



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 23 January 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	EXECUTIVE SERVICES REPORTS.....	4
9.1.1	COMMITTEE MINUTES.....	4
9.1.2	POLICY - CAT CONTROL.....	5
9.1.3	MOUNT BARKER TOURIST BUREAU - BUSINESS PLAN.....	7
9.1.4	MOUNT BARKER TOURIST BUREAU – JOINT COMMITTEE..	10
9.2	CORPORATE SERVICES REPORTS.....	12
9.2.1	POLICY REVIEW – FINANCIAL MANAGEMENT - BORROWING PROGRAM.....	12
9.2.2	POLICY REVIEW – PURCHASING AND TENDERING.....	16
9.2.3	POLICY REVIEW – TELECOMMUNICATIONS – COUNCILLORS AND STAFF.....	17
9.2.4	FINANCIAL STATEMENTS – NOVEMBER AND DECEMBER 2006.....	22
9.2.5	BUDGET REALLOCATIONS - DECEMBER 2006.....	23
9.2.6	LIST OF PAYMENTS - DECEMBER 2006.....	30
9.2.7	LOT 55 MUIRS HIGHWAY, ROCKY GULLY - SUBMISSION....	31
9.2.8	LOT 364, RESERVE 23771 OSBORNE ROAD, MOUNT BARKER - LEASE GIRL GUIDES.....	33

9.2.9	MOUNT BARKER TOURIST BUREAU SUBLEASE AMENDMENT	36
9.2.10	ROAD NAMING - FAULKNER COURT	39
9.3	TECHNICAL SERVICES REPORTS.....	41
9.3.1	TRAFFIC MANAGEMENT EVENTS – MAIN ROADS WESTERN AUSTRALIA – INSTRUMENT OF AUTHORISATION	41
9.3.2	TENDER TO SUPPLY CULVERTS.....	43
9.3.3	KENDENUP LANDFILL SITE - OPERATING HOURS	47
9.4	DEVELOPMENT SERVICES REPORTS	49
9.4.1	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 41 - OMNIBUS AMENDMENT - SUBMISSIONS RECEIVED.....	49
9.4.2	ROAD CLOSURE - FORSTER ROAD, KENDENUP.....	53
9.4.3	LOT 12 OF LOCATION 2484 MOUNT BARKER- PORONGURUP ROAD, PORONGURUP - CHALET - SUBMISSIONS.....	55
9.4.4	LOCATION 2121 CLEAR HILLS ROAD, DENBARKER - WAPC NO. 132239 - SUBDIVISION	58
9.4.5	LOT 283 SOUTH MARMION STREET, MOUNT BARKER - AQUACULTURE AND HORTICULTURE	60
9.4.6	HAY RIVER LAND CONSERVATION DISTRICT COMMITTEE - PROPOSED WINDING UP.....	63
9.4.7	LOT 24 SCOTT ROAD, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION.....	64
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	66
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	66
11.1	TENDER TO SUPPLY CONCRETE.....	66
11.2	TIMBER TOWNS VICTORIA - PROPOSAL TO FORM A NATIONAL BODY.....	69
12	CONFIDENTIAL	71
12.1	SOUTH MOUNT BARKER FOOTBALL CLUB	71
13	CLOSURE OF MEETING.....	73

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.52pm The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

Ms C Delmage Administration Officer

There were three (3) members of the public present.
There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr J Mark applied for leave of absence for the period 28 February to 16 March 2007 inclusive.

Moved Cr K Hart, seconded Cr B Hollingworth:

That Cr J Mark be granted leave of absence for the period 28 February to 16 March 2007 inclusive.

CARRIED (9/0)

No. 1/07

7 CONFIRMATION OF MINUTES

Moved Cr D Williss, seconded Cr J Mark:

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

CARRIED (9/0)

