and Beautiful" landscape of the Shire. The television mast is also a very significant landmark that announces the town from some distance away. The approaches are important to all travellers to the town which includes returning residents as well as visitors from the region and beyond. There is an opportunity to extend a welcome, and it can give a strong message about the Mount Barker community.

Albany Highway from the north

The approach is full of interest. The town is first glimpsed from the top of a rise in the road and immediately one is conscious of the major buildings of the recreation centre on the left. A transport yard on the western side is a strong symbol of a thriving country town, and only requires a little more attention in terms of tidiness and presentation.

Community Arts Project - Government Dam, Reserve 1790 (Cont.)

An announcement of the town should be located just north of this crest. This should take the form of the graphic entry statement with words simply giving the name of the town and extending a welcome.

The information bay is neat and welcoming and very importantly directs people to the tourist bureau for further information rather than providing it in an out of town location. The proposal in the 1992 report to provide seats and tables here should be avoided. Travellers should be encouraged to go straight to the town centre and stop there.

The turn off to the town centre is not so inviting. There is confusion of signage and no real welcome. The ironstone wall across the front of the Government Dam is daunting rather than inviting and the furniture placed there is similarly unattractive. Once the rehabilitation work on the dam is complete, a picnic area away from the road would be more effective.

The ironstone theme (also used at the southern entry) should be extended into the angle between Lowood Road and Albany Highway on the south side of the intersection, and used to support a strong welcoming sign directing travellers to the town centre. Lowood Road at this point needs greater definition and order to guide people to the beginning of the main street area. Strategically positioned groups of trees at the highway intersection leading into an avenue of trees along this section of Lowood Road would assist with defining the route.

Initiatives:

- *Install a strong announcement and welcome entry feature before crest of hill.*
- *Improve northern entry to town centre with welcoming directional signage.*
- *Remove superfluous signs.*
- *Define route to town centre using avenue trees and trees planted in groups.*

4.4 Main Entries to Town Centre

This section discusses the entries into the town centre from the Albany Highway. The highway intersections may be regarded as portals and they need to be attractive and welcoming. The way into the town centre from these points has to be clearly defined and also inviting.

The northern entry requires a single welcoming sign at the Albany Highway/Lowood Road intersection to replace a large number of signs which are too small and too numerous to be of benefit. As discussed in Section 3.3, the use of ironstone to support this sign would be in keeping with other work already completed. It is reasonably clear from this point which way to proceed to the town centre, but the edges of the road are weak and ill defined. Some additional tree planting at the intersection with McDonald Avenue (by the tennis courts) would be of benefit, as would formalisation of the bowling club car park on the eastern side of the road.

Initiatives:

- *Install a welcoming directional sign to town centre at the Albany Highway/Lowood Road intersection.*
- *Retain view to Plantagenet Hotel once building on north west corner is removed.*
- *Consider planting avenue of trees where possible to add definition to entry.*
- *Rationalise bowling club parking area.*
- *Plant trees adjacent to tennis courts.'*

Statutory Environment

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960

Consultation

Feedback and comments received during the consultation phase of the Townscape Review clearly identified the need for entry statements for the Shire of Plantagenet. The report recommends strong announcements and welcoming entry statements for Mount Barker.

This concept has been discussed briefly with the Townscape Review Steering Committee at its meeting held 5 October 2004. The committee considered the opportunity to coordinate this project with a proposed visitation by artist Irene Osborne who will be designing and painting the Mural on the rear wall of the storage units in Mount Barker Street.

The community art project has been discussed by the Mount Barker Rotary club, which has indicated its financial support.

Policy Implications

There are no relevant Local Government policy implications for this report.

Financial Implications

There is no specific budget allocation for community art, however Account Number 1040.1.182 Townscape – Lowood Road precinct may be utilised for the project and as the first stage of a Community Arts program.

An estimate of \$1,270.00 has been submitted by Irene Osborne for the community consultation phase of the program.

The Rotary Club has indicated it will provide funding for the template and framing for the sculpture/mural.

Strategic Implications

Key Result Area 3: 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.’

Officer Comment

There is a recognised need for entry statements and welcoming approaches to the town sites within the Shire of Plantagenet, and more particularly the main street of Mount Barker. The concept of a sculpture/mural will help in achieving the objectives of the Mount Barker Townscape Plan Review. It would compliment other current entry statement projects and encourage visitors into the main street. The 1920's steam train builds on the history of the site and the heritage of the town. The concept has merit and the structure is considered to be a robust, affordable and distinct entry feature for the Mount Barker town centre. The final position will be based on practicality, safety and design.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) A community art project within Reserve 1790, based on the 1920's steam train design concept as represented by the artist's notes and concept plan dated 2 February 2005 be endorsed; and**
- (2) The Chief Executive Officer be authorised to finalise the fabrication and installation of the sculpture / mural within Reserve 1790, corner Albany Highway and Lowood Road, Mount Barker.**

CARRIED (6/0)

No. 7/05

**9.1.2 GROUPED DWELLINGS - LOT 387, 6 BOOTH STREET, MOUNT BARKER;
LOT 6, 32A & B MONTEM STREET, MOUNT BARKER AND LOT 85, 30A &
B WEBSTER STREET, MOUNT BARKER**

Location / Address:	Lot 387, 6 Booth Street, Lot 6, 32A & B Montem Street, & Lot 85, 30A & B Webster Street Mount Barker
Attachments: (8)	Locality Plans Site / Floor Plans Elevations
Name of Applicant:	Department of Housing & Works
File Reference:	RV/182/1635, RV/182/1627, RV/182/1650
Author:	Delma Baesjou – Manager Development Services
Date of Report:	27 January 2005

Note: A memorandum dated 8 February 2005 from the Manager Development Services was tabled and is attached at the conclusion of this report.

Purpose

The purpose of this report is to consider the submissions and determine the three (3) applications for two (2) Grouped Dwellings on each of the following properties:

- Lot 387, 6 Booth Street, Mount Barker
- Lot 6, 32A & B Montem Street, Mount Barker
- Lot 85, 30A & B Webster Street Mount Barker

Background

It is proposed to build two (2) two bedroom dwellings on Lot 387, 6 Booth Street which is 2479m² in area. It is proposed to build a three and a four bedroom dwelling on Lot 6, 32A & B Montem Street which is 2083m² in area. It is proposed to build a two and a three bedroom dwelling on Lot 85, 30A & B Webster Street which is 1342m² in area. All three properties are zoned 'Residential' under the Shire of Plantagenet Town Planning Scheme No. 3. The R 10/20 Density Code applies. 'Grouped Dwelling' is an 'SA' use within the 'Residential' zone which means that Council may at its discretion, permit the use after Notice of the Application has been given in accordance with Clause 6.2.

