



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 26 September 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3.00pm The Presiding Member declared the meeting open.

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

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)

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenu Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

Ms C Delmage Administration Officer

Apologies

Cr J Cameron Rocky Gully / West Ward

Previously Approved Leave of Absence

Cr B Hollingworth 17 August – 23 November 2006 inclusive

There was one (1) member 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

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor John Mark requested leave of absence for the period 9 to 20 October 2006 inclusive.

Moved Cr J Moir, seconded Cr M Skinner:

That Councillor John Mark be granted leave of absence for the period 9 to 20 October 2006 inclusive.

CARRIED (7/0)

No. 289/06

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held 12 September 2006 be confirmed.

CARRIED (7/0)

No. 290/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Cr K Forbes and Cr J Mark met with representatives of Timber Towns Victoria (TTV) regarding the possible formation of a Timber Towns Australia (TTA). The possible benefits from such a group would be the strength of such a group lobbying for road funding and environmental issues. The Council needs to determine their position on this issue. Cr Forbes recommended that the matter be included as an item for the next Council meeting.
- 15 September 2006 – As last year's victors, the Shire of Plantagenet held this year's Hollow Log Golf Tournament at the Kendenup Golf Club. Cr Forbes thanked Cr K Hart for his hard work and noted that feedback received had been very positive.
- 25 September 2006 – Cr Forbes chaired the Great Southern Zone Western Australia Local Government Association (WALGA) teleconference which was short but beneficial and keeps everyone together and informed. Some issues to raise at the State Council meeting were discussed.
- 25 September 2006 – Cr Forbes and Mr P Duncan – Manager Development Services attended the opening of the new Department for Planning and Infrastructure (DPI) offices in Albany. Cr Forbes used the occasion to speak with Alannah MacTiernan MLA on local road issues.
- 4 October 2006 – Cr Forbes will be attending the WALGA State Council meeting in Perth.
- 4 – 7 October 2006 – Cr Forbes will be in Perth.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 LIBRARY - VISITORS CENTRE - PROPOSED CO-LOCATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CS/93/1; RV/182/3076
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 September 2006

Purpose

The purpose of this report is to present a proposition that the Library in Mount Barker be co-located with the Visitors Centre in the Mount Barker Railway Station and for the Council to assume responsibility for the running of the co-located facility.

Background

Councillors are familiar with the situation of the Mount Barker Tourist Bureau, which is the organisation presently running the Visitors Centre in Mount Barker. The Visitors Centre has been unable to raise sufficient funds to enable it to remain financially viable and the Tourist Bureau had approached the Council seeking extra funds. The Council has indicated to the Tourist Bureau that an increase in funding would not be contemplated in the short term and suggested that the Bureau form a community based steering committee to look at the issues.

Such a committee was formed and that Committee presented its final report to the Council on 12 September 2006.

Consultation

The Tourist Bureau Steering Committee was a community based committee. Also the matter has been raised informally (orally) with the Heritage Commission and the State Library of WA (SLOWA).

Policy Implications

The Council's Tourism Policy reads as follows:

OBJECTIVE: *To provide a position for Council in relation to tourism in the Shire of Plantagenet.*

POLICY:

The Council will, with regard to tourism, have, as its major objectives to:

- 1. Recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Plantagenet;*
 - 2. Foster and create community awareness of the benefits of tourism within the Plantagenet district;*
 - 3. Guide and influence the development of tourism in the Plantagenet district;*
-

Library – Visitors Centre – Proposed Co-Location (Cont.)

4. *Provide basic facilities and infrastructure sufficient to encourage development;*
5. *Ensure that facilities within the Plantagenet area are adequate to cater for visitors and residents.'*

Financial Implications

The Council's 2006 / 2007 Budget indicates an operating shortfall of \$188,000 for the Mount Barker Library. The budget also notes total tourism expenditure (Municipal and Reserve) of \$78,460.00.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Mount Barker Railway Station complex is leased from the Public Transport Authority by the Council (expiry 31 May 2046) and sub-leased to the Mount Barker Tourist Bureau (Inc) and the Department of Agriculture and Food (for the Community Ag Centre). Any proposal for alterations to the buildings would require Heritage Commission approval as the site is listed on the State register (Place No. 02318). This means that a Heritage Architect would need to be engaged by the Council to take the matter further.

The Council has indicated previously that it would like to relocate library services closer into the central business district. In the past there have been some community objections to this due to the lack of easy parking. The Visitors Centre car park is sufficiently large to cater for Library and Visitor Centre parking.

The proposal for a community group to purchase the current library building (Old Recreation Centre – Lowood Road) would mean that funds could be available to refurbish and re roof the Railway Station complex.

The Community Agricultural Centre does not form part of this proposal. The sub lease for that building expires on 30 September 2007.

The co-location of the Library and Visitors Centre services would not work without increased floor area. The suggestion of creating floor space between the two buildings by glassing in that area would create extra area that could ensure that there was sufficient floor space for both services. Some concerns were raised at a steering committee level that this may not be sufficient for future expansion. Nevertheless the floor area does meet with library standards for the current population of Plantagenet.

The co-location of the library with the Visitors Centre will be a comparatively time consuming task. This report only puts forward a minimum of information which should be sufficient for the Council to endorse or otherwise further exploration.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the proposition for the co-location of the Council's Library Services in Mount Barker with the Visitors Centre services in the Mount Barker Railway Station be endorsed as worthwhile for further exploration including heritage, financial and community issues and that a further report be presented to the Council at its meeting to be held on 24 October 2006.

CARRIED (6/1)

No. 291/06

9.1.2 MOUNT BARKER BOWLS AND SPORTING CLUB - TRANSFER OF LAND

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/1838
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 September 2006

Purpose

The purpose of this report is to advise of correspondence from the Mount Barker Bowls and Sporting Club (Inc) (the Club) dated 7 August 2006, indicating that the ownership of portion of Mount Barker Town Lot 25 on which the Bowling and Sporting Club sits is subject to an agreement reverting the land to the club.

Background

The club advises that the land, formally owned by it, was transferred to the Council in 1972 to enable a self supporting loan to be taken out for the upgrade of the bowling club. The Club states that at the conclusion of the loan, the land was to be transferred back to the Club.