No. 2/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Cr K Forbes – Shire President, noted that the sale of the ‘Old Station House’ had been held up due to a lack of original title. Cr Forbes also noted that to gain a new title, he and Mr John Fathers – Acting Chief Executive Officer completed the required paperwork and utilised the Council Common Seal. Cr Forbes noted that he did not bring the matter to the Council as he wanted to expedite the matter but was informing the Council as a matter of courtesy. It was also noted that the use of the Common Seal has been included in the Common Seal Register. Settlement will occur in the next few days.
- 24 January 2007 – Cr Forbes and Mr Maynard Rye - Great Southern Development Commission are to put in place, actions noted from the last TIRES meeting. TIRES members have indicated that they want to proceed with further lobbying. Timber companies have been asked to conduct some direct lobbying. We are also trying to encourage Federal Liberal Members to add to the funding pool. Cr Forbes noted that it may be worth putting pressure on Minister Lloyd and others. Cr Forbes also noted that it was important to keep pushing the issue.
- Cr Forbes noted that a good TIRES meeting was held before Christmas with representatives from other Shires as well as local timber companies. Mr Dennis Sawyer from APEC has retired and Mr Tom Rouse of Great Southern Plantations is now the Vice Chairman.
- Cr Forbes, Mr Stewart – Chief Executive Officer and Mr Peter Duncan – Manager Development Services will meet with Mr Bruce Manning from GSDC regarding developments at Yerriminup. Cr Forbes and Mr Stewart will also be meeting with tourism promotion representatives from Albany who have ideas for the Great Southern Region. Cr Forbes noted that it was important to be informed and involved.
- 30 January 2007 – A meeting of the Great Southern Development Commission will be held in the Council Chambers from 9.00am. From 12.30pm, members of the public are welcome to attend.
- 7 February 2007 – Cr Forbes will attend a WALGA State Council meeting in Perth during the evening and a financial workshop during the day.
- 8 February 2007 – A meeting of the Rainbow Coast Regional Council will be held at Frankland.
- 2 March 2007 – A meeting of the Area Consultative Committee will be held in the Council Chambers allowing the Council an opportunity to present what is happening and future opportunities within the Shire of Plantagenet.
- 26 January 2007 – Cr Forbes asked that as many Councillors as possible attend the Australia Day function in town. Cr Forbes noted that Mrs K Skinner along with Mrs Forbes and himself would be attending Narrikup Australia Day function for a Citizenship ceremony. Cr Forbes also noted that other Citizenships would also occur in Mount Barker.
- 29 January 2007 – Cr Forbes and Mr Stewart will participate in a Zone Teleconference. Cr Forbes noted that the Zone had been unfairly charged for teleconferences and that a meeting with the Zone Secretary to discuss the reduction of costs by \$150.00 each.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES

Location / Address: N / A
Attachments: (4) Committee Minutes
Name of Applicant: N / A
File Reference: CA/103/1; FM/103/1; WM/103/2; LP/103/3
Author: Cherie Delmage - Administration Officer
Authorised By: John Fathers - Deputy Chief Executive Officer
Date of Report: 11 January 2007

Purpose

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

- Great Southern Regional Cattle Saleyards Committee Meeting - 12 December 2006
- Audit Committee Meeting - 12 December 2006
- Waste Management Committee Meeting – 12 December 2006
- Townscape Review Steering Committee Meeting - 14 December 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 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 K Hart, seconded Cr J Cameron:

That the following Committee Minutes be received:

- Great Southern Regional Cattle Saleyards Committee Meeting - 12 December 2006
- Audit Committee Meeting - 12 December 2006
- Waste Management Committee Meeting – 12 December 2006
- Townscape Review Steering Committee Meeting - 14 December 2006

CARRIED (9/0)

No. 3/07

9.1.2 POLICY – CAT CONTROL

Location / Address:	N / A
Attachments: (1)	Shire of Denmark Cat Control Policy
Name of Applicant:	N / A
File Reference:	EM/120/2
Author:	Kaye Skinner – Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	17 January 2007

Purpose

The purpose of this report is to consider a request raised by the Shire of Denmark at the meeting of the Rainbow Coast Regional Council held 9 November 2006 in relation to the incorporation of cat control in education programs.

Background

At the meeting, the Denmark representatives tabled that Council's Cat Control Policy, which is attached, and sought the agreement of other member Councils to lobby the State Government to incorporate cat control in education programs.

The City of Albany advised that they were looking at creating a Local Law and that the Western Australian Local Government Association (WALGA) Governance Committee was also looking at the issue of cat control.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report at this stage, however resources would need to be found if a policy or Local Law was adopted.

Strategic Implications

There are no strategic implications for this report.

Legal Implications

There are no legal implications for this report.

Officer Comment

The Shire of Cranbrook has resolved to support Denmark's proposal.

The Shire of Plantagenet Ranger receives infrequent calls about cat issues. The WA Ranger's Association has developed a model Cat Local Law for Local Government Authorities. The City of Stirling and the Shire of Capel have each adopted a cat Local Law.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements:

That the Shire of Demark be advised that the Shire of Plantagenet endorses the Council's request to lobby the State Government for inclusion of cat control in education programs.

CARRIED (8/1)

No. 4/07

9.1.3 MOUNT BARKER TOURIST BUREAU INC. - BUSINESS PLAN

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/92/6
Author:	John Fathers - Acting Chief Executive Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	2 January 2007

Purpose

The purpose of this report is to seek authorisation to engage a consultant to prepare a business plan on behalf of the Mount Barker Tourist Bureau Inc. Board (the Board).

