



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 22 February 2005.

Rob Stewart
CHIEF EXECUTIVE OFFICER

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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	Shire President – Rocky Gully / West Ward
Cr D Williss	Deputy Shire President – East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr K Hart	Kendenu Ward
Cr M Skinner	East Ward
Cr K Clements	Town Ward
Cr J Moir	South Ward
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 (Withdrew 3.59pm)
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer – Minutes & Agenda

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

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

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Gail Malcolm – Kendenup Concerned Citizens

1. Would the Council take into consideration an appeal from the residents of First Avenue, Kendenup for the road to be bituminised due to increased traffic?

Response: Cr Kevin Forbes - Shire President

First Avenue is not included in the 2004-2005 Annual Budget but may be included in the upcoming 2005-2006 Annual Budget depending on priorities.

2. The Kendenup Concerned Citizens held a meeting on 9 January 2005 and raised the issue of looking at 50 kilometre speed signs in Kendenup. Local police have been in town and picking up people going over the limit. What is the definition relating to where the 50 kilometre zones begin and end?

There are 60 kilometre signs at both of the town entrances. There is a small sign on Matilda Road that states: 'You are now entering a residential area.'

Response: Mr Stephen Bell – Executive Director Technical & Development Services

Main Roads WA (MRWA) is the regulatory authority in regards to the determination of speed zones in town sites and rural areas. The Shire of Plantagenet has written to MRWA requesting that a lower speed zone be considered for Kendenup but to date, a response has not been received.

Generally the rule is that the bigger roads have a 60 kilometre speed limited and all roads that feed from the bigger roads should be 50 kilometres. There has also been a request to have Beverley Road zoned to a 50 kilometre speed limit as well. We are unable to advise further on the situation until it has been assessed by MRWA.

3. Also at the meeting held 9 January 2005, it was determined that Cr Keith Hart would get back to the Kendenup Concerned Citizens with advice clarifying the expected movement of trucks accessing the proposed chemical showroom / warehouse on Second Avenue.

Response: Ms Delma Baesjou – Manager Development Services

The proponent has advised that only approved vehicles will have access to the warehouse. It was also advised that the products would generally be brought in on a monthly basis and distributed as required using general vehicles eg: utes etc.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Hart requested leave of absence for the period 4 April to 20 April 2005 inclusive.

Moved Cr J Cameron, seconded Cr M Skinner:

That Councillor Hart be granted leave of absence for the period 4 April to 20 April 2005 inclusive.

CARRIED (7/0)

No. 25/05

7 CONFIRMATION OF MINUTES

Moved Cr K Hart, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Council held 8 February 2005 be confirmed subject to the following changes:

- Item 5** That the Presentation by Mrs Olive Bell show Millinup Road (RO/99/35) and not Palmdale Road (RO/99/117)
- Item 8** Ms D Baesjou's disclosure of interest for Item 9.1.3 being recorded as Financial
- Item 8** That the TIRES meeting held on 13 January 2005 be noted as being held at Mount Barker not Cranbrook.

CARRIED (7/0)

No. 26/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- The farewell civic reception held for Monty House in the Shire chambers on 11 February 2004 went well. The event was worthwhile and of benefit to the Shire of Plantagenet.
- On Thursday 24 February 2005, the Shire President, Deputy Shire President and the Executive Director Technical & Development Services will be meeting with Main Roads WA to discuss Regional Road Group and Roads 2020 in relation to our Shire
- On 25 February 2005, a Strategic Planning Steering Committee meeting will be held in the Council Chambers commencing at 9.30am and attended by the Shire President. Hopefully this meeting will mean we are nearing the end of the process.
- 9 March 2005 – The One Community, One College Committee will be holding their first meeting at the Mount Barker Senior High School from 4.00 to 6.00pm. Either the Shire President or the Deputy Shire President will attend the meeting. There are many issues to be considered in this matter, particularly relating to traffic.
- The Great Southern Development Commission has asked for nominations of any person who may be eligible for their Excellence in Natural Resource Management Medal. Nominations close on the 21 March 2005.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES

ADMINISTRATION OFFICES ADVISORY COMMITTEE – 14 DECEMBER 2004

BUSH FIRE ADVISORY COMMITTEE - 3 FEBRUARY 2005

LOCAL EMERGENCY MANAGEMENT COMMITTEE - 2 FEBRUARY 2005

TOWNSCAPE REVIEW STEERING COMMITTEE - 1 FEBRUARY 2005

Location / Address: N / A

Attachments: (4) Minutes – Administration Offices Advisory Committee
Minutes – Bush Fire Advisory Committee
Minutes – Local Emergency Management Committee
Minutes – Townscape Review Steering Committee