The Council's archives indicate that such an agreement was discussed although there is no evidence that this was ever formalised legally. In fact, legal advice received in 1969 states that the intention of the parties, although acknowledged, was not enforceable at law. Under the then Local Government Act, permission of the Governor was required to transfer land. The legal advice indicates that for such permission to be received the land would need to be disposed of in accordance with the Act which would have required a tender process.

The current Local Government Act, although not requiring the permission of the Governor, nevertheless requires disposition of property pursuant to Section 3.58.

Statutory Environment

Section 3.58 of the Local Government Act 1995 relates to the disposition of property by a Local Government.

Consultation

The Chief Executive Officer met with the President and Secretary of the Club.

Policy Implications

There are no policy implications for this report.

Financial Implications

Although no valuation of the land has been received, the building on the subject land is recorded on the Council's Asset Register at \$26,917.00.

Strategic Implications

There are no strategic implications for this report.

Legal Implications

As mentioned above, a disposition of property needs to occur pursuant to Section 3.58 of the Local Government Act 1995. Although the Act does provide for disposition by 'private treaty' this must be advertised and submissions sought.

Further, any 'agreement' the intent of which would appear to be a mechanism to overcome legislation, is not enforceable.

Officer Comment

There appears to be little doubt that the parties involved in 1972 negotiations were of the opinion that the transfer of land to the Council was for the period of the loan only in order to effect that loan.

The Shire Clerk at that time, by letter dated 30 May 1969 sought advice from Haynes, Robinson, Seymour and Mackay (Barristers and Solicitors) '...would there be any means whereby the Council could undertake to return the property to the ownership of the Bowling Club after any loan repayment commitment had been fully discharged...'

The legal advice in reply referred to the appropriate legislation (S266 Local Government Act 1960) and stated 'we believe this sub section of the Act would prevent the Council from now making agreement with the Club to redeem the land when the loan was repaid.'

Nevertheless, the advice further states that this would not prevent an agreement being made to return the land at the completion of the loan and when 'the land is not required for the purpose for which it is acquired by the Council.' The advice also notes that although an agreement would be an expression of interest of the parties, it nevertheless '...would not bind either the Governor...or the Shire Council.'

There appears to be no agreement prepared by the parties and subsequent correspondence makes no reference to the transfer back to the Club. (A letter from the then Shire Clerk though does indicate that the land would remain non-rateable while owned by the Council.)

In the absence of such an agreement it is difficult to recommend transfer of the land to the Club in the light of legal advice and the lack of any formal agreement.

Further, it is difficult to understand why the club would transfer land to the Council in order for the Council to raise a self supporting loan which the club then proceeded to service. As the club was the owner of the land in the first place it could have simply gone to a bank and used that land as collateral with the same guarantors that the Council insisted upon at the time.

Advice from the Department of Local Government and Regional Development has not been sought.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Mount Barker Bowls and Sporting Club (Inc) be advised that the Council is unable to consider disposing of that portion of Mount Barker Lot 25 Lowood Road (Mount Barker Bowls and Sporting Club buildings and playing surfaces) to the Club notwithstanding negotiations occurring during 1969 - 1974 between the Council and the Club indicating that transfer of the land at that time to the Council was for security purposes only to raise a self supporting loan and would revert when such loan was repaid, as legal advice received at the time by the Council indicated that such an agreement would not be binding and would appear not to have been finalised.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) That the Mount Barker Bowls and Sporting Club (Inc) be advised that at this time the Council is unable to consider disposing of that portion of Mount Barker Lot 25 Lowood Road (Mount Barker Bowls and Sporting Club buildings and playing surfaces) to the Club notwithstanding negotiations occurring during 1969 - 1974 between the Council and the Club indicating that transfer of the land at that time to the Council was for security purposes only to raise a self supporting loan and would revert when such loan was repaid, as legal advice received at the time by the Council indicated that such an agreement would not be binding and would appear not to have been finalised.**
- (2) The Chief Executive Officer be authorised to investigate ways to legally transfer the land to the Mount Barker Bowls & Sporting Club.**

CARRIED (7/0)

No. 292/06

Reason For Change

Councillors believed it was important to honour the original agreement that was made in good faith, if it was legally possible.

9.2 EXECUTIVE SERVICES REPORTS**9.2.1 COMMITTEE MINUTES – GREAT SOUTHERN REGIONAL CATTLE SALEYARDS COMMITTEE – 22 AUGUST 2006**

Location / Address:	N / A
Attachments: (1)	Committee Minutes
Name of Applicant:	N / A
File Reference:	CA/103/1
Author:	Cherie Delmage - Administration Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	7 August 2006

Purpose

The purpose of this report is to receive the Minutes of the Great Southern Regional Cattle Saleyards Committee meeting held 22 August 2006.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Hart:

That the Minutes of the Great Southern Regional Cattle Saleyards Committee meeting held 22 August 2006 be received.

CARRIED (7/0)

No. 293/06

9.2.2 REVIEW OF POLICY CE/CS/1 – ELECTED MEMBER EXPENSES TO BE REIMBURSED

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ES/151/12
Author:	Kaye Skinner – Executive Secretary
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	18 September 2006

Purpose

The purpose of this report is to review Council Policy CE/CS/1 – Elected Member Expenses to be reimbursed.

Background

At its meeting held on 24 September 2002, the Council adopted the following Policy relating to elected member expenses.

‘That elected members receive reimbursement of expenses as detailed below whilst attending the following:

- *Council and Committee meetings held in accordance with the provisions of the Local Government Act;*
- *Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;*
- *Conferences and training sessions specifically authorised by the Council;*
- *Any official social function organised by, or on behalf of, the Shire of Plantagenet.*

That elected members not receive reimbursement for attendance at the following:

- ANZAC Day services;*
- Remembrance Day Services.*

- Travel*

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the current Local Government Officers’ (Western Australia) Award.

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the Local Government Officers’ (Western Australia) Award 1999 for the ‘South West Land Division’ at the rate set for an engine displacement of 1600cc – 2600cc.

- Accommodation*

Reimbursement within the \$250 per day limit of accommodation, meal, and parking expenses incurred to a maximum of \$250 per day. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Review Of Policy CE-CS1 – Elected Member Expenses To Be Reimbursed (Cont.)

Refreshments consumed with meals will be reimbursed however, all other refreshments (eg: hotel mini bar) will not be reimbursed by the Council.

3. Conference / Meeting Attendance Costs

All conference attendance costs will be paid / reimbursed.