Council records show the registered owners for all three properties to be the Department of Housing and Works.

A report on this matter was considered by the Council at its meeting on 14 December 2004. The following resolution was adopted:

'THAT:

- (1) *The application for two (2) Grouped Dwellings at each of the following properties being:*
- *Lot 387 Booth Street, Mount Barker*
 - *Lot 6 Montem Street, Mount Barker*
 - *Lot 85 Webster Street, Mount Barker*
-

Grouped Dwellings - Lot 387, 6 Booth Street, Mount Barker; Lot 6, 32A & B Montem Street, Mount Barker and Lot 85, 30A & B Webster Street, Mount Barker (Cont.)

be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within 21 days from the date of the notice.

- (2) *At the conclusion of the advertising period a further report be prepared for the consideration of the Council.'*

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
The Residential Design Codes of Western Australia (2002)
Health Act 1911
Building Code of Australia 2005

Consultation

Formal advertising was undertaken in accordance with Clause 6.2 of Town Planning Scheme No. 3 and the Council's resolution.

The notice period closed on 28 January 2005. Two submissions have been received. While neither objects to the development proposals, one requested that some or all of the dwellings be allocated to those over 55 years and stated this type of housing is needed in Mount Barker. This aspect of the development is not within the control of the Shire of Plantagenet. As the land owner and property Manager, Homeswest will determine whether or not the tenants are over 55. A further submission from an adjoining land owner requests that when the buildings are demolished, the strict control of the dismantling of the asbestos be adhered to. A demolition licence will need to be obtained and disposal of asbestos must comply with relevant legislation.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to ensure a mix of housing types taking into account changing demographics and environmental conditions.

Officer Comment

Subject to connection to reticulated sewer, the developments satisfy relevant standards contained in the Residential Design Codes including density, setbacks, parking and open space. The 3 metre front setback proposed for the carports on the development at Lot 6 Montem Street complies with the Design Codes, but is forward of the typical building line in that locality.

The replacement and upgrade of housing stock through the redevelopment program being undertaken by the Department of Housing & Works is supported. The proposals capitalise on existing infrastructure and represent consolidation of residential land use.

Grouped Dwellings - Lot 387, 6 Booth Street, Mount Barker; Lot 6, 32A & B Montem Street, Mount Barker and Lot 85, 30A & B Webster Street, Mount Barker (Cont.)

Note

Councillors are advised that the decision making required for this application will fall within the proposed delegation to the Chief Executive Officer in accordance with Amendment 36 of Shire of Plantagenet Town Planning Scheme No. 3. It is expected that a report regarding such delegations will be presented to the Council at its meeting to be held on 12 April 2005.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

THAT:

- (1) Planning consent be granted in respect of Application No. 37/04 for Lot 6, 32A & B Montem Street, Mount Barker to be developed for the purpose of a three and a four bedroom Grouped Dwelling in accordance with the plans dated 1 February 2005 subject to the following conditions:**
 - (a) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.**
 - (b) Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers.**
 - (c) Landscaping and sealed access ways and parking areas being installed in accordance with the approved plan.**
 - (d) The crossover, access ways and vehicle parking areas being funded and maintained by the developer.**
 - (e) The development being connected to reticulated sewer.**
 - (f) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.**

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:**
 - The Building Code of Australia 2004**

Grouped Dwellings - Lot 387, 6 Booth Street, Mount Barker; Lot 6, 32A & B Montem Street, Mount Barker and Lot 85, 30A & B Webster Street, Mount Barker (Cont.)

- **Building Regulations 1989**, in particular the need to obtain a Demolition Licence prior to the removal of the existing duplex.
 - **Health Act 1911**, in particular the safe and appropriate handling and disposal of asbestos.
- (2) **Planning consent be granted in respect of Application No 38/04 for Lot 85, 30A & B Webster Street Mount Barker to be developed for the purpose of a two and a three bedroom Grouped Dwelling in accordance with the plans dated 1 February 2005 subject to the following conditions:**
- (a) **All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.**
 - (b) **Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers.**
 - (c) **Landscaping and sealed access ways and parking areas being installed in accordance with the approved plan.**
 - (d) **The crossover, access ways and vehicle parking areas being funded and maintained by the developer.**
 - (e) **The development being connected to reticulated sewer.**
 - (f) **All conditions not of an ongoing nature being complied with, within six (6) months of this approval.**

ADVICE NOTES

- (i) **If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**
 - (ii) **The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:**
 - **The Building Code of Australia 2004**
 - **Building Regulations 1989**, in particular the need to obtain a Demolition Licence prior to the removal of the existing duplex.
 - **Health Act 1911**, in particular the safe and appropriate handling and disposal of asbestos.
- (3) **Planning consent be granted in respect of Application No. 39/04 for Lot 387, 6 Booth Street, Mount Barker to be developed for the purpose of two (2) two bedroom Grouped Dwellings in accordance with the plans dated 1 February 2005 subject to the following conditions:**
- (a) **All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.**

Grouped Dwellings - Lot 387, 6 Booth Street, Mount Barker; Lot 6, 32A & B Montem Street, Mount Barker and Lot 85, 30A & B Webster Street, Mount Barker (Cont.)

- (b) Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers.
- (c) Landscaping and sealed access ways and parking areas being installed in accordance with the approved plan.
- (d) The crossover, access ways and vehicle parking areas being funded and maintained by the developer.
- (e) The development being connected to reticulated sewer.
- (f) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.

ADVICE NOTE

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
 - The Building Code of Australia 2004
 - Building Regulations 1989, in particular the need to obtain a Demolition Licence prior to the removal of the existing dwelling.
 - Health Act 1911, in particular the safe and appropriate handling and disposal of asbestos.

CARRIED (5/1)

No. 8/05

The Author Of This Report Ms Delma Baesjou Has Disclosed An Interest In This Matter As She Is The Joint Operator Of A Similar Business In The Great Southern.

9.1.3 LOCATION 5471 ALBANY HIGHWAY, NARRIKUP - PRIVATE RECREATION

Location / Address:	Location 5471 Albany Highway, Narrikup
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	Leo Vigolo
File Reference:	RV/182/4748
Author:	Delma Baesjou - Manager Development Services
Date of Report:	31 January 2005

Purpose

The purpose of this report is to consider an application for Private Recreation on Location 5741 Albany Highway, Narrikup.