Background

At its Special Meeting held 21 November 2006, the Council resolved:

'THAT:

- (1) *That the Mount Barker Tourist Bureau (Inc) be advised that it is the opinion of the Council that:*
 - (a) *Visitor Centre Income and Expenditure can be balanced without increased contributions from the Council provided that operating hours of the Centre are reduced to twenty nine hours per week Monday to Sunday.*
 - (b) *The Manager and Book-keeper positions could be combined, with that new position working two (2) days per week at \$22.00 per hour.*
 - (c) *Casual staff could be limited to three (3) hours per day on the remaining days of the week (as detailed in the attached spreadsheet).*
- (2) *Subject to budget direction, the Council will release the next grant instalment in December 2006 followed by the final instalment in February 2007.*
- (3) *The Council acknowledges that the reduced operating hours will not necessarily be an optimum solution and therefore the Council will fund, up to a maximum of \$10,000.00, the appointment of a Consultant to prepare a Business Plan on behalf of the Visitor Centre, subject to budget reallocation.'*

In correspondence dated 5 December 2006, the Board stated that *'we thank you for the opportunity of assistance with respect to developing a business plan, which we gratefully accept. The board is already in the process of revising the current business plan in accordance with the budget for the current financial year'*.

Statutory Environment

There are no statutory implications for this report.

Consultation

No consultation has taken place in respect to this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

This report seeks unbudgeted expenditure of up to \$10,000.00 to engage a consultant, subject to funding being made available in the Budget Review report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Council is now requested to consider the following options:

Engagement of Consultant

- (1) The Council provide \$10,000.00 to the Board for the purpose of engaging a consultant with a view to acquitting the grant at a future date.
- (2) The Council engage a consultant to be paid directly by the Council.

No objections are raised to Option 2 as this is simpler and allows the Council to maintain control and have input into the process if it so wishes.

Shire Input

- (1) The Shire has no further input into the consultant's brief and activities.
- (2) The brief is jointly developed by the Shire and the Board and the Shire is represented in each phase of the consultant's activities.
- (3) The brief is fully determined by the Council and the Shire is represented in each phase of the consultant's activities.
- (4) The brief is fully determined by the Council and the Shire directs each phase of the consultant's activities.

This is a matter which the Council has been seeking for some time and from this point of view, the Council may wish to have some input. The business plan will be for the sole use of the Board and therefore the Board needs to be able to have a significant involvement in and take ownership of the business plan. It is suggested that Option 2 is chosen as this will signify a spirit of co-operation with the Board and enable the Shire's experience in such matters to be utilised.

In order to expedite this, it may be beneficial to appoint a joint Steering Committee, with up to three (3) representatives from both the Council and the Board to co-ordinate these matters.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Subject to the Council endorsing a reallocation of funds within the December Budget Review, a suitable consultant be engaged by the Council to develop a business plan on behalf of the Mount Barker Tourist Bureau Inc. Board provided that the Board agrees that the brief is jointly developed by the Shire and the Board and the Shire is represented in each phase of the consultant's activities.

Mount Barker Tourist Bureau Inc. – Business Plan (Cont.)

- (2) A Steering Committee with up to three (3) representatives from the Council and the Mount Barker Tourist Bureau Inc. Board be established to assist the parties in developing the consultant's brief, appointing a consultant and liaising with the appointed consultant in the preparation of the draft business plan.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr K Clements, Seconded Cr J Moir:

THAT:

- (1) **Subject to the Council endorsing a reallocation of funds within the December Budget Review, a suitable consultant be engaged by the Council to develop a business plan on behalf of the Mount Barker Tourist Bureau Inc. Board provided that the Board agrees that the brief is jointly developed by the Shire and the Board and the Shire is represented in each phase of the consultant's activities.**
- (2) **A Steering Committee with two (2) representatives from the Council and two (2) from the Mount Barker Tourist Bureau Inc. Board be established to assist the parties in developing the consultant's brief, appointing a consultant and liaising with the appointed consultant in the preparation of the draft business plan.**

CARRIED (9/0)

No. 5/07

Reason For Change

The Council agreed that two (2) representatives from each group was sufficient.

9.1.4 MOUNT BARKER TOURIST BUREAU INC. – JOINT COMMITTEE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/92/6
Author:	John Fathers – Deputy Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	16 January 2007

Purpose

The purpose of this report is to consider a request from the Mount Barker Tourist Bureau Inc. Board (the Board) to establish a joint committee.

Background

A letter has been received from the Board advising as follows:

'The MBVC Board recently held a SWOT analysis workshop and general meeting facilitated by Vicki Brown. During this meeting a motion was put that we would approach the Shire to implement the establishment of a Joint Committee as per the steering committee review.

We would see this being structured as follows:

- *An independent Chairperson*
- *Two Councillors*
- *Two representatives*
- *Four Tourist Bureau Members*

The Joint Committee would be responsible for the following:

1. *Primarily responsible for making recommendations to the Shire in relation to area promotions.*
2. *The joint committee to be responsible for implementing a memorandum of understanding.*

Could this be put to the Council, at their next meeting please.'