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

Statutory Environment

Local Government (Administration) Regulation 31, linked to Section 5.98(2)(a) of the Local Government Act 1995, prescribes the expenses that 'are to be reimbursed' to elected members. These include telephone and facsimile line rental, child care costs and travel expenses.

With regard to travel expenses, Regulation 31 (4) states:

- '(4) The extent to which travel costs referred to in Subregulation (1) (b) can be reimbursed –
- (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
 - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back –
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (5) For the purposes of Subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.'

When considering the components that make up the cost of travel, such as depreciation, fuels, oils and general vehicle wear and tear, the most appropriate method of calculating the 'actual cost' would be to use an appropriate cents per kilometre rate. The rates as defined in the Local Government Officers' (Western Australia) Award 1999 are appropriate to use for the reimbursement of elected members travel expenses.

With regard to the reimbursement of expenses incurred whilst attending meetings, conferences and the like, Local Government (Administration) Regulation 32 relates.

This regulation states:

Review Of Policy CE-CS1 – Elected Member Expenses To Be Reimbursed (Cont.)

- (1) *For the purposes of Section 5.98 (2) (b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are –*
- (a) *an expenses incurred by a council member in performing a function under the express authority of the local government;*
 - (b) *an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
 - (c) *an expense incurred by a council member in performing a function in his or her capacity as a council member.*
- (2) *The extent to which an expense referred to in Subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.'*

Policy Implications

This item recommends that current Council Policy CE/CS/1 be endorsed.

Financial Implications

The 2006 / 2007 adopted budget contains the following allocations in relation to elected member fees, expenses and allowances:

	Budget 2005 / 2006	Budget 2006 / 2007
Sitting Fees	\$70,000.00	\$70,000.00
President's Allowance	\$ 4,480.00	\$ 4,480.00
Deputy President's Allowance	\$ 1,120.00	\$ 1,120.00
Travelling Expenses	\$18,000.00 (\$19,554 Actual)	\$18,000.00
Telephone & Facsimile Line Rental	\$ 7,500.00	\$ 7,500.00

Strategic Implications

To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

Officer Comment

The Local Government Officers Award (1999) provides the following rates per kilometre for reimbursement when using a private vehicle

Area & Details	Engine displacement (in cubic centimetres)		
	Over 2600cc c/km	1600-2600cc c/km	1600cc & under c/km
Metropolitan Area	69.0	58.9	48.9
South West Land Division	71.5	61.1	51.0
North of 23.5 Latitude	78.7	67.3	56.4
Rest of State	73.7	62.9	52.4

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council Policy CE/CS/1 – Elected Member Expenses to be reimbursed as detailed below:

OBJECTIVE: To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

POLICY: That elected members receive reimbursement of expenses as detailed below whilst attending the following:

- Council and Committee meetings held in accordance with the provisions of the Local Government Act;
- Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- Conferences and training sessions specifically authorised by the Council;
- Any official social function organised by, or on behalf of, the Shire of Plantagenet.

That elected members not receive reimbursement for attendance at the following:

- i. ANZAC Day services; and
- ii. Remembrance Day Services.

1. Travel

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the current Local Government Officers' (Western Australia) Award.

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the Local Government Officers' (Western Australia) Award 1999 for the 'South West Land Division' at the rate set for an engine displacement of 1600cc – 2600cc.

2. Accommodation

Reimbursement within the \$250.00 per day limit of accommodation, meal, and parking expenses incurred to a maximum of \$250.00 per day. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (eg: hotel mini bar) will not be reimbursed by the Council.

3. Conference / Meeting Attendance Costs

All conference attendance costs will be paid / reimbursed.

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.

be endorsed.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Clements:

That Council Policy CE/CS/1 – Elected Member Expenses to be Reimbursed as detailed below:

‘OBJECTIVE: To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

POLICY: That elected members receive reimbursement of expenses as detailed below whilst attending the following:

- Council and Committee meetings held in accordance with the provisions of the Local Government Act;
- Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- Conferences and training sessions specifically authorised by the Council;
- Any official social function organised by, or on behalf of, the Shire of Plantagenet.

That elected members not receive reimbursement for attendance at the following:

- i. ANZAC Day services; and
- ii. Remembrance Day Services.

1. Travel

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the current Local Government Officers’ (Western Australia) Award.

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the Local Government Officers’ (Western Australia) Award 1999 for the ‘South West Land Division’ at the appropriate engine displacement rates.

2. Accommodation

Reimbursement within the \$250.00 per day limit of accommodation, meal, and parking expenses incurred to a maximum of \$250.00 per day. Any unforeseen or additional expenses incurred will be paid only with respect to each

individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (eg: hotel mini bar) will not be reimbursed by the Council.

3. Conference / Meeting Attendance Costs

All conference attendance costs will be paid / reimbursed.

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

be endorsed.

CARRIED (7/0)

No. 294/06

Reason For Change

The Council considered that the reimbursement for travel expenses should be made on actual engine displacement.

9.2.3 REVIEW OF POLICY CE/ED/1 - TOURISM

Location / Address: N / A
Name of Applicant: N / A
File Reference: ED/125/1
Author: Kaye Skinner - Executive Secretary
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 18 September 2006

Purpose

The purpose of this report is to review the Council's current Tourism Policy.

Background

At its meeting held on 14 October 2003 the Council adopted the following Tourism Policy.

OBJECTIVE: *To provide a position for Council in relation to tourism in the Shire of Plantagenet.*

POLICY:

The Council will, with regard to tourism, have, as its major objectives to:

- 1. Recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Plantagenet;*
- 2. Foster and create community awareness of the benefits of tourism within the Plantagenet district;*
- 3. Guide and influence the development of tourism in the Plantagenet district;*
- 4. Provide basic facilities and infrastructure sufficient to encourage development;*
- 5. Ensure that facilities within the Plantagenet area are adequate to cater for visitors and residents.'*

Policy Implications

This item recommends that current Council Policy CE/ED/1 –Tourism be endorsed.

Financial Implications

The Council's allocation in the 2006 / 2007 annual budget for Tourism is \$78,460.00 which is made up of:

Tourist Bureau Contribution.	\$9,500.00
Tourist Bureau Rescue	\$5,000.00
District and Area Promotion	\$16,000.00
Donations	\$6,460.00
Building Maintenance/Operating	\$14,000.00
Tourist Bureau Reserve	\$27,500.00

Strategic Implications

There are no strategic implications for this report.