Name of Applicant: N / A

File Reference: CP/103/1; ES/103/6; ES/103/7; LP/103/3

Author: Cherie Delmage – Administration Officer Minutes & Agenda

Date of Report: 7 February 2005

Purpose

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

- Administration Offices Advisory Committee Meeting – 14 December 2004
- Bush Fire Advisory Committee Meeting – 3 February 2005
- Local Emergency Management Committee Meeting – 2 February 2005
- Townscape Review Steering Committee Meeting – 1 February 2005

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

That the following Committee Minutes be received:

- **Administration Offices Advisory Committee – 14 December 2004**
- **Bush Fire Advisory Committee Meeting – 3 February 2005**
- **Local Emergency Management Committee Meeting – 2 February 2005**
- **Townscape Review Steering Committee Meeting – 1 February 2005**

CARRIED (7/0)

No. 27/05

9.1.2 COUNCIL MEETING VENUE - CHANGES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	N / A
Author:	Kaye Skinner - Executive Secretary
Date of Report:	14 February 2005

Purpose

The purpose of this report is for the Council to reconsider the venue for Council meetings once tenders have been called for the new Administration Building.

Background

The Council at its meeting held 14 December 2004 resolved that all meetings for 2005 were to be held in the Council Chamber, Shire Administration Office, Lowood Road, Mount Barker.

Statutory Environment

Section 5.25 of the Local Government Act 1995 and Regulation 12 (2) of the Local Government (Administration) Regulations 1996 apply.

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

It has been suggested in the past that the opportunity exists for some of the Council meetings to be held in various halls within the district. It would also be possible to relocate the table from the Council Chambers to the District Hall for safe keeping, although it may be necessary for the time being to put some casters on the legs for ease of shifting.

At the time of writing this report there are no bookings in the District Hall for any of the Tuesdays required.

It is hoped that the Council can sign off on the drawings for the new Administration Offices at the first meeting to be held in March 2005. The time line for demolition is late April-early May 2005.

Existing equipment can easily be relocated to the District Hall to accommodate the holding of Council and Committee meetings.

Voting Requirements

Simple Majority

Council Meeting Venue - Changes (Cont.)**OFFICER'S RECOMMENDATION**

That Council Meetings be held at the Plantagenet District Hall on Muir Street, Mount Barker from 8 March 2005 commencing at 2.45pm on the following dates unless notified otherwise.

8 March 2005	District Hall
22 March 2005	District Hall
12 April 2005	District Hall
26 April 2005	District Hall
10 May 2005	District Hall
24 May 2005	District Hall
14 June 2005	District Hall
28 June 2005	District Hall
12 July 2005	District Hall
26 July 2005	District Hall
9 August 2005	District Hall
23 August 2005	District Hall
13 September 2005	District Hall
27 September 2005	District Hall
11 October 2005	District Hall
25 October 2005	District Hall
8 November 2005	District Hall
22 November 2005	District Hall
13 December 2005	District Hall

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Clements:

That the Council Meetings be held at Frost Oval Pavilion on McDonald Avenue, Mount Barker from 10 May 2005 commencing at 2.45pm on the following dates unless notified otherwise:

10 May, 24 May, 14 June, 28 June, 12 July, 26 July, 9 August, 23 August, 13 September, 27 September, 11 October, 25 October, 8 November, 22 November and 13 December 2005

CARRIED (7/0)

No. 28/05

Reason For Change

Councillors believed that Frost Oval was a more suitable location due to heating requirements and that it was not necessary to change the meeting dates for March and April 2005 as demolition would not occur before these dates.

9.2 CORPORATE SERVICES REPORTS

9.2.1 BUDGET RE-ALLOCATIONS FOR THE QUARTER ENDING 31 DECEMBER 2004

Location / Address:	N / A
Attachments: (1)	Budget Re-Allocations
Name of Applicant:	N / A
File Reference:	FM/26/1
Author:	David Blurton - Accountant
Date of Report:	15 February 2005

Purpose

The purpose of this report is to adjust the adopted 2004-2005 budget to recognise variations in actual income and expenditure. This is necessary to facilitate effective financial control and ensure that the Council's financial resources are allocated in the most effective manner.

Background

The Annual Budget was adopted by the Council at its meeting held on 27 July 2004.

Statutory Environment

There is no specific section of the Local Government Act (1995) that deal with the reallocation of budget money, however section 6.2(1) of the Local Government Act (Financial Management) Regulations 1996 governs the budget requirements for Local Governments.

Consultation

Consultation has occurred with Stephen Bell – Executive Director of Technical and Development Services, Kate McCormack – Project Engineer and John Byrne – Executive Director of Corporate and Community Services.