Statutory Environment

There are no statutory implications for this report.

Consultation

No consultation has taken place in respect to this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Strategic Plan New Initiative 5.2 states that the Council will develop partnerships to encourage appropriate economic development and employment opportunities within the Shire and the Region.

Officer Comment

No objections are raised in relation to the formation of a committee which would strengthen the links and communication channels between the Council and the Board. It is hoped that such a committee would foster better relations between the two parties, enable the Council to provide guidance to the Board in relation to the its business activities and better align the two (2) parties in their future directions.

The structure of the proposed committee is that it would not be a formal committee appointed by the Council pursuant to Section 5.9 (2) (c) of the Local Government Act 1995.

It is suggested that the Chief Executive Officer be authorised to enter into discussions with the Board on the role and draft composition of the Committee with a further report being presented to the Council at its meeting to be held 27 February 2007.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

THAT:

- (1) The Chief Executive Officer be authorised to enter into discussions with the Mount Barker Tourist Bureau Inc. Board with a view to finalising the role and composition of a joint committee.**
- (2) A further report be presented to the Council, no later than its meeting to be held 27 February 2007.**

CARRIED (9/0)

No. 6/07

9.2 CORPORATE SERVICES REPORTS

9.2.1 POLICY REVIEW – FINANCIAL MANAGEMENT - BORROWING PROGRAM

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/120/3
Author:	John Fathers - Acting Chief Executive Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	2 January 2007

Purpose

The purpose of this report is to review Council Policy No. F/FM/6 – Financial Management - Borrowing Program.

Background

At its meeting held 12 July 2005, the Council adopted the following Policy:

OBJECTIVE:

To publicly acknowledge the limits of the potential for the Council's indebtedness to lending agencies and satisfy the Western Australian Treasury Corporation in that any new borrowings will not place financial stress of the local government.

POLICY:

Council will, with regard to its borrowings from external agencies, ensure that the Council's debt service ratio does not exceed 10% at any time and that the Council's gross debt to revenue ratio does not exceed 60% for the:

- immediate preceding financial year;
- current financial year; and
- the following financial year.

Where Debt Service Ratio means:

Debt Service Cost

Available Operating Revenue

Gross Debt to Revenue Ratio means:

Gross Debt

Total Revenue

Statutory Environment

Local Government is no longer required to obtain the Treasurer's approval to borrow funds pursuant to Section 6.21 of the Local Government Act 1995.

Nevertheless the Western Australian Treasury Corporation will only lend once the Corporation is satisfied that any new borrowings will not place financial stress on the Local Government. This means that financial information will need to be provided to the Corporation to obtain funds.

Consultation

Consultation has taken place with Mr Ross MacDonald - Accountant.

Policy Implications

This item reviews Council Policy No. F/FM/6 – Financial Management - Borrowing Program.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Councillors will be aware that the Shire has recently undertaken a significant borrowing program to undertake infrastructure and economic development initiatives. These borrowings have been undertaken publicly and with full financial accountability and prudence.

The intent of the policy is to assist the Council and Western Australian Treasury Corporation in determining the appropriateness of obtaining additional loan funds given Shire's financial position at any particular time. The policy publicly acknowledges the limits of the potential for the Council's indebtedness to lending agencies.

In order for the Council to be fully aware of what the ratios mean, the following excerpt from Haines Norton's Short Guide to Financial Ratios is reproduced:

3.2 Debt Service Ratio

$$\frac{\text{debt service cost}}{\text{available operating revenue}}$$

Debt Service Cost - all principal and interest costs in relation to Section 6.20 borrowings.

Available Operating Revenue - operating revenue plus contributions towards money borrowed not included in operating revenue (self-supporting loans) less grants / contributions / donations of a capital nature.

This ratio represents Council's ability to service debt. It can be broken down a little further as follows:

A: To available operating revenue (as required by the regulations)

or

B: To total rate revenue (useful to also consider as adds weight to Ratio A)

From our experience, debt management becomes an issue for Councils when Ratio A exceeds 10% although it can still be acceptable up to 15% if Ratio B is maintained below 30% or there are a large component of self supporting type loans.

Those Councils with a higher proportion of revenue from rates (rate coverage ratio) can also effectively operate at higher debt service ratios as they are more able to generate income (via rate increases) to cope with the debt burden.

Policy Review – Financial Management – Borrowing Program (Cont.)

Consequently, the effect of any borrowing increases in a particular year should be considered when formulating funding options for the budget in any given year.

Also, the longer term effect on the ratios when repayments do kick in should not be ignored (as often is the case).

Quite often, borrowings are proposed in one year and repayments do not commence until the following year and it is only then, the true effect of the debt servicing costs become evident in budget deliberations.