Background

It is proposed to use portion of the property for Paintball games for one month over summer for between two (2) and twenty (20) participants. The operator will provide safety gear and has a first aid certificate.

Shire records show the registered owner to be Estate of Lino Vigolo.

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is used for Rural purposes.

The proposed activity falls within the definition of Private Recreation as set out in the Scheme. Although the use is defined in the Scheme, it is not listed in the Zoning Table.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3, in particular Clauses 3.2 and 6.2.

Private Recreation - means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge and includes areas provided for spectators;

Clause 3.2.5 of Town Planning Scheme No. 3 sets out;

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.

Location 5471 Albany Highway, Narrikup - Private Recreation (Cont.)

Clause 6.2.3 of Town Planning Scheme No. 3 sets out:

Where the Council is required or decides to give notice of any application for planning consent the Council shall cause one or more of the following to be carried out:

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days stating that submissions may be made to the Council within the display period.

Building Code of Australia 2004

Consultation

Formal advertising is required. In this case referral to adjoining landowners is recommended. Given the frequency and duration of the operation, the security requirements for the equipment and the relatively low impact of the activity public notification through the newspaper and/or on site signage is not considered appropriate.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to 'Retain local business and encourage new businesses that will create sustainable local employment.' and 'New Initiative 4.3 - Encourage establishment of new businesses which provide employment and/or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'

Officer Comment

The proponent has indicated that the business will operate for one month over summer, for up to twenty (20) participants. The scale and duration of the activity is considered to be compatible with rural land uses.

All necessary Police licences will be required to be obtained. Fire safety, security, public liability and maintenance of access ways and parking areas will be the responsibility of the proponent.

Voting Requirements

Absolute Majority

Clause 3.2.5 Part (b) of Town Planning Scheme No. 3 requires determination by an Absolute Majority.

Location 5471 Albany Highway, Narrikup - Private Recreation (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr M Skinner:

THAT:

- (1) The proposed use of Plantagenet Location 5471, Albany Highway, Narrikup for Public Recreation (Paintball) be determined as consistent with the objectives and purpose of the Rural Zone pursuant to Clause 3.2.5 (b) of Town Planning Scheme No. 3.
- (2) The application be advertised in accordance with Clause 6.2 Part (a) of the Shire of Plantagenet Town Planning Scheme No. 3; and
- (3) A further report be prepared for consideration by the Council at its meeting to be held 12 April 2005.

CARRIED (6/0)

No. 9/05

**9.1.4 LOTS 779 & 780 SEVENTH AVENUE, KENDENUP - BUILDING HOME
ACROSS BOUNDARY**

Location / Address:	Lot 779 & 780 Seventh Avenue, Kendenup
Attachments: (4)	Locality Plan Site Plan Floor Plan Elevation from Building Licence 2371
Name of Applicant:	Ms N Devine
File Reference:	RV/182/2137, RV/182/3046
Author:	Delma Baesjou - Manager Development Services
Date of Report:	27 January 2005

Purpose

The purpose of this report is to consider an application for a relaxation of the minimum side setback standard to allow construction of a dwelling across the boundary of Lots 779 and 780 Seventh Avenue, Kendenup.

Background

It is proposed to build a dwelling across the common boundary of two (2) separate titles both in the name of Nicole Marthe Alice Devine.

A Building Licence for the development was submitted in November 2004. Following discussions with Council officers regarding the implications of developing across a lot boundary, the proponent submitted a revised site plan showing the dwelling contained within Lot 780 Seventh Avenue. The revised plan complied with the setback requirements of the Residential Design Codes and Building Licence 2371 was issued on 2 December 2004. The Licence was collected and paid for on 7 December 2005.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
The Residential Design Codes of Western Australia (2002)
Health Act 1911
Building Code of Australia 2004

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is not consistent with

Officer Comment

The development does not satisfy relevant standards contained in the Residential Design Codes as it crosses property boundaries. A reduction of the 1.5m side

setback standard is considered inappropriate in this zone. Further, the proponent has provided no justification for a variation.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

That planning consent be refused in respect of Application No. 01/05, for Lot 779 & 780 Seventh Avenue, Kendenup proposed to be developed for the purpose of Dwelling House, as set out on the concept plan dated 2 February 2005 for the following reasons:

- (1) The proposal is contrary to objective 1.6.1 of the Shire of Plantagenet Town Planning Scheme no. 3 'To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience, and economic and general welfare of its' inhabitants and the amenities of the area.'**
- (2) The proposed development does not conform with the Acceptable Development Provisions set out in Parts 3 and 4 of the Residential Design Codes of Western Australia October 2002 and the proponent has not provided justification for the variation.**
- (3) The proposed development does not conform with the minimum setback specified in Schedule IV – Zone Development Table of the Shire of Plantagenet Town Planning Scheme No. 3.**
- (4) The proposed setback variation will result in development that is inconsistent other residential development in the area; and**
- (5) The proposal would set an undesirable precedent.**

CARRIED (6/0)

No. 10/05

9.2 TECHNICAL SERVICES REPORTS

9.2.1 TIRES FUNDING - SPENCER ROAD, NARRIKUP

Location / Address:	Spencer Road, Narrikup
Name of Applicant:	N / A
File Reference:	RO/128/8
Author:	Stephen Bell – Executive Director Technical & Development Services
Date of Report:	31 January 2005

Purpose

The purpose of this report is for the Council to endorse or otherwise Timber Industry Roads Evaluation Strategy (TIRES) funding allocated towards the realignment, widening, reconstruction, and bitumen sealing of Spencer Road at Narrikup and the detailed design of the Narrikup town bypass (commonly referred to as the Mount Barker southern bypass).

Background

At its meeting of Thursday 13 January 2005, the Great Southern TIRES committee was advised by a representative from Main Roads Western Australia that the Minister for Planning and Infrastructure, the Hon Allanah McTiernan MLA, had allocated an additional \$2 million to the South West and Great Southern regions for use on roads of regional significance to the timber industry. Further, the funding was to be distributed on a 40:60 funding split and matched by respective local governments as follows:

Region	TIRES Funding Distribution (%)	TIRES Funding Allocation (\$)	Local Govt. Contribution (\$)	Total Funds (\$)
South West Region	40.0	800,000.00	400,000.00	1,200,000.00
Great Southern Region	60.0	1,200,000.00	600,000.00	1,800,000.00
Total	100.0	2,000,000.00	1,000,000.00	3,000,000.00

At the TIRES meeting, it was resolved to allocate \$600,000.00 to Spencer Road, which comprised \$100,000.00 for the detailed design of the Narrikup town bypass. However, as at the time of writing this report there has been no written confirmation from Main Roads Western Australia regarding the TIRES funding for Spencer Road.