Review Of Policy CE-ED1 – Tourism (Cont.)

Officer Comment

Core Services	Not part of a Visitor Centre service	Requiring further analysis
Advice and information Brochures / Maps Booking service for accommodation and tours Westrail / Trans WA Ticketing Appropriate retail sales Web site Networking within the region	External marketing including: Trade Shows Exhibitions Shows Fund Raising events	Internet Travel Agency Regional Marketing Memberships Sponsorships

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Hart, seconded Cr J Mark:

That Council Policy CE/ED/1 Tourism as detailed below:

OBJECTIVE: To provide a position for Council in relation to tourism in the Shire of Plantagenet.

POLICY:

The Council will, with regard to tourism, have, as its major objectives:

- (1) Recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Plantagenet;
- (2) Foster and create community awareness of the benefits of tourism within the Plantagenet district;
- (3) Guide and influence the development of tourism in the Plantagenet district;
- (4) Provide basic facilities and infrastructure sufficient to encourage development;
- (5) Ensure that facilities within the Plantagenet area are adequate to cater for visitors and residents.

be endorsed.

AMENDMENT

Moved Cr J Moir, seconded Cr M Skinner:

That the words 'the diverse economy of' be inserted after the word 'within' in Part (1) of the Policy.

CARRIED (7/0)

No. 295/06

COUNCIL DECISION

That Council Policy CE/ED/1 Tourism as detailed below:

OBJECTIVE: To provide a position for Council in relation to tourism in the Shire of Plantagenet.

POLICY:

The Council will, with regard to tourism, have, as its major objectives:

- (1) Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet;
- (2) Foster and create community awareness of the benefits of tourism within the Plantagenet district;
- (3) Guide and influence the development of tourism in the Plantagenet district;
- (4) Provide basic facilities and infrastructure sufficient to encourage development;
- (5) Ensure that facilities within the Plantagenet area are adequate to cater for visitors and residents.

be endorsed.

CARRIED (7/0)

No. 296/06

9.2.4 SCHEDULE OF COUNCIL MEETINGS - 2007

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GO/43/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	11 September 2006

Purpose

The purpose of this report is to consider the schedule of Council meeting dates, times and venues for February 2007 to January 2008 inclusive.

Background

At the Ordinary Meeting of the Council held on 8 November 2005, meeting dates were set for February 2006 to January 2007 inclusive. The Council also resolved that no Council meeting be held in January 2006.

Statutory Environment

Section 5.3 and Section 5.25 of the Local Government Act 1995 and Regulation 12 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.

Officer Comment

As the fourth Tuesday in December 2007 falls on Christmas Day it is suggested that only one (1) Ordinary Meeting of the Council be held in that month being Tuesday 11 December 2007. Further, due to Local Government Week commencing Friday 3 August 2007 for Mayors and Presidents and concluding on Monday 6 August 2007 the Council will still be able to have two (2) meetings for August 2007.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr K Hart:

THAT:

(1) Ordinary meetings of the Council for 2007 be held as follows commencing at 2.45pm:

13 and 27 February 2007

13 and 27 March 2007

10 and 24 April 2007

8 and 22 May 2007

Schedule Of Council Meetings – 2007 (Cont.)

12 and 26 June 2007
10 and 24 July 2007
14 and 28 August 2007
11 and 25 September 2007
9 and 23 October 2007
13 and 27 November 2007
11 December 2007

- (2) No Ordinary meeting of the Council be held in January 2008.
- (3) All meetings be held in the Council Chambers, Lowood Road, Mount Barker.
- (4) All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

AMENDMENT

Moved Cr J Mark, seconded Cr K Clements:

That the date '23 January 2007' be inserted on the next line immediately following '2.45pm' in Part (1) of the Motion.

CARRIED (7/0)

No. 297/06

COUNCIL DECISION**THAT:**

- (1) Ordinary meetings of the Council for 2007 be held as follows commencing at 2.45pm:
23 January 2007
13 and 27 February 2007
13 and 27 March 2007
10 and 24 April 2007
8 and 22 May 2007
12 and 26 June 2007
10 and 24 July 2007
14 and 28 August 2007
11 and 25 September 2007
9 and 23 October 2007
13 and 27 November 2007
11 December 2007
- (2) No Ordinary meeting of the Council be held in January 2008.
- (3) All meetings be held in the Council Chambers, Lowood Road, Mount Barker.
- (4) All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

CARRIED (7/0)

No. 298/06

9.2.5 ADMINISTRATION OFFICE - CHRISTMAS CLOSURE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CU/2/2
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	11 September 2006

Purpose

The purpose of this report is to seek approval to close the Shire of Plantagenet's Administration Office, Recreation Centre and Libraries between Christmas and New Year. The proposed dates of closure in addition to normal public holidays are Wednesday 27, Thursday 28 and Friday 29 December 2006. The office would then reopen on Tuesday 2 January 2007.

Background

The Council has closed for the period between Christmas and New Year in previous years and this has not caused community disquiet or inconvenience. Further, on at least one (1) occasion when the Council has remained open, there has been little or no activity in the office from members of the community.

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

THAT:

- (1) The Shire of Plantagenet's Administration Office, Recreation Centre and Libraries be closed on Wednesday 27 December, Thursday 28 December, Friday 29 December and Saturday 30 December 2006.**
- (2) The closure be advertised locally inclusive of public holidays.**

CARRIED (7/0)

No. 299/06

9.2.6 ASSET RATIONALISATION - PROPOSED PUBLIC INFORMATION MEETING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CR/103/8
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 September 2006

Purpose

The purpose of this report is to recommend that a public meeting be held in the very near future to enable the Council to present to members of the public an update regarding Council plans relating to asset rationalisation.

Background

During discussions with the proposed purchaser of the library building, a suggestion was made that a public question and answer session be held so that rumours circulating about that proposed transaction could be quelled.

Subsequently, after discussion with Councillors, it has been further suggested that the opportunity to hold such a public meeting would present an opportunity to discuss other matters.

Statutory Environment

The meeting would not be a statutory meeting of electors pursuant to Section 5.28 of the Local Government Act 1995.