Policy Implications

There are no policy implications in this report.

Financial Implications

There are significant financial implications with the report, however the overall effect on the budget is nil i.e.: changes in incomes are offset by changes in expenditure.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Proposed reallocations between accounts and the reasons for the re-allocation are attached at the end of this report.

Staff consider that the quarterly review of the 2004-2005 Annual Budget and comparison with year to date expenditure is sound financial management and will provide stakeholders with more relevant and accurate information.

Budget Re-Allocations For The Quarter Ending 31 December 2004 (Cont.)

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That the 2004/2005 adopted budget be varied by:

Account Description	Account	Old Budget (\$)	New Budget (\$)
<u>Capital Accounts</u>			
Computer Hardware Replacement Program	420.3.135	(\$10,500.00)	(\$12,000.00)
Transfer from Electronic Equipment Reserve	420.3.135	(\$0.00)	\$1,500.00
Booth St Kindy – Connection to sewerage	810.3.100	(\$0.00)	(\$1,500.00)
Day Care Centre – Playground Equipment	830.1.137	(\$0.00)	(\$1,150.00)
Rec Centre front door repairs	1131.3.139	(\$0.00)	(\$3,440.00)
Marketing	New	(\$2,000.00)	\$0.00
Reimbursements – Education Dept	1131.2.769	\$4,400.00	\$5,840.00
Hassell Avenue	Job 5005	(\$15,000.00)	(\$28,000.00)
Penniford Street	Job 5094	(\$25,000.00)	(\$32,000.00)
Ward Road	Job 5177	(\$15,000.00)	(\$13,000.00)
Knights Road	Job 5054	(\$40,000.00)	(\$35,000.00)
Hudson Road	Job 5276	(\$30,000.00)	(\$17,000.00)
HACC Bus Contribution	New	(\$0.00)	(\$27,704.00)
Plant Replacement Reserve Transfer	New	(\$0.00)	\$27,704.00
<u>Operating Accounts</u>			
FESA levy on council land	310.1.102	(\$0.00)	(\$1,000.00)
Valuation Expenses	310.1.744	(\$5,000.00)	(\$4,000.00)
Election Expenses	410.1.209	(\$10,000.00)	(\$20,000.00)
Computer Support Contracts	420.1.156	(\$33,000.00)	(\$30,000.00)
Frost Park Maintenance	1132.1.345	(\$15,000.00)	(\$0.00)
Trainee Apprenticeship Scheme	420.1.45	(\$3,500.00)	(\$11,000.00)
Workers Comp Insurance – Fire Prevention	510.1.34	(\$0.00)	(\$2,600.00)
Local Law Advertising	530.1.175	(\$0.00)	(\$2,000.00)
Building Legal Fees Re-imbursed	1330.2.781	(\$0.00)	\$6,750.00
Landfill Salaries	1010.1.21	(\$50,500.00)	(\$8,000.00)
Landfill Superannuation	1010.1.22	(\$4,500.00)	(\$720.00)
Proceeds from Recycling	1010.2.796	\$8,580.00	\$48,000.00
Transfer to Waste Management Reserve		(\$0.00)	(\$85,700.00)
Public Relations	415.1.160	(\$5,000.00)	(\$1,500.00)
Professional Services	420.1.180	(\$2,500.00)	(\$6,000.00)

CARRIED (7/0)

No. 29/05

(Absolute Majority)

9.2.2 FINANCIAL STATEMENTS - JANUARY 2005

Location / Address:	N / A
Attachments: (1)	Financial Statements – January 2005
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	David Blurton - Accountant
Date of Report:	10 February 2005

Purpose

The purpose of this report is to present to the Council the financial position of the Shire of Plantagenet for the period ending 31 January 2005.

Statutory Environment

Local Government (Financial Management) Regulation 34 requires a local government to prepare monthly financial reports in such a form as the local government considers to be appropriate.

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 J Moir, seconded Cr K Hart:

That the financial statements for the period ending 31 January 2005 be received.

CARRIED (7/0)

No. 30/05

9.2.3 RATE RECOVERY – STRATA TITLED TREE FARMS

Location / Address:	Hambley Tree Farm & Valley View Tree Farm
Attachments: (4)	Strata Plans Locality Maps
Name of Applicant:	Various
File Reference:	RV/134/1
Author:	David Blurton - Accountant
Date of Report:	14 February 2005

Purpose

The purpose of this report is to update the Council on actions taken to date in recovering outstanding rates on the above strata titled properties and to recommend a definitive course of action for the recovery of these outstanding amounts.