Tires Funding - Spencer Road, Narrikup (Cont.)**Consultation**

There has been consultation with the Shire President, Councillor Kevin Forbes, Acting Regional Manager Main Roads Great Southern, Mark Pasalich, and the Great Southern TIRES committee.

Policy Implications

There are no policy implications for this report.

Financial Implications

If the Council resolves to accept the TIRES funding, then the Shire of Plantagenet will be required to match the funding on a two-thirds (2/3) one third (1/3) split as noted below:

Project	Funding	Proportion
TIRES – Spencer Road	\$600,000.00	Two Thirds (2/3)
Shire of Plantagenet – Spencer Road	\$300,000.00	One Third (1/3)
Total	\$900,000.00	

The Shire of Plantagenet has been advised by Main Roads Western Australia that the Council's contribution to the works on Spencer Road may be carried over into the 2005 / 2006 financial year. If possible however, the TIRES component of the funding should be expended prior to 30 June 2005.

Strategic Implications

The provision of engineering services is highlighted in the Shire of Plantagenet's Strategic Plan under Key Result Area 2 – Infrastructure.

Officer Comment

Following a review of the 2004 / 2005 adopted road construction program, it is possible to defer construction activities to free up the necessary funds for use on the Spencer Road project. However, as a large proportion of the road construction program has already been completed and/or projects deferred to match recent Regional Road Group (RRG) funding for Woogenellup Road, Mount Barker Porongurup Road and Chillinup Road, it is therefore difficult to raise all of the required funds in 2004 / 2005. Therefore, the shortfall will need to be allocated in the 2005 / 2006 annual budget to meet the Council's commitment to the Spencer Road project.

The projects identified for deferral during 2004/2005 are:

PROJECT	JOB NUMBER	ADOPTED BUDGET	FUNDS TO BE TRANSFERRED	COMMENTS
Palmdale Road	5035	62,500.00	\$62,500.00	Project to be reconsidered by the Council for inclusion in the 2005 / 2006 budget.
Jones Road	5144	\$30,000.00	\$20,000.00	Project to be reconsidered by the Council for inclusion in the 2005 / 2006 budget.

Tires Funding - Spencer Road, Narrikup (Cont.)

Millinup Road	5117	\$140,000.00	\$130,000.00	Project to be reconsidered by the Council for inclusion in the 2005 / 2006 budget.
		TOTAL	\$212,500.00	

The funding shortfall is as follows:

Required Contribution	\$300,000.00
Funds to be transferred from 2004/2005 annual budget	\$212,500.00
FUNDING SHORTFALL	\$87,500.00

All of the projects identified for deferral and the resultant funding shortfall will be listed for consideration during preparation of the 2005 / 2006 annual budget.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

THAT:

- (1) Additional Timber Industry Roads Evaluation Strategy (TIRES) funding allocation of \$600,000.00 from Main Roads Western Australia for the upgrade of Spencer Road, Narrikup be accepted.
- (2) Construction of Palmdale Road (Job No. 5035 - \$62,500.00) be deferred until 2005 / 2006 and that the funds be reallocated to match the TIRES funding allocation for the upgrade of Spencer Road Narrikup.
- (3) Part funds from Jones Road (Job No. 5144 - \$20,000.00) and Millinup Road (Job 5117 - \$130,000.00) be reallocated to match the TIRES funding allocation for the upgrade of Spencer Road Narrikup and that the construction of Jones Road and Millinup Road be deferred until 2005 / 2006.
- (4) The funding shortfall of \$87,500.00 that is required to meet the Council's contribution towards the upgrade of Spencer Road, Narrikup be committed during formulation of the 2005 / 2006 Annual Budget.

CARRIED (6/0)

No. 11/05

(Absolute Majority)

9.2.2 NOISE COMPLAINT - ROOSTER - LOT 3 MARMION STREET, MOUNT BARKER

Location / Address:	Lot 3 Marmion Street, Mount Barker
Name of Applicant:	Mrs J Giles
File Reference:	RV/182/4133
Author:	Mr Rob Thacker - Environmental Health Officer
Date of Report:	31 January 2005

Purpose

The purpose of this report is to determine whether Mrs J Giles is permitted to keep a rooster on Lot 3 Marmion Street, Mount Barker.

Background

In December 2004, a written complaint was received from Mr Maskell of Lot 4 Marmion Street, Mount Barker relating to a noise nuisance being created by the crowing of a rooster on a neighbouring property. In response to this complaint, Mr Rob Thacker (Environmental Health Officer) requested that Mrs Giles, the owner of the rooster, remove the rooster from the property.

In response, Mrs Giles has requested that the Council consider the matter and determine whether she may be allowed to keep the rooster on her property.

Statutory EnvironmentCouncil Local Law 5.4.4 (1)

An occupier of premises within a townsite, shall not without the written approval of the Council, keep or permit to be kept on those premises, any one or more of the following fowl –

(a) rooster

Council Local Law 5.4.4 (2)

The Council may upon written application, grant approval with or without conditions to the owner or occupier of a premises to keep any one or more birds as specified in subsection (1) of this section.

There are provisions in the Environmental Protection (Noise Abatement) Regulations that can be applied to this form of noise.

Consultation

Other neighbours in the immediate area were canvassed with no objections.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Noise Complaint - Rooster - Lot 3 Marmion Street, Mount Barker (Cont.)**Officer Comment**

The rooster is kept approximately fifty metres from Mr Maskell's home and it is reasonable to believe that the rooster could be easily heard from his property, particularly during the night and early morning.

Due to the difficulty in measuring noise levels (required by Noise Abatement Regulations) from roosters and other noisy birds, many Councils have adopted Local Laws to address this issue. Most Councils then enact their Local Laws to resolve nuisances created by crowing roosters.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The request to keep a rooster on Lot 4 Marmion Street, Mount Barker be refused; and
- (2) The rooster be removed from the property within seven (7) days of receiving notification.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

That the request from Ms Giles to keep a rooster on Lot 4 Marmion Street, Mount Barker be granted.

CARRIED (6/0)

No. 12/05

Reason For Change

Councillors did not believe that the rooster constituted a nuisance.