It is important the knock on effect on debt ratios are considered as a part of borrowing deliberations.

These ratios also need to be weighed with the need for Council to consider the future plans / growth including the rationalisation of Reserve funds.

3.3 Gross Debt to Revenue Ratio

$$\frac{\text{gross debt}}{\text{total revenue}}$$

Gross Debt – all Section 6.20 borrowings and utilised overdrafts.

Total Revenue – operating revenue less specific purpose grants.

This illustrates Council's ability to cover its gross debt with its revenue in any given year.

The lower the percentage of the ratio, the greater the ability to cover the gross debt.

As an example, a ratio of 50% would indicate Council's gross debt is half of its total revenue and a ratio of 33% would indicate gross debt is approximately one third of its total revenue.

However, given most borrowings are repaid over a longer timeframe than one year, this ratio is more of a guide for future capacity to repay and should be read in conjunction with other debt ratios.

As an example, a ratio as high as 50% could be acceptable if Council's borrowings still have a reasonable time to maturity and the debt service ratios are also at manageable levels.'

A local government's position with respect to such ratios can only accurately be determined using budget figures (for the current year) and annual financial accounts (for the preceding year). A revised position can be estimated at a particular point in time based on past year totals.

The Council's recent and current budgeted and actual have been calculated as follows:

	2004/05 Actual	2005/06 Actual	2006/07 Budget
Debt Service Ratio A	4.00%	8.12%	8.24%
Debt Service Ratio B	8.37%	16.43%	15.38%
Gross Debt to Revenue	64.75%	64.32%	56.44%

As can be seen from the figures shown above, the Debt Service Ratio A and Ratio B are within the recommended limits in each year. However, the Gross Debt to Revenue Ratio is higher than recommended in each year and has been higher than that prescribed in the current Council policy.

Policy Review – Financial Management – Borrowing Program (Cont.)

Recent discussions with the Council's auditors have revealed that the composition of such ratios are often subject to differing interpretations. Therefore, whilst the imposition of such a policy is a prudent measure, it is considered that the policy should be more a guide than a definitive requirement.

This report therefore recommends a revised policy whereby the Council will aim to meet the limits recommended by the Shire's auditors. The revised policy will enable the Council to be aware of its financial position when it is considering further borrowings and make informed decisions based on all of the circumstances in each case.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That amended Council Policy No. F/FM/6 – Financial Management - Borrowing Program, as follows:

OBJECTIVE:

To publicly acknowledge the limits of the potential for the Council's indebtedness to lending agencies and satisfy the Western Australian Treasury Corporation in that any new borrowings will not place financial stress on the local government.

POLICY:

The Council will, with regard to setting its annual budget and making decisions on borrowings from external agencies, aim that the following financial ratios are maintained within limits recommended by the Shire's auditors:

1. Debt Service Ratio A – 10%

This ratio means:

Debt Service Cost
Available Operating Revenue

2. Debt Service Ratio B – 30%

This ratio means:

Debt Service Cost
Total Rate Revenue

3. Gross Debt to Revenue Ratio – 50%

This ratio means:

Gross Debt
Total Revenue'

be endorsed.

CARRIED (9/0)

No. 7/07

9.2.2 POLICY REVIEW – PURCHASING AND TENDERING

At the advice of the Chief Executive Officer, Item 9.2.2 was withdrawn from the Agenda pending imminent changes to the Local Government Act 1995 regulations relating to the tender threshold. It is expected this Report will be re-presented in March / April 2007.

9.2.3 POLICY REVIEW – TELECOMMUNICATIONS – COUNCILLORS AND STAFF

Location / Address: N / A
Name of Applicant: N / A
File Reference: ET/120/3
Author: John Fathers - Acting Chief Executive Officer
Authorised By: John Fathers - Acting Chief Executive Officer
Date of Report: 2 January 2007

Purpose

The purpose of this report is to review Council Policy No. F/FM/4 - Telecommunications – Councillors and Staff.

Background

At its meeting held 23 November 2004, Council Policy No. PT2 - Telephone Rentals and Facsimile Machine - Councillors and Staff was repealed and Council Policy No. F/FM/4 - Telecommunications - Councillors and Staff was adopted as follows:

OBJECTIVE:

To ensure that councillors and staff who are required to be contactable 24 hours a day are reimbursed adequately for their availability.

POLICY:**Elected Members**

- (1) Elected members shall be paid an annual telecommunications allowance of \$700.00.
- (2) The annual allowance is to be paid on the 1st September each year and relates to the period commencing 1 May and ending 30 April each year.
- (3) Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.
- (4) The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.
- (5) That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.

Staff

- (1) Council will accept responsibility for the reimbursement of staff telephone rental as detailed below:
Works Co-ordinator All Service and Equipment Rental Charges
Ranger All Service and Equipment Rental Charges
- (2) Total account includes, all service and equipment rental charges.