Background

The Council will recall that a significant amount of rates remain unpaid on both the Hambley Valley Tree Farm and Valley View Tree Farms.

At its meeting held on 23 September 2003, the Council considered a report recommending that debt recovery against Valley View and Hambley Strata title owners for outstanding rates be deferred until after the harvest of the respective plantation crops in approximately 2006-2007.

At that meeting the Council resolved to defer any action pending legal opinion and further research with Integrated Tree Cropping (ITC).

The Council resolved at its Ordinary Meeting on 26 October 2004 that:

- (1) Shire staff investigates and determines the total area comprised in the 16 lots forming part of the Valley View and Hambley Tree Farms that are the subject of outstanding payments of rates by the strata title owners.*
- (2) An assessment be undertaken by an independent body such as Australian Plantation Export Company (APEC) on the viability of the tree crops located on the 16 lots forming part of the Valley View and Hambley Tree Farms and their expected income return when harvested in two (2) to three (3) years time.*
- (3) Shire Staff ascertain with the strata title management group for the Valley View and Hambley Tree Farms if there are any encumbrances against the tree crops and/or land.*
- (4) A meeting of the audit committee be convened once the above information is obtained.'*

At its meeting on 14 December 2004, the Council was presented with a report listing the outstanding rates by assessment number which identified and totalled the area which the unpaid rates related to.

It was also reported at that meeting that Albany Plantation and Export Company had been appointed to provide an independent assessment of the value of the timber in the two plantations.

Rate Recovery - Strata Titled Tree Farms (Cont.)**Statutory Environment**

Sections 6.50 to section 6.82 Local Government Act 1995 govern the course of actions available in the collection of outstanding rates.

Consultation

Mr John Byrne – Executive Director of Corporate & Community Services, Mr Shane Kirkwood and Mr John Edwards - Albany Plantation & Export Company, Mr Ken Serls – Finance Manager, Integrated Tree Cropping, Mr Ian Ferguson – Department of Land Information.

Policy Implications

There are no policy implications for this report.

Financial Implications

As reported to the Council on 14 December 2004, the rates outstanding (excluding interest) as at 6 December 2004 totalled \$97,138.00 for the Valley View Tree Farm and \$18,780.00 for the Hambley Tree Farm. Interest is accumulating on these amounts at the rate of 11% per annum calculated daily.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

After initially indicating that they would be able to provide assistance, Albany Plantation & Export Company could not commit to providing an accurate assessment as to the viability and expected income return for the two tree farms, due to the amount of variables involved. They did however provide a rough estimate of revenue net of harvest costs of \$20.00 - \$25.00 per tonne for a standard Blue Gum Plantation and a formula for calculating estimated tonnages from a given plantation.

When this formula is applied to the total Valley View Plantation as it currently stands, a result of 66 tonnes per hectare is calculated, which could be closer to 85 tonnes per hectare at harvest (2006/2007). Based on these figures, staff estimates that proceeds available for distribution after harvest would be approximately \$130,000.00 - \$150,000.00 for the Valley View Tree Farm and \$64,000.00 - \$70,000.00 for the Hambley Tree Farm (subject to a variety of factors).

ITC originally estimated that net harvest proceeds of approximately \$1.2 million for the Valley View and \$750,000.00 for the Hambley Tree Farm would be available for distribution to interested parties and investors.

Upon further investigation with Integrated Tree Cropping and examination of some of the Certificates of Title and Strata Plans, it would appear that several encumbrances exist against these properties. Apart from individual mortgages which appear against several of the titles, a pipeline easement appears against the shared common land (the tree farm) on the Hambley Tree Farm. ITC itself has a legal claim against the trees located on these common properties.

Understandably, ITC has indicated its unwillingness to harvest any trees on land which the Council attempts to take possession of under Section 6.68 of the Local Government Act (1995). Staff believe that this course of action would result in a legal claim by ITC, Strata Asset Services and the remaining landowners for reduced profits

Rate Recovery - Strata Titled Tree Farms (Cont.)

and the Council will run the risk of incurring substantial legal costs. The Council also lacks the resources and expertise to be able to co-ordinate the harvest of such trees and uncertainty over the costs and expected revenue at harvest would affect the viability of this option.

Standard debt collection techniques have failed to recover outstanding rates due to a variety of factors including bankruptcy, failure to locate owners and in some circumstances the death of owners. Given the lack of services, the current market value of these properties and the uncertainty of anticipated cash flow and harvest costs, it is considered that seizing the land under Section 6.68 of the Local Government Act (1995) is not the preferred option.