9.3 EXECUTIVE SERVICES REPORTS

9.3.1 DELEGATION APPROVAL - BUILDING PLANS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	Personal
Author:	Rob Stewart - Chief Executive Officer
Date of Report:	2 February 2005

Purpose

The purpose of this report is to seek from the Council a delegation to the Council's Building Surveyor to approve or refuse plans and specifications submitted to the Council pursuant to Section 374 of the Local Government (Miscellaneous Provisions) Act 1960.

Background

A Building Surveyor employed by a local government will generally be authorised to issue building licences pursuant to a delegation granted by the local government.

Statutory Environment

Section 374 of the Local Government (Miscellaneous Provisions) Act 1960 provides that a person shall submit to the local government a copy of specifications and plans showing building or buildings being proposed to be built. The section further provides that such building will not commence until such time as those plans have been submitted and approved by the local government.

Further, the Section provides that the authority to approve or refuse to approve plans may be delegated by a local government to a person appointed to the office of Building Surveyor provided that the Building Surveyor shall not refuse to approve plans that conform to all local laws and schemes in force in the relevant district.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Building Surveyor will report to the Council on a monthly basis as to when the delegation is utilised. In the event that the Building Surveyor is of the opinion that a licence should not be issued for plans and specifications that conform with the Regulation Local Laws and the Town Planning Scheme No. 3, such applications are to be referred to Council for determination.

Delegation Approval – Building Plans (Cont.)**Voting Requirements**

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION**Moved Cr K Clements, seconded Cr D Williss**

That pursuant to Section 374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960, Mr Alan Watkins Building Surveyor for the Shire of Plantagenet is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

- (1) all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
- (2) all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters;

the Building Surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions as the Principal Building Surveyor considers necessary.

All licences issued under this delegated authority shall, in addition to any conditions imposed by the Building Surveyor, contain and be subject to the following conditions:

- (a) The building licence is valid for a maximum period of twenty-four (24) months.
- (b) The licence is void if the work covered by it is not substantially commenced within twelve (12) months of the date of issue.
- (c) Whenever required to do so by the Building Surveyor the holder of the licence shall produce the approved plans, drawings and specifications for inspection.

CARRIED (6/0)**No. 13/05****(Absolute Majority)**

**9.3.2 COMMITTEE APPOINTMENTS - CHILLINUP LANDFILL SITE
MANAGEMENT COMMITTEE**

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WM/103/4
Author:	Rob Stewart - Chief Executive Officer
Date of Report:	17 January 2005

Purpose

The purpose of this report is to seek from the Council appointments to the Chillinup Landfill Site Management Committee.

Background

The Council at its meeting held on 17 August 2004 appointed Cr Moir as its representative along with Cr Clements as Deputy to the Chillinup Landfill Site Management Committee.

Statutory Environment

Section 5.11 (2) Where a person is appointed as a member of a committee other than under Section 5.10 (4) or (5), the person's membership of the committee continues until:

- (a) the term of the person's appointment as a committee member expires;
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

Consultation

The Shire of Gnowangerup has advised that its delegate is Cr Robert Hitsert with Cr Kerry Stone as Deputy.

The Shire of Denmark has advised that its delegate is Cr John Wakka.

The Shire of Cranbrook has advised that its delegate is Cr Peter Drage with Cr Nick Burges as Deputy.

The City of Albany has advised that it will not have representation.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Key Result Area 2 Infrastructure: Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That external representation on the Chillinup Landfill Management Committee be:

- (1) Councillor Robert Hitsert and Cr Kerry Stone (Deputy) representing the Shire of Gnowangerup;**
- (2) Councillor John Wakka representing the Shire of Denmark; and**
- (3) Councillor Peter Drage and Cr Nick Burges (Deputy) representing the Shire of Cranbrook.**

CARRIED (6/0)

No. 14/05

(Absolute Majority)

9.3.3 COMMITTEE APPOINTMENTS - RESIGNATION COUNCILLOR DONALDSON

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GO/44/1
Author:	Kaye Skinner - Executive Secretary
Date of Report:	17 January 2005

Purpose

The purpose of this report is to seek from the Council fresh appointments to committees due to the resignation of Councillor Donaldson.

Background

Prior to his resignation, Councillor Donaldson was a member of the following Committees:

- Community Recreation Centre Advisory Committee (Presiding Member)
- Municipal Inventory Advisory Committee
- Plantagenet Historical Society
- Audit Committee (Deputy)
- Tidy Towns Committee (Community Progress Awards) (Deputy)
- Disability Services Committee (Deputy)
- Mount Barker Playgroup, Toy Library & Longday Care Centre Committee (Deputy)
- Frost Park Advisory Committee (Deputy)
- Albany Port Authority User Liaison Group (Deputy)
- Albany Port Authority – Community Liaison Group (Deputy)
- Rainbow Coast Regional Council (Deputy)
- Mount Barker Accord Committee
- Timber 2020 (Deputy)
- Southern Agcare (Mr T Donaldson has advised that he will continue until the May 2005 elections when new Committees are elected).

Statutory Environment

Section 5.11 of the Local Government Act 1995 provides that a person's appointment as a member of a Committee continues until (among other things) the person's appointment expires. With his resignation as Councillor, each position occupied by Councillor Donaldson is effectively vacant.

Appointment of committee members is covered by Section 5.10 of the Act.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Appointments be made to various committees and external agencies due to the resignation of former Councillor Tom Donaldson as follows:
 - Community Recreation Centre Advisory Committee (Presiding Member)
 - Municipal Inventory Advisory Committee
 - Plantagenet Historical Society
 - Audit Committee (Deputy)
 - Tidy Towns Committee (Community Progress Awards) (Deputy)
 - Disability Services Committee (Deputy)
 - Mount Barker Playgroup, Toy Library & Longday Care Centre Committee (Deputy)
 - Frost Park Advisory Committee (Deputy)
 - Albany Port Authority User Liaison Group (Deputy)
 - Albany Port Authority – Community Liaison Group (Deputy)
 - Rainbow Coast Regional Council (Deputy)
 - Timber 2020 (Deputy)
- (2) Mr Tom Donaldson continue to represent the Shire of Plantagenet on the Southern Agcare Committee.

COUNCIL DECISION

Moved Cr K Hart, seconded Cr M Skinner:

That Cr K Clements be appointed as a Member of the Community Recreation Centre Advisory Committee.

CARRIED (6/0)

No. 15/05

(Absolute Majority)

Moved Cr M Skinner, seconded Cr K Clements:

That Cr D Williss be appointed as a member of the Plantagenet Historical Society Committee.