Policy Review – Telecommunications – Councillors & Staff (Cont.)

- (3) Rental charges incurred by a designated staff member in relation to one (1) telephone at his or her place of residence shall be reimbursed on submission of receipts.'

Statutory Environment

With regard to the kind of expenses to be reimbursed by all local governments, Local Government (Administration) Regulation 31 (1)(a), states:

'(a) rental charges incurred by a council member in relation to one telephone and one facsimile machine;' are to be reimbursed.

Under Section 5.99A:

'a local government may decide (absolute majority) that instead of reimbursing council members under Section 5.98 (2) for all of a particular type of expense it will instead pay all council members -

- (a) the prescribed minimum annual allowance for that type of expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount, and only reimburse the member for expenses of that type in excess of the amount of that allowance.

Section 34A of the Regulations provides that, 'for the purposes of Section 5.99A(b), the maximum total annual allowance for telephone and facsimile rental charges referred to in Regulation 31(1)(a) and any other telecommunications expenses that might have been approved for reimbursement under Regulation 32 is \$2,400.00.

Consultation

Consultation has taken place within the management team.

Policy Implications

This item reviews Council Policy No. F/FM/4 Telecommunications – Councillors and Staff.

Financial Implications

The 2006 / 2007 Annual Budget has \$7,500.00 allocated for telephone and fax allowances.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

From an officer perspective, the policy is adequate and alleviates the need for elected members to provide supporting documentation for the reimbursement of their telephone and fax expenses unless they require reimbursement above \$700.00. As the policy has been in place for two (2) years, it is suggested that this amount be increased to \$750.00 to allow for CPI impacts, unless elected members consider an increased amount is warranted.

Due to the change in the staff structure since the adoption of the policy, the words 'Works Co-ordinator' should be amended to 'Works Supervisor'. Clause 2 under 'Staff' is not required as the term 'Total Account' is not used within the policy. This term was deleted by an amendment when the policy was adopted. It is also

Policy Review – Telecommunications – Councillors & Staff (Cont.)

suggested that the policy formalise the ability of the Chief Executive Officer to include telephone allowances and / or provision of mobile phones in employment contracts with senior staff. As the local government election cycle has been modified to enable elections to take place in October rather than May, it is recommended that the payment to Elected Members be adjusted by six months to be in line with the new cycle. It is further recommended that, for reasons of equity, that a once-off half yearly allowance be paid on 1 September 2007 to cover this year's change in dates.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Amended Council Policy No. F/FM/4 - Telecommunications – Councillors and Staff, as follows:

OBJECTIVE:

To ensure that councillors and staff who are required to be contactable twenty-four hours a day are reimbursed adequately for their availability.

POLICY:

Elected Members

- (1) Elected members shall be paid an annual telecommunications allowance of \$750.00.
- (2) The annual allowance is to be paid on the 1 March each year and relates to the period commencing 1 November and ending 31 October each year.
- (3) Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.
- (4) The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.
- (5) That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.

Staff

- (1) The Council will accept responsibility for the reimbursement of telephone costs as detailed below:

Works Supervisor	All Service and Equipment Rental Charges
Ranger	All Service and Equipment Rental Charges
- (2) Rental charges incurred by a designated staff member in relation to one (1) telephone at his or her place of residence shall be reimbursed on submission of receipts.

Policy Review – Telecommunications – Councillors & Staff (Cont.)

- (3) The Chief Executive Officer may include telephone allowances and / or provision of mobile phones in employment contracts with senior staff.’
be endorsed.
- (2) A half yearly allowance be paid on 1 September 2007 to cover the change to the election cycle dates.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

THAT:

- (A) Amended Council Policy No. F/FM/4 - Telecommunications – Councillors and Staff, as follows:**

‘OBJECTIVE:

To ensure that councillors and staff who are required to be contactable twenty-four hours a day are reimbursed adequately for their availability.

POLICY:

Elected Members

- (1) Elected members shall be paid an annual telecommunications allowance of \$750.00.
- (2) The annual allowance is to be paid on the 1 March each year and relates to the period commencing 1 November and ending 31 October each year.
- (3) Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.
- (4) The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.
- (5) That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.

Staff

- (1) The Council will accept responsibility for the reimbursement of telephone costs as detailed below:

Works Supervisor	All Service and Equipment Rental Charges
Ranger	All Service and Equipment Rental Charges
- (2) Rental charges incurred by a designated staff member in relation to one (1) telephone at his or her place of residence shall be reimbursed on submission of receipts.
- (3) The Chief Executive Officer may include telephone allowances and / or provision of mobile phones in employment contracts with senior staff.’

be endorsed.