Officer Comment

A number of issues could be placed on a public meeting agenda including:

- Cemetery Expansion – Mount Barker
- Great Southern Regional Cattle Saleyards - Environmental initiatives
- Library Building - Proposed sale
- Martin Street (Lot 337) - Proposed subdivision
- Medical Centre
- Mount Barker Hill Lookout - Proposed upgrade
- Northern by-pass - Status
- Redman House - Potential sale
- Station House - Proposed sale
- Town Planning Scheme Review
- Signs Policy - Status
- Visitors Centre / Library - Proposed Co-location
- Wilson / Centenary Park Re-development

The proposed meeting could be held in the Council Chambers after the Council Meeting scheduled for 10 October 2006.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That a public information meeting be held on 10 October 2006 in the Council Chambers commencing at 7.30pm, such meeting to be advertised widely, to enable Councillors and Council staff to present to members of the public information regarding the following issues:

- Cemetery Expansion – Mount Barker
- Great Southern Regional Cattle Saleyards - Environmental initiatives
- Library Building - Proposed sale
- Martin Street (Lot 337) - Proposed subdivision
- Medical Centre
- Mount Barker Hill Lookout - Proposed upgrade
- Northern by-pass - Status
- Redman House - Potential sale
- Station House - Proposed sale
- Town Planning Scheme Review
- Signs Policy - Status
- Visitors Centre / Library - Proposed Co-location
- Wilson / Centenary Park Re-development

ALTERNATIVE MOTION

Moved Cr K Clements, seconded Cr D Williss:

That a public information meeting be held on 17 October 2006 in the Council Chambers commencing at 7.30pm, such meeting to be advertised widely, to enable Councillors and Council staff to present to members of the public information regarding the following issues:

- **Cemetery Expansion – Mount Barker**
- **Great Southern Regional Cattle Saleyards - Environmental initiatives**
- **Library Building - Proposed sale**
- **Martin Street (Lot 337) - Proposed subdivision**
- **Medical Centre**
- **Mount Barker Hill Lookout - Proposed upgrade**
- **Northern by-pass - Status**
- **Redman House - Potential sale**
- **Station House - Proposed sale**
- **Town Planning Scheme Review**
- **Signs Policy - Status**
- **Visitors Centre / Library - Proposed Co-location**
- **Wilson / Centenary Park Re-development**
- **Old Depot Site**
- **Main Street Program**
- **HACC Building**
- **Sounness Park**

AMENDMENT

Moved Cr J Moir, seconded Cr J Mark:

That a Part (2) be added to the Motion reading:

‘That adequate documentation on the issues be made available to members of the public as of the commencement of advertising.’

and the Motion renumbered accordingly.

CARRIED (7/0)

No. 300/06

COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

(1) A public information meeting be held on 17 October 2006 in the Council Chambers commencing at 7.30pm, such meeting to be advertised widely, to enable Councillors and Council staff to present to members of the public information regarding the following issues:

- Cemetery Expansion – Mount Barker
- Great Southern Regional Cattle Saleyards - Environmental initiatives
- Library Building - Proposed sale
- Martin Street (Lot 337) - Proposed subdivision
- Medical Centre
- Mount Barker Hill Lookout - Proposed upgrade
- Northern by-pass - Status
- Redman House - Potential sale
- Station House - Proposed sale
- Town Planning Scheme Review
- Signs Policy - Status
- Visitors Centre / Library - Proposed Co-location
- Wilson / Centenary Park Re-development
- Old Depot Site
- Main Street Program
- HACC Building
- Souness Park

(2) Adequate documentation on the issues be made available to members of the public as of the commencement of advertising.

CARRIED (7/0)

No. 301/06

Reason For Change

The Council considered there to be other important matters which should be discussed with the public and that the date of 17 2006 October would allow wider publicity.

9.2.7 NORTH COUNTRY ZONE OF WALGA - COST SHIFTING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/64/6
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 September 2006

Purpose

The purpose of this report is to present a resolution of the North Country Zone of WALGA to the Council for consideration.

Background

The North Country Zone of WALGA (NCZ), largely through the efforts of the Shire of Chapman Valley, has adopted the following:

- '(1) Zone support for the position taken by the NCZ on this issue; and*
- (2) Encourage ... member Councils to consider adopting a Policy similar to that introduced by the Shire of Chapman Valley on this issue.'*

Prior to the matter being considered by the Great Southern Zone of WALGA advice is sought from each member Council.

The original Shire of Chapman Valley Policy reads:

- '1) The Shire of Chapman Valley will not undertake any additional functions/tasks until an independent analysis has been undertaken, at the cost of the Australian Government, State Government, Department or any other organisation involved in imposing these additional functions/tasks, to determine if additional resources are required to adequately cater for the additional functions/tasks being expected of the Shire.*
- 2) If the outcome of the analysis is the Shire would need additional resources to undertake the additional functions/tasks then the Shire will refuse to perform these functions/tasks until such resources are made available.*
- 3) In the event additional resources are not made available for the additional functions/tasks being requested of the Shire, the Shire will formally advise the relevant organisation(s) and all relevant parliamentarians that they cannot perform these functions/tasks. This advice is to state that in the event of any claim against the Shire, due to non-compliance with the requirements to perform the additional functions/tasks, the Shire will use as a defence the fact they informed the relevant individuals and organisations of their inability to comply due to adequate resources not accompanying the additional functions/tasks.'*

The Shire of Chapman Valley (and NCZ believe that):

'If a critical mass of local government authorities across the State adopted similar Policies on how they intend treating the additional functions/tasks being imposed upon them by the other to spheres of government a clear message will be sent to both the State and Australian Governments and WALGA on this issue i.e.

North Country Zone Of WALGA – Cost Shifting (Cont.)

- *The message that local government will not tolerate the continued cost shifting practices of the other governments unless adequate resources accompany these additional functions/tasks.*
- *The message that though the Inter Government Agreement is a good starting point to addressing the cost shifting issue it needs to be continually reviewed and strengthened to **ensure** local government does not have additional cost burdens imposed upon it.'*

Officer Comment

The sentiments expressed by the Shire of Chapman Valley and the North Country Zone of WALGA are entirely agreed with.

Although partnership agreements have been signed between WALGA and the State Government there is a tendency by the State Government to forget undertakings to consult with local government especially when changes to regulations will require additional local government resources. The situation has been well recorded in the past with regard to the Federal Government Cost Shifting Enquiry.