CARRIED (6/0)

No. 16/05

(Absolute Majority)

Moved Cr K Clements, seconded Cr D Williss:

That Cr K Forbes be appointed as a member of the Municipal Inventory Advisory Committee.

CARRIED (6/0)

No. 17/05

(Absolute Majority)

9.3.4 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS - AUTHORITY TO BORROW

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CA/126/1
Author:	Rob Stewart - Chief Executive Officer
Date of Report:	2 February 2005

Purpose

The purpose of this report is to seek authority from the Council to commence the processes necessary to enable the Council to borrow funds to purchase the Great Southern Regional Cattle Saleyards.

Background

At the Special Meeting of Council held on 31 January 2005 it was resolved:

'THAT:

- (1) The acceptance by the City of Albany of the Shire of Plantagenet's offer to purchase the City's fifty per cent share of the Great Southern Regional Cattle Saleyards for the sum of \$1 million be noted.*
- (2) The Chief Executive Officer be authorised to immediately proceed to advertise, pursuant to Section 3.59 of the Local Government Act 1995, the intention by the Shire of Plantagenet to commence a major trading undertaking and that a Draft Report prepared by the Western Australian Meat Industry Authority on behalf of the Shire of Plantagenet is available to be inspected or obtained pursuant to that section.'*

Statutory Environment

The intention to borrow funds for the purchase of the saleyards was not included in the Council's 2004 / 2005 annual budget. This means that a process will need to be carried out to authorise such borrowing.

Section 6.20 (2) of the Local Government Act 1995 provides:

Where, in any financial year, a local government proposes to exercise a power under subsection (1) ("**power to borrow**") and details of that proposal have not been included in the annual budget for that financial year -

- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

As the intention to borrow the money is not for a prescribed purpose (refinancing of an existing loan) it will be necessary to give local public notice of the Council's intention.

Consultation

Local Public Notice has the meaning given to it by Section 1.7 of the Act.

Great Southern Regional Cattle Saleyards - Authority to Borrow (Cont.)

The Council's intention will need to be advertised in a newspaper circulating throughout the district, exhibited on the Council's public notice board and at the Libraries in Mount Barker and Rocky Gully.

Policy Implications

There are no policy implications for this report.

Financial Implications

It is the intention to borrow \$1.3 million.

Strategic Implications

Although the purchase of the saleyards was not identified in the Council's Strategic Plan, the Council nevertheless noted the need:

'to actively monitor all trading undertakings of the Council to ensure optimum performance and to ensure that the trading undertaking is an appropriate activity for the Council to be engaged in'.

The Council has been concerned for some time that the saleyards, as a trading undertaking, has not been performing optimally and efforts to correct this through the joint venture have not been successful. For this reason the Council has adopted the process of investigating the purchase of the saleyards to endeavour to achieve optimal performance in line with its Strategic Plan.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That pursuant to Section 6.20 (2) of the Local Government Act 1995, local public notice be given of the Council's intention to borrow \$1.3 million for the purpose of purchasing a fifty percent (50%) share of the Great Southern Regional Cattle Saleyards and associated essential works.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr K Hart:

THAT:

- (1) Pursuant to Section 6.20 (2) of the Local Government Act 1995, local public notice be given of the Council's intention to borrow \$1 million for the purpose of purchasing a fifty percent (50%) share of the Great Southern Regional Cattle Saleyards; and**
- (2) A further \$.3 million if required for associated essential works.**

CARRIED (5/1)

No. 18/05

(Absolute Majority)

Reason For Change

Councillors believed that it was necessary to record the two separate purposes for the proposed funding.

Cr K Clements withdrew 3.27pm

9.3.5 PLANTAGENET DISTRICT HALL - PROPOSED UTILISATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/88/1
Author:	Rob Stewart - Chief Executive Officer
Date of Report:	2 February 2005

Purpose

The purpose of this report is to advise the Council that with the relocation of the Home and Community Care Service from the Lesser Hall to Redman House, that area will become vacant, with the potential for it to be used for other purposes.

Background

At its meeting held on 24 February 2004, the Council considered a request from the Plantagenet Family Church to lease the Plantagenet District Hall and Lesser Hall. At that meeting the Council resolved:

'That the Council not enter into any agreement for the leasing of the Plantagenet District Hall and Lesser Hall. (Resolution 30/04).'

The Minutes of that Meeting record that the Council believed that the Shire's Principal hall should remain in the Council's control.

The Plantagenet Family Church is not the only organisation within the district that has expressed an interest in the Plantagenet District Hall.

By letter dated 15 August 2004 the Mount Barker Sub-Branch of the Returned Services League (RSL) noted preliminary interest in the possibility that the Lesser Hall at the Plantagenet District Hall be utilised by the RSL. The catalyst for this letter arose from the Council's plans to construct a new administration centre in Mount Barker necessitating the demolition of the current RSL hall adjacent to the present administration centre.

In the past the Council has informally expressed the wish to ensure that the RSL is not unduly inconvenienced by the demolition of their hall. Councillors have also noted on several occasions the need to protect the RSL's stained glass window which is situated in their existing premises.

On 28 September 2004 the Chief Executive Officer met with RSL representatives Doug Ryan, Wayne Hood and Bob Ollson to discuss the possibility of the RSL utilising the Lesser Hall. At that meeting a proposal was discussed relating to the RSL relocating to the Lesser Hall when the Home and Community Care service vacated. Discussion also took place regarding the terms and conditions of occupation being similar to the present hall arrangements, with a peppercorn lease being put in place. It was also suggested that the RSL could make the lesser hall available to other community groups at an agreed hire charge so that the RSL had the means of raising revenue.

Plantagenet District Hall – Proposed Utilisation (Cont.)

It was also noted that as the Council would not be receiving any revenue for the lesser hall there would be an expectation that the RSL would undertake routine maintenance.

Councillors will recall that at the Annual Meeting of Electors held 6 December 2004 Mr David Williamson of the Plantagenet Family Church sought information regarding the utilisation of the Lesser Hall. At that time the Chief Executive Officer noted the discussions with the RSL and the forthcoming demolition of their present hall.

On 1 February 2005 the Chief Executive Officer had a further meeting with Mr Williamson who indicated at that time that the Plantagenet Family Church was still very interested in having access to the Lesser Hall for church purposes including meetings and the like. Mr Williamson indicated that they would be happy to work in conjunction with the RSL.