(B) A half yearly allowance be paid on 1 September 2007 to cover the change to the election cycle dates.

CARRIED (9/0)

No. 8/07

Reason For Change

Councillors agreed that an allowance to cover the change in election dates from May to October was required.

9.2.4 FINANCIAL STATEMENTS – NOVEMBER AND DECEMBER 2006

Location / Address:	N / A
Attachments: (2)	Financial Statements – November 2006 Financial Statements – December 2006
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	16 January 2007

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the periods ending 30 November 2006 and 31 December 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 / COUNCIL DECISION

Moved Cr K Hart, seconded Cr M Skinner:

That the financial statements for the months ending 30 November 2006 and 31 December 2006 be received.

CARRIED (9/0)

No. 9/07

9.2.5 BUDGET REALLOCATIONS - DECEMBER 2006

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.5

Nature of Interest: Cattle Producer

Extent of Interest: 240 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.5

Nature of Interest: Cattle Producer

Extent of Interest: 400 head of mixed cattle

A Financial Interest was disclosed by Cr J Cameron for Item 9.2.5

Nature Of Interest: Cattle Producer

Extent of Interest: Part owner - approximately 500 cattle

A Financial Interest was disclosed by Cr J Moir for Item 9.2.5

Nature Of Interest: Cattle farmer and casual employee of Elders

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.2.5

Nature Of Interest: Adjoining landholder

Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 22 January 2007, giving permission for Cr Forbes, Cr Cameron, Cr Skinner, Cr Hollingworth and Cr Moir to fully participate in discussion and vote in decisions that may lead to expenditures in excess of those indicated in the Business Plan, relating to the Great Southern Regional Cattle Saleyards. This approval is only valid for the meeting of 23 January 2007.

The Chief Executive Officer read aloud the attached letter.

Location / Address: N / A

Name of Applicant: N / A

File Reference: FM/26/1

Author: John Fathers – Deputy Chief Executive Officer

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 23 January 2007

Purpose

The purpose of this report is to adjust the adopted 2006 / 2007 Annual 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 2006/2007 Annual Budget was adopted by the Council at its meeting on 25 July 2006. At its meeting held on 24 October 2006, the Council resolved to amend the 2006/2007 Annual Budget.

Statutory Environment

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds: however, Section 6.2(1) of the Local Government (Financial

Budget Reallocations – December 2006 (Cont.)

Management) Regulations 1996 governs budget requirements for Local Governments. Regulation 33A now requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

Consultation

Consultation has occurred with Mr Rob Stewart - Chief Executive Officer, Mr Ross MacDonald – Accountant / Office Manager and Department Managers.

Policy Implications

There are no policy implications for this report.

Financial Implications

The purpose of a budget review is to ensure that the expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. There are significant financial implications with this report, however the overall effect on the budget is nil ie: changes in incomes are offset by changes in expenditure.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

A number of discrepancies have been identified as requiring a budget amendment and the following action is recommended:

- (1) Rates (310.2.701, 310.2.702, 310.2.726; Page 48) - Rural (UV) Rates yielded \$24,948.00 more than budget. Rural Townsite (Y) Rates yielded \$578.00 less than budget. Rural Townsite (Y) Interim Rates achieved \$2,000.00 more than budget.
- (2) Interest Municipal Funds (320.2.110, Page 49) – Interest received has been higher than predicted. It is estimated that the Shire will receive \$84,000.00 by the end of the financial year, \$18,000.00 over the budget figure.
- (3) Legal Expenses (420.1.167, Page 23) – This budget item was allocated \$10,000.00 and currently has expenditure of \$6,160.00 against it. Recent invoices for legal costs for the South Mount Barker Football Club issue will over-expend this budget item by around \$10,000.00 and it is recommended that this sum be reallocated.
- (4) Advertising (420.1.173, 420.1.174, Page 53) – Spending on Advertising Other has been higher than expected with a number of display advertisements in the West Australian and Albany Advertiser for tenders and other statutory advertisements. The cost of advertising in the Plantagenet News has also been higher than expected. Advertising for staff vacancies has been lower than expected. It is suggested that \$10,000.00 be reallocated from Budget Item 'Advertising Staff Vacancies' to 'Advertising Other'.
- (5) Fire Prevention (510.1.322, 510.2.785, 510.3.141, Pages 6 and 54) – Budget Item 'Firebreak Inspections' is under budget as not as much time has been required to complete this exercise, mainly due to a high level of compliance.

As a result Fines and Penalties is also lower than budget. It is suggested that both of these budget items be reduced by \$5,669.00. It is also suggested that

Budget Reallocations – December 2006 (Cont.)