Very recently, changes to legislation regarding smoking in hotels has reverted to local government and we have become aware that the State Government is endeavouring to reserve powers such that it can direct a Council to include in its Plan For The Future Waste and Recycling Plans, with all costs being borne by the Local Government.

Councillors should be aware though, that as a body it cannot direct an officer to contravene any law. For example, if the Environmental Health Officer is required to undertake certain duties as a result of legislation (eg: smoking in licensed premises) he must undertake such duties.

To a certain degree the NCZ is advocating a level of civil disobedience.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That the Great Southern Zone of the West Australian Local Government Association be advised that the sentiments expressed by the Shire of Chapman Valley and the North Country Zone of WALGA with regard to cost shifting are supported by the Shire of Plantagenet.

CARRIED (7/0)

No. 302/06

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – AUGUST 2006

Location / Address:	N / A
Attachments: (1)	Financial Statements – August 2006
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	19 September 2006

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 August 2006.

Statutory Environment

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amounts of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (ie: surplus / (deficit) position).

The statement is to be accompanied by: (a) explanation of the composition of net current assets, less committed assets and restricted assets; (b) explanation of the material variances; and (c) such other information considered relevant by the local government.

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

Moved Cr D Williss, seconded Cr J Mark:

That the financial statements for the month ending 31 August 2006 be received.

CARRIED (7/0)

No. 303/06

9.3.2 REVIEW OF POLICY F/FM/1 – SELF SUPPORTING LOANS

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/120/5
Author: John Fathers - Deputy Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 30 August 2006

Purpose

The purpose of this report is to review the Shire's policy F/FM/1 that provides for self supporting loans to be made to clubs and organisations to assist in improving community based facilities.

Background

At its meeting held 14 May 2002, the Council adopted the following policy, which clarified under what circumstances the Council would consider granting self supporting loans:

OBJECTIVE: *To assist clubs and organisations in improving community based facilities.*

POLICY: **Eligible Organisations**

Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

Organisations are to provide:

- *Three (3) years audited financial statements;*
- *A business plan for the proposed term of the loan that clearly demonstrates an ability to repay;*
- *Constitution;*
- *Minute agreeing to borrow funds.*

Funding Details

Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten (10) years. Loan repayments will generally be six (6) monthly unless the applicant organisation requests otherwise.

Approval Process

Council will consider the approval of the loan on the following basis:

1. *Demonstrated ability to repay.*

Review Of Policy F/FM/1 – Self Supporting Loans (Cont.)

2. *Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).*
3. *Stability, sound management, membership base, community accessibility, and longevity of applicant organisation.*
4. *Capital improvements.*
5. *Debenture security over assets (including lease) of organisation if considered appropriate.*

Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.

Other

Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.

Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans.'

Prior to this, the Council's policy was simply that self supporting loans entered into by the Council be underwritten by additional guarantors and / or securities.

The policy was reviewed by the Council at its meeting held on 8 April 2003, whereupon it was resolved that the policy be endorsed, subject to the addition of the following words 'be amortised and will' after the words ' Loan repayments will' in paragraph two (2) under the heading 'Funding Details'.

Statutory Environment

The Local Government Act, 1995 stipulates the requirements for a local authority when borrowing money. It does not differentiate between normal loans and self supporting loans.

Consultation

Consultation has taken place with the Mr Rob Stewart - Chief Executive Officer and Mr Ross MacDonald – Accountant.

Policy Implications

This item reviews Policy No. F/FM/1 – Self Supporting Loans.

Financial Implications

Although self supporting loans are taken out in the Council's name, the repayments relating to self supporting loans are met by the applicant, and therefore there is no cost to the Council.

The purpose of this policy is to minimise the Council's exposure to inheriting a self supporting loan, by ensuring that all applicants can financially meet the repayments of the loan.

Strategic Implications

There are no strategic implications for this report.

Review Of Policy F/FM/1 – Self Supporting Loans (Cont.)**Officer Comment**

A continuation of the policy is considered appropriate. However the policy could be strengthened by requiring that organisations seeking assistance from the Council to raise a loan agree to:

- Enter into a Deed of Agreement for the period of the loan repayments.
- Pay all costs associated with the preparation of documents concerning the raising of the loan.
- Insure and keep insured premises where the premises are security over repayment of a loan.
- Provide whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.
- Provide any other information that the Council requires.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Mark, seconded Cr M Skinner:

That amended Council Policy F/FM/1 – Self Supporting Loans:

OBJECTIVE: To assist clubs and organisations in improving community based facilities.

POLICY: Eligible Organisations

Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

Organisations are to provide:

- Three (3) years audited financial statements.
- A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.
- Their constitution.
- Minute agreeing to borrow funds.
- Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.
- Any other information that the Council requires.

Funding Details

Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten (10) years. Loan repayments will be amortised and will generally be six (6) monthly unless the applicant organisation requests otherwise.

Approval Process

Council will consider the approval of the loan on the following basis:

1. Demonstrated ability to repay.
2. Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).
3. Stability, sound management, membership base, community accessibility, and longevity of applicant organisation.
4. Capital improvements.
5. Debenture security over assets (including lease) of organisation if considered appropriate.

Organisations will be required to:

- Enter into a Deed of Agreement for the period of the loan repayments.
- Pay all costs associated with the preparation of documents concerning the raising of the loan.
- Insure and keep insured premises where the premises are security over repayment of a loan.

Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.

Other

Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.

Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans.'

be endorsed.

CARRIED (7/0)

No. 304/06

9.3.3 DRAFT POLICY – HALLS – REQUEST TO WAIVE HIRE BONDS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/120/3
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	25 August 2006

Purpose

The purpose of this report is to formalise a policy relating to hall hire bonds for Council owned buildings.

Background

The Council previously had a policy in this regard, namely Policy PH6 (Halls-Request to waive hire charges), which stated as follows:

'Normal hall hire charges be applied to all hirers of Council owned buildings unless the function has a direct Council involvement.'

At its meeting held 22 October 2002, the Council resolved that:

- '(1) Council Policy PH6 (Halls- Request to waive hire charges), be repealed;*
- (2) Each request for waiving of hall hire bonds be presented to the Council and, if the request is granted, the group be noted in the Council's list of fees and charges as being exempt from payment of bonds. When such exemptions are granted, they are to be reviewed each year as part of the annual budget process.'*

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with Mr Rob Stewart – Chief Executive Officer and Mr Ross MacDonald - Accountant.