An RSL representative has advised the Chief Executive Officer that the RSL would not necessarily be adverse to such an arrangement but would not like to see complicated leasing arrangements between several groups.

Statutory Environment

Section 3.58 of the Local Government Act 1995 provides:

- (2) Except as stated in this section, a local government can only dispose of property to –
- (a) the highest bidder at public auction; or
 - (b) the persons who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

and further sub-section 3 provides:

‘A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) *it gives Statewide public notice of the proposed disposition –*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- (b) *it considers any submission made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.’*

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

Under section 30 (2)(b)(i) of the Functions and General Regulations 1996 that apply to Section 3.58 of the Local Government Act 1995 ‘a disposition of land is an exempt disposition, and is excluded from the application of Section 3.58, if’:

- ‘(b) the land is disposed of to a body, whether incorporated or not –

Plantagenet District Hall - Proposed Utilisation (Cont.)

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;'

By definition, the leasing of property is classified as a disposition.

Consultation

The Chief Executive Officer has spoken with Mr Doug Ryan representing the RSL and Mr David Williamson representing the Plantagenet Family Church.

Policy Implications

There are no policy implications for this report.

Financial Implications

Operating expenditure for the Plantagenet District Hall for the 2004/ 2005 financial year is budgeted at \$22,000.00. Revenue for the same period is budgeted at \$5,500.00. No Capital expenditure is scheduled for 2004/2005.

Fees for the use of the hall at present range from \$40.00 for a half day community use to \$500.00 for a function with alcohol. The lesser hall is not available due to its occupation by Home and Community Care.

In the event that the Council successfully leases the Lesser Hall, there would be some maintenance savings although the main hall would still be the Council's responsibility.

The potential for a lessee of the Lesser Hall to raise revenue from the hiring of the Lesser Hall would be significant and the potential for such a site to be available for use by the community would be beneficial.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Councillors have expressed a wish to ensure that the RSL is not unduly inconvenienced through the demolition of their existing premises. Discussions regarding the possibility that the RSL could relocate to the newly refurbished Redman House did not result in such a relocation being recommended.

Should the Council resolve to make a disposition of property to a group which is either of a charitable or religious nature there is no necessity to advertise, as noted in Statutory Implications.

A recommended course of action would be to advertise the Council's intention to lease the Lesser Hall and seek Expressions of Interest from parties willing to utilise the hall and make it available for community groups and functions. In this way the Council could lease the hall to a community group with the requirement that other community groups be permitted to utilise the area including the payment of a fee agreed to by the Council on an annual basis.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That a joint meeting between the Returned Services League, Plantagenet Family Church and Council representatives be convened to discuss the leasing of the Plantagenet District Hall Lesser Hall.

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

THAT:

- (1) The meeting held between representatives of the Returned Services League, Plantagenet Family Church and the Chief Executive Officer relating to leasing proposals for the Lesser Hall on 3 February 2005 be noted.**
- (2) The Chief Executive Officer prepare a draft lease for the Plantagenet District Hall Lesser Hall to the Returned Services League with sublease powers and that the draft lease be presented to the Council at its meeting to be held 8 March 2005.**

CARRIED (5/0)

No. 19/05

3.32pm Cr K Clements returned to the meeting.

Reason For Change

Councillors believed that a lease could be prepared and presented to the Council.

9.4 CORPORATE SERVICES REPORTS**9.4.1 FINANCIAL STATEMENTS – QUARTERLY - DECEMBER 2004**

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/65/1
Author: David Blurton - Accountant
Date of Report: 1 February 2005

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 December 2004.

Statutory Environment

Local Government (Financial Management) Regulation 35 defines minimum reporting requirements for quarterly financial statements.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

That the quarterly financial statements for the period ending 31 December 2004 be received.

CARRIED (6/0)

No. 20/05

9.4.2 LEASE - NARPANUP GOLF CLUB

Location / Address:	Reserve 23086 Albany Highway, Mount Barker
Name of Applicant:	N / A
File Reference:	CP/88/2
Author:	Donna Stevens - Senior Administration Officer
Date of Report:	7 January 2005

Purpose

The purpose of this report is to consider the renewal of the Narpanup Golf Club Lease.

Background

The Narpanup Golf Club Inc has been leasing Reserve 23086, Albany Highway, Mount Barker from the Shire of Plantagenet at a peppercorn rental since 1 January 1984.

Statutory Environment

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

Under section 30 (2)(b)(i) of the Functions and General Regulations 1996 that apply to section 3.58 of the Local Government Act 1995 'a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if':

'(b) the land is disposed of to a body, whether incorporated or not –

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;'

Therefore the leasing of this property to the Narpanup Golf Club is exempt from the requirements of Section 3.58.

Consultation

Mr Michael Gristwood, Secretary, Narpanup Golf Club Inc advised that they would like to renew the lease of Reserve 23086 with the same terms and conditions as the expiring lease agreement.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

Lease - Narpanup Golf Club (Cont.)

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr K Clements:

THAT:

- (1) The lease of Reserve 23086 Albany Highway, Mount Barker to the Narpanup Golf Club Inc be renewed at a peppercorn rental for a period of 21 years subject to the Lessee being responsible for all outgoings, insurance and maintenance; and
- (2) Authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's Common Seal to the agreement between the Shire of Plantagenet and the Narpanup Golf Club Inc for the lease of Reserve 23086 Albany Highway, Mount Barker.

CARRIED (6/0)

No. 21/05

9.4.3 REPLACEMENT OF BARBECUE FACILITIES

Location / Address:	Kendenup Hall & Grounds – Lot 23 Hassell Avenue, Kendenup
Name of Applicant:	N / A
File Reference:	CP/99/3
Author:	John Byrne - Executive Director Corporate & Community Services
Date of Report:	2 February 2005

Purpose

The purpose of this report is to obtain approval to expend funds not included in the 2004/2005 Annual Budget, for the capital replacement of two (2) barbecues on the Kendenup Hall Grounds.

Background

A request has been received from Cr Keith Hart to replace the two (2) barbecues on the Kendenup Hall Grounds, using funds donated to the Council from the Kendenup Hall Committee following its voluntary dissolution in late 2004.

Both barbecues are reported to be in an unworkable condition, and efforts to obtain replacement parts to repair the barbecues have been fruitless, with the required parts no longer able to be acquired.