Staff also believe that as debt collection is unlikely in some circumstances, the best option is to sign a formal agreement with ITC to ensure payment of outstanding rates upon harvest. With no agreement in place, harvest will occur in 2006/2007 and the Council is likely to receive none of the proceeds, whilst still attempting to recover moneys through conventional means.

The Council had previously questioned the legal situation with this option. Despite no professional legal advice in this matter as yet, staff believe that as the legal caretaker of the Tree Farming Ventures, ITC would have authority to act on behalf of its investors and to make payments upon harvest as and when required. Any dispute in regards to this contract would be between the land owners and ITC themselves and not the Shire of Plantagenet.

Accordingly, the Chief Executive Officer intends to seek legal advice regarding a formal agreement to ensure that all outstanding rates plus accumulated interest on Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley Views Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker, known as the Hambley Tree Farm will be re-imbursed from the proceeds at harvest in 2006/2007.

Upon receipt of this legal advice a further report will be presented to the Council at its meeting to be held on 26 April 2005.

VOTING REQUIREMENTS

Simple Majority

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) The intended action to seek legal advice to enter into a formal agreement with Integrated Tree Cropping regarding the outstanding rates on the Hambley & Valley View Tree Farms be noted; and**
- (2) A further report be presented to the Council meeting to be held on 26 April 2005.**

CARRIED (7/0)

No. 31/05

9.2.4 LIST OF PAYMENTS - DECEMBER 2004 & JANUARY 2005

Location / Address:	N / A
Attachments: (2)	List of Payments – December 2004 List of Payments – January 2005
Name of Applicant:	N / A
File Reference:	FM/64/1
Author:	Rayona Evans - Accounts Officer
Date of Report:	9 February 2005

Purpose

The purpose of this report is to present to the Council the list of payments that were made during the months of December 2004 and January 2005.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulation defines the reporting requires to the Council for the list of accounts

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 J Moir, seconded Cr M Skinner:

That the payment of accounts for the months of December 2004 and January 2005, covering electronic payments, cheques 33615 to 33798, totalling \$822,319.70, the payment of trust cheques, 67 to 76, totalling \$4,139.00 and the credit card transactions totalling \$3,558.71 from September 2004 to November 2004, be noted.

CARRIED (7/0)

No. 32/05

9.2.5 RATE EXEMPTION - LOT 3, LOCATION 27 HASSELL AVENUE, KENDENUP

Location / Address:	Lot 3, Location 27 Hassell Avenue, Kendenup
Attachments: (1)	Letter from Applicant
Name of Applicant:	R.A.O.B.
File Reference:	RV/182/3159
Author:	Ann Kirton – Rates Officer
Date of Report:	7 February 2004

Purpose

The purpose of this report is to advise the Council that a response has been received from the Royal Antediluvian Order of Buffaloes (R.A.O.B.) regarding the application to have the property at Lot 3, Location 27 Hassell Avenue declared non-rateable.

Background

The Council's records for Lot 3, Location 27 Hassell Avenue, Kendenup show the following particulars:

Property	5 Hassell Avenue, Kenendup
Property Description	Lot 3, Location 27
Owner	Royal Antediluvian Order of Buffaloes (R.A.O.B.)
Tenure	Fee Simple

Statutory Environment

Section 6.26 (2) states the following (inter alia):

6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
 - (g) Land used exclusively for charitable purposes;

The R.A.O.B. is claiming Section 6.26 (2)(g) to apply to their organisation as charitable. The hall was purchased in 1947 and is used exclusively for charitable purposes. The lodge meets at 8.00pm on the first Tuesday of every month.

Policy Implications

There are no policy implications for this report

Financial Implications

Current rates on the property are \$486.00 and no amount is outstanding.

Strategic Implications

There are no strategic implications for this report.

Rate Exemption - Lot 3, Location 27 Hassell Avenue, Kendenup (Cont.)

Officer Comment

In the correspondence applying for the rate exemption, it was noted that:

'the Kendenup Lodge has become a most charitable order, giving relief and assistance to local and surrounding communities during disasters and assisting families during hardship and poverty.'

The Lodge also assists in many community projects such as verge clean ups, pruning trees around the local hall and clearing debris for people who are incapacitated.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) Pursuant to Section 6.26(2)(g) of the Local Government Act 1995, Lot 3, Location 27 Hassell Avenue, Kendenup being otherwise rateable land, is hereby declared to be utilised for a charitable purpose and therefore no longer rateable while it continues to be used as charitable purpose.
- (2) Rates paid on the property for 2004/2005 financial year be reimbursed.
- (3) Rates outstanding for previous years, prior to the declaration remain payable.

CARRIED (4/3)

No. 33/05

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

3.52pm The Presiding Member declared the meeting closed.

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