Policy Implications

This item proposes to adopt a new Policy (Halls – Request to Waive Hire Bonds).

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The continuation of this practice as adopted by the Council is recommended to maintain proper fiscal control of building hire activities. Moreover, it is suggested that the practice be formalised into a policy. It is also suggested that the policy be broadened so that in all cases where hire charges are waived or discounted, the relevant hire charges be raised and a corresponding sum be charged against the

Draft Policy – Halls – Request To Waive Hire Bonds (Cont.)

relevant donation account. This practice will enable the Council to properly account for both hall hire charges and donations. Incidentally, this practice has been the one adopted by the Chief Executive Officer.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That draft Council Policy – Halls – Request to Waive Hire Bonds, as follows:

'THAT:

- (1) Each request for waiving of hall hire bonds be presented to the Council and, if the request is granted, the group be noted in the Council's list of fees and charges as being exempt from payment of bonds. When such exemptions are granted, they are to be reviewed each year as part of the annual budget process.**
- (2) Where the hire charges for Council owned buildings are waived or discounted, the relevant hire charges be raised and a corresponding sum be charged to a donation account.'**

be adopted.

CARRIED (6/1)

No. 305/06

9.3.4 REVIEW OF POLICY CS/SP/1 – SWIMMING CARNIVALS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/120/7
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 September 2006

Purpose

The purpose of this report is to review Policy CS/SP/1 – Swimming Carnivals. This Policy allows swimming carnivals to occur at the Mount Barker Swimming Pool, subject to suitable arrangements being made for concurrent public use.

Background

The Swimming Carnivals policy reads:

'That school and other similar type swimming carnivals are permitted at the Mount Barker Swimming Pool, subject to suitable arrangements being made for concurrent public use.'

Statutory Environment

The Department of Health 'Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities' is silent on matters relating to Swimming Carnivals.

The Code of Practice does stipulate the maximum bather numbers for a 'school pool' at one (1) person per 2.5m².

Consultation

Consultation has taken place with Mr Rob Stewart – Chief Executive Officer and Mr Mark Bird – Swimming Pool Manager.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Shire of Plantagenet Strategic Plan Key Result Area 1 addresses the adoption and revision of all policies, procedures and delegations to ensure internal consistency and convergence.

Officer Comment

The Mount Barker High School, Mount Barker Primary School and combined Kendenup, Cranbrook and Frankland schools host school swimming carnivals. The Mount Barker Swimming Club also hosts a swimming meet at least once during the pool season which is attended by swimming clubs from the Great Southern and South West regions.

Review Of Policy CS/SP/1 – Swimming Carnivals (Cont.)

In the past the Pool Manager has attempted to divide the pool for school or public carnivals and concurrent public use but has found the dual use difficult to manage, due to:

- Space restrictions – the schools and / or host organisations request the use of the whole pool for their carnivals;
- Safety implications – it is very difficult to oversee public use of the swimming pool as well as swimming carnival activities; and
- Attendance – members of the public generally avoid the pool during swimming carnivals due to the number of participants using the pool, the nature of the pool use and noise and festivities associated with a swimming carnival.

It is therefore recommended that a change be made to the existing policy to remove the statement ‘...subject to suitable arrangements being made for concurrent public use’ and instead, a procedure be implemented which will require the Pool Manager to advertise an upcoming Swimming Carnival for a minimum two (2) week period, in both the Plantagenet News and at the Swimming Pool, prior to the event.

Consideration should also be given to the inclusion of a statement that requires the host organisation for the swimming carnival to ensure they have appropriate and adequate insurance for the event and provide adequate supervision during the event.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That amended Policy CS/SP/1 – Swimming Carnivals:

‘POLICY: That school and other similar type swimming carnivals are permitted at the Mount Barker Swimming Pool, subject to:

- **The host organisation holding appropriate and adequate insurance for the event;**
- **The host organisation providing adequate supervision for the event; and**
- **Exclusion of members of the public from the main pool during such events.’**

be endorsed.

**CARRIED (7/0)
No. 306/06**

9.3.5 LIST OF PAYMENTS - AUGUST 2006

Location / Address: N / A
Attachments: List of Payments - August 2006
Name of Applicant: N / A
File Reference: FM/65/3
Author: Rayona Evans - Accounts Officer
Authorised By: John Fathers – Deputy Chief Executive Officer
Date of Report: 18 September 2006

Purpose

The purpose of this report is to present the list of payments that were made during the month of August 2006.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of 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 M Skinner, seconded Cr K Hart:

That the payment of accounts for the month of August 2006 covering electronic payments, cheques 35599 to 35840, totalling \$1,173,829.30 and the payment of trust cheque 133, totalling \$100.00 be noted.

CARRIED (7/0)

No. 307/06

9.3.6 COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP AGREEMENT

Location / Address:	N / A
Attachments: (1)	Agreement
Name of Applicant:	N / A
File Reference:	LE/28/1
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	18 September 2006

Purpose

The purpose of this report is to grant the Shire President and Chief Executive Officer authority to sign the 'Community Safety and Crime Prevention Partnership Agreement between the Government of Western Australia and the Shire of Plantagenet'.

Background

The Shire of Plantagenet has been involved with an Interagency Support Group (ISG) which operated for several years. The role of the ISG was to recognise community safety issues and to identify actions to overcome the issues.

The inclusion of the Department of Indigenous Affairs to the ISG resulted in the focus of the group moving from community safety issues to Noongar issues. The Shire of Plantagenet also withdrew the secretarial support from the ISG (after four (4) years of service) and it dissolved soon afterwards.

Inspector David Picton-King from the Great Southern District Office met recently with the Shire President and Chief Executive Officer to discuss the resurrection of the ISG. The outcome of the meeting was, provided that the group did not focus on particular community segments and all government agencies committed to the ISG, the resurrection of the group could benefit the Plantagenet community.

The Community Safety and Crime Prevention Partnership Agreement (attached) is a formal agreement between the Shire of Plantagenet and the Government of Western Australia to reinforce the Shire's commitment to safety within the community. The Partnership Agreement and strategies arising from the Agreement would provide the focus for the ISG.

Statutory Environment

The State Government has primary responsibility for law enforcement, policing, community safety and crime prevention.