Statutory Environment

Section 6.8 (1) (b) of the Local Government Act 1995 states that:

“A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure –

*(b) is authorized in advance by resolution**

**Absolute majority required.’*

Consultation

Consultation has occurred with Stephen Bell – Executive Director Technical and Development Services, Kaye Skinner – Executive Secretary and Keith Hart – Kendenup Town Ward Councillor, David Blurton – Accountant and Rob Stewart – Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

Should the Council adopt the recommendation, there will be no effect on the Council's overall 2004/2005 end of year budget position. Funds totalling \$4,397.67 were donated to the Shire of Plantagenet by the Kendenup Hall Committee, as part of its voluntary dissolution in late 2004. Those funds have been debited to income account 1110.2.764 – Hall Contributions.

Replacement of Barbecue Facilities (Cont.)

The proposed works will result in the capitalisation of an asset and cannot therefore simply be expended from the Kendenup Hall – Maintenance, account. It is therefore recommended that a new capital expenditure account be created, and costs for the works be charged to that account, to be offset by the donated funds.

The total cost of the works to replace the two barbecues has been estimated at \$3,500.00.

Strategic Implications

The recommendation is consistent with the aims of Key Result Area 2 – Infrastructure, namely:

- *Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining...buildings infrastructure within the financial resources of the Shire; and*
- *Manage public open space...to equitably meet the community's social...needs...'*

Officer Comment

The proposed use of the donated funds is considered to be most appropriate.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) A capital expenditure account for the immediate replacement of two (2) barbecues on the Kendenup Hall Grounds, with total expenditure not to exceed \$4,398.00 be established.
- (2) The expenditure referred to in Part (1) above be offset by funds of \$4,398.00 that were donated to the Council by the Kendenup Hall Committee as part of its voluntary dissolution in late 2004.

Replacement of Barbecue Facilities (Cont.)**COUNCIL DECISION**

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) A capital expenditure account for the immediate replacement of one (1) barbecue on the Kendenup Hall Grounds, with total expenditure not to exceed \$4,398.00 be established.
- (2) The expenditure referred to in Part (1) above be offset by funds of \$4,398.00 that were donated to the Council by the Kendenup Hall Committee as part of its voluntary dissolution in late 2004.
- (3) The balance of unspent funds be transferred to a new Reserve Account (Kendenup Hall & Grounds Reserve Fund).

CARRIED (6/0)

No. 22/05

(Absolute Majority)

Reason For Change

Councillors were advised that only one (1) barbecue was needed and Councillors also believed unspent funds should go into a newly created Reserve Account.

9.4.4 GENERAL MEETING OF ELECTORS - 6 DECEMBER 2004

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/19/1
Author: Cherie Delmage - Administration Officer Minutes & Agenda
Date of Report: 2 February 2005

Purpose

The purpose of this report is to receive the minutes of the General Meeting of Electors held on 6 December 2004.

Background

The Annual General Meeting of Electors for the Shire of Plantagenet was held on 6 December 2004 for the purpose of receiving the Shire's Annual Report and to consider any general business.

Statutory Environment

Pursuant to Section 5.27 of the Local Government Act 1995, a General Meeting of the electors of a district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act copies of the minutes are to be made available for inspection by members of the public before the Council meeting at which decisions made at the electors meeting are first considered.

Further, pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

There were no decisions made at the Electors Meeting needing consideration by the Council.

Voting Requirements

Simple Majority

General Meeting Of Electors – 6 December 2004 (Cont.)

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr M Skinner:

That the minutes of the Annual General Meeting of Electors of the Shire of Plantagenet held on 6 December 2004 be received.

CARRIED (6/0)

No. 23/05

9.5 COMMUNITY SERVICES REPORTS

9.5.1 SERVICE AGREEMENT DEED OF VARIATION - 2004-2005 PLANTAGENET HOME & COMMUNITY CARE (HACC)

A Financial Interest was disclosed by Cr K Clements for Item 9.5.1

Nature of Interest: Financial

Extent Of Interest: Contractor For HACC

3.47pm Cr K Clements withdrew from the meeting.

Location / Address:	Lesser Hall, Muir Street, Mount Barker
Name of Applicant:	N / A
File Reference:	CS/151/1
Author:	Joe Addie - Manager - Home & Community Care
Date of Report:	17 January 2005

Purpose

The purpose of this report is for authority to be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Plantagenet Home & Community Care 2004-2005 Service Agreement Deed of Variation between the Minister for Health and the Shire of Plantagenet.

Background

The Principal and Service Provider entered into a Service Agreement on the 27 April 2004 for the provision of services as described in the Service Specification Schedule to the Service Agreement.

Since this time, the Manager of the Home & Community Care Program applied for additional growth funding in the last funding round. It was felt this increase in funding would provide a Personal Care component to the existing Service Specification.

Having been successful in the funding round, we have been granted \$7,800.00 which will be added to the yearly funds received for the program. This amount will be recurrent funds.

For this to occur, the Council will need to agree to accept the increase in the Home & Community Care budget which will provide the Personal Care component.

The increase in the State / Commonwealth Government Funding Agreement will bring the Home & Community Care Annual budget to \$269,086.00.

Statutory Environment

There are no statutory implications for this report. However, the recommendation does seek to vary an existing Service Agreement for the HACC Centre.

Consultation

Consultation has taken place between Susanne Millar – Project Officer for the Great Southern Region - HACC, Mr John Byrne – Executive Director of Corporate & Community Services and Mr Joe Addie – Plantagenet Home & Community Care Manager in relation to the funding application and granting of additional funds for the program.

Service Agreement Deed Of Variation - 2004 - 2005 - Plantagenet Home & Community Care (HACC) (Cont.)

Due to the increase in funds available, the Deed of Variation will need endorsement from the Council.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report other than accepting an increase in funding for the Home & Community Care program of \$7,800.00.

Strategic Implications

The only strategic implication would be the increase in Community Services provided within an area of clearly defined need.

This service will be provided through the Home & Community Care Program where the targeted need was identified.

Officer Comment

The Deed of Variation to the Service Agreement for the provision of Home & Community Care Services is a document which ensures the growth and prosperity of the Home & Community Care Service.

The revised document allows the program to extend its service base, through the provision of a Personal Care service, which has not been previously acknowledged or provided.

This service will clearly meet an existing need within the community therefore it is recommended that the Deed of Variation to the Service Agreement for the provision of the Home & Community Care Services be signed and stamped with the Common Seal of the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's Common Seal to the Plantagenet Home & Community Care 2004-2005 Service Agreement Deed of Variation.

CARRIED (5/0)

No. 24/05

3.48pm Cr K Clements returned to the meeting

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3.49pm The Presiding Member declared the meeting closed.

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