Consultation

Consultation has taken place with Mr David Picton-King and Mr Peter Taylor of the West Australian Police Service, Jeremy Marsden from the Department of Justice, Jonathan Hoskin from the Mount Barker High School, Ruth York from the Plantagenet and Cranbrook Health Service and Cr Kevin Forbes and Mr Rob Stewart from the Shire of Plantagenet.

Community Safety & Crime Prevention Partnership (Cont.)

Ms Kate Bennett from the Office of Crime Prevention (OCP) presented the funding programs available from the OCP to the Council on 11 July 2006 and met again with Council officers on 24 August 2006.

Policy Implications

There are no policy implications for this report.

Financial Implications

Upon entering into a Community Safety and Crime Prevention partnership with the Government of Western Australia, the Shire of Plantagenet will receive \$10,000.00 to assist in the preparation of a Community Safety and Crime Prevention Plan.

Further funding is available on a case by case basis to assist communities implement findings from the Community Safety and Crime Prevention Plan.

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

The two (2) key benefits of engaging in a Community Safety and Crime Prevention Partnership is the ability to source \$10,000.00 untied funding to prepare a Community Safety and Crime Prevention Plan and to provide the potential ISG with a clear direction.

Once a clear direction for the ISG has been established, agency resources and commitment can be easily channelled into 'target areas' of greatest need.

The opportunity to source additional funding from the OCP to implement programs identified in the Community Safety and Crime Prevention Plan would ensure that community safety projects can start immediately, rather than suspending projects and initiatives until appropriate resources are obtained.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That authority be granted to the Shire President and the Chief Executive Officer to sign the Community Safety and Crime Prevention Partnership Agreement between the Government of Western Australia and the Shire of Plantagenet.

CARRIED (7/0)

No. 308/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr J Mark, seconded Cr K Hart:

That new business of an urgent nature, namely:

- **Appointment Of Bush Fire Control Officers 2006 / 2007**

be introduced into the meeting.

CARRIED (7/0)

No. 309/06

11.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS 2006 / 2007

Location / Address: N / A
Name of Applicant: N / A
File Reference: ES/15/1
Author: Nicole Selesnew - Manager of Community Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 26 September 2006

Purpose

The purpose of this report is to appoint Shire of Plantagenet Bush Fire Control Officers for the Narpyn Bush Fire Brigade, South Stirling Bush Fire Brigade and Kojaneerup Bush Fire Brigade for 2006 / 2007, pursuant to Section 38 of the Bush Fires Act 1954.

Background

At its Ordinary Meeting of 22 August 2006 the Council resolved to appoint Bush Fire Control Officers for the Denbarker, Forest Hill, Kendenup, Middle Ward, Narrikup, Perillup, Porongurup, South Porongurup, Rocky Gully and Woogenellup Bush Fire Brigades, the Mount Barker Fire and Rescue Brigade and the Shire of Plantagenet.

An alternative motion was carried requesting that a further report regarding the appointment of Fire Control Officers for Kojaneerup Bush Fire Brigade and South Stirling Bush Fire Brigade be presented to the Council. The Council also noted that the Narpyn Bush Fire Brigade had not yet held its Annual General Meeting.

Statutory Environment

Section 38 of the Bush Fires Act details the appointment and duties of Bush Fire Control Officers.

Appointment Of Bush Fire Control Officers 2006 / 2007 (Cont.)**Consultation**

Consultation has occurred with Cr David Williss, Steve Gray – Bush Fire Administration Officer, City of Albany and Ian Dunne – Fire and Emergency Services Authority, Great Southern Branch.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Shire of Plantagenet Strategic Bush Fire Management Plan makes reference to the appointment and duties of Bush Fire Control Officers.

Officer Comment

The City of Albany administers the South Stirlings Bush Fire Brigade and the Kojaneerup Bush Fire Brigade, however the boundaries of both Brigades encompass residents of the Shire of Plantagenet.

It is therefore important that Fire Control Officers (FCOs) of both the South Stirlings and Kojaneerup Bush Fire Brigades are able to carry out the duties of a FCO within the Shire of Plantagenet.

This can be achieved by one of two methods:

- The Shire of Plantagenet and City of Albany endorse the FCOs of both the South Stirlings and Kojaneerup Brigades as Dual Fire Control Officers; or
- The Shire of Plantagenet endorse the FCOs of both Brigades as Shire of Plantagenet FCOs. If this was to occur, the FCOs would also need to be registered within a Shire of Plantagenet Bush Fire Brigade to ensure they had adequate insurance cover while carrying out FCO duties within the Shire.

The Shire of Plantagenet has been liaising with neighbouring authorities regarding the discontinuation of Dual Fire Control Officer appointments due to the sizeable administrative workload associated with the appointments. This strategy is appropriate when Brigade boundaries do not cross Local Government boundaries, however in the situation of both South Stirlings and Kojaneerup Brigades, the most appropriate strategy would be to appoint Dual Fire Control Officers.

Nominations for the appointment of Bush Fire Control Officers for the Shire of Plantagenet for 2006 / 2007 are as follows:

Bush Fire Brigade	Fire Control Officer Nominee
Narpyn Brigade	Brett Bell
	Peter Slade
	Owen Sounness

Appointment Of Bush Fire Control Officers 2006 / 2007 (Cont.)

	Norm Hill
	Mark Wallace

Nominations for the appointment of Dual Bush Fire Control Officers for the Shire of Plantagenet for 2006 / 2007 are as follows:

Kojaneerup	Tony Slattery
	Terry Bradshaw
	John Hood
South Stirlings	Graeme Pyle
	Steve Fullarton
	John Howard

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) The following be appointed as Bush Fire Control Officers for the Shire of Plantagenet for 2006 / 2007:

Bush Fire Brigade	Fire Control Officer Nominee
Narpyn Brigade	Brett Bell
	Peter Slade
	Owen Sounness

 Appointment Of Bush Fire Control Officers 2006 / 2007 (Cont.)

	Norm Hill
	Mark Wallace

- (2) The following be appointed as Dual Bush Fire Control Officers for the Shire of Plantagenet for 2006 / 2007:

Bush Fire Brigade	Fire Control Officer Nominee
Kojaneerup	Tony Slattery
	Terry Bradshaw
	John Hood
South Stirlings	Graeme Pyle
	Steve Fullarton
	John Howard

CARRIED (7/0)

No. 310/06

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.03pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON_____ **DATE: .../.../...**