- Budget Item 'Emergency Shire Radio Equipment' not be used (\$4,000.00 available for reallocation) as the Shire has obtained a radio from the Middle Ward Bush Fire Brigade that was surplus to requirements.
- (6) Salaries - Environmental Health Officer (730.1.21, Page 59) – This Budget Item was under estimated for budget purposes by \$5,000.00 and it is recommended that this sum be reallocated.
 - (7) Health Reimbursements (730.2.769, Page 59) – This budget item was established with a sum of \$11,000.00. This was based on the previous year's actual which included approximately \$10,000.00 in reimbursements for a connection to the sewerage system. This is not expected this year and therefore the original budget is unrealistic. It is suggested that this budget item be reduced by \$10,000.00.
 - (8) Part Refund – Plantagenet Village Homes Donation (840.2.160, Page 62) – A sum of \$10,000.00 was paid to the Plantagenet Village Homes (PVH) as part of the Financial Assistance Grants. It was raised at the October budget review that the PVH should not have required this as the intention was for this to offset the Grain Pool Self Supporting Loan. PVH advised that \$5,000.00 had already been spent but were able to refund half of the amount paid.
 - (9) Home and Community Care (HACC) Facilities (840.3.New, Page 8) – At its meeting held on 12 December 2006, the Council resolved that support for the construction of a new Home and Community Care building on Lot 48 Albany Highway, Mount Barker be confirmed and that an unbudgeted financial contribution of \$95,319.47 be allocated towards the construction of the facilities. Assuming the funds are required in the current financial year, it is recommended that these costs be funded from the restricted capital funds set aside by the Council from the sale of the Old Station House.
 - (10) Plantagenet Village Homes Self Supporting Loan (850.1.106, 840.5.145, 840.2.113, 840.6.148, Page 86) – As the PVH paid off their self supporting loan earlier than scheduled, Budget Items 'Interest on Loan - Village Homes S/S' (Operating Expenditure) and 'Interest on Loan - Village Homes S/S' (Operating Income) can be adjusted by \$233.00. Budget Items 'Principal Repayment - Village Homes S/S' (Capital Repayment) and 'Principal Repayment - Village Homes S/S' (Capital Income) can be adjusted by \$23,428.00.
 - (11) Operating Costs / Landfill (1010.1.338, Page 34) – This budget item has attracted more costs than anticipated due to a hook truck breakdown, which required a backhoe and operator to empty the bins for a period of time. The costs of contractors in operating the facility has also previously been included, which has now been replaced by Shire staff. It is anticipated that the costs will be brought back somewhat however, it will still likely exceed the budget and it is suggested that \$28,748.00 be allocated to that budget.
 - (12) Abandoned Vehicles (1035.1.328, Page 65) – There has been an increase in the towing of abandoned vehicles. An additional \$1,000.00 is sought to cover an over-expenditure.
 - (13) Donation – Wind Farm (1035.1.New, Page 65) – At its meeting held 14 November 2006, the Council resolved that an ex gratia donation of \$1,000.00 be granted to the applicants of the wind farm subject to reallocation from the
-

Budget Reallocations – December 2006 (Cont.)

- December budget review, to show the Shire's support for measures that decrease greenhouse emissions.
- (14) Town Planning (1040.1.176, 1040.1.181, Page 66) – The Municipal Inventory Review will not be commenced this financial year as primary effort will be to make substantial progress on the Local Planning Strategy. Consultants are needed to complete the rural component commenced in 2003. It is suggested that \$7,500.00 be reallocated from Budget Item 'Municipal Inventory Review Consultant' to Budget Item 'Rural Strategy / Maps'.
- (15) Cemetery Land Acquisition (1050.3.133, Page 9) – At its meeting held on 14 November 2006, the Council resolved that with regard to the purchase of Part Lot 1963 Mitchell Street, Mount Barker for the purposes of extension to the Mount Barker Cemetery, the Chief Executive Officer be authorised to increase the purchase price by \$12,500.00 and that a suitable reallocation of funds be recommended at the January 2007 budget review process.
- (16) Install Exit Signs Bar Area - Frost Pavilion (1110.3.341, Page 10) – A sum of \$2,500 was allocated to this budget item. It has been completed at a cost of \$780 and \$1,720.00 is therefore available for reallocation.
- (17) Sounness Park Survey (1133.1.New, Page 73) – A survey of Sounness Park has been arranged to determine where the park, library (former recreation centre), tennis courts and Mount Barker Bowling Club improvements lie in relation to the lots, at a cost of \$4,500.00. This will enable the lots to be rationalised to reflect the current improvements.
- (18) Library - Hot Water System (1140.3.135, Page 12) – This project had a sum of \$3,000.00 allocated to it, however the final cost was \$3,520.00. A reallocation of \$520.00 is therefore sought.
- (19) Lowood Road (Job4001, Job4001EE, Page 13) – The Department of Energy job came in at \$117,229.00, which was \$62,199.00 under budget. This sum could be reallocated to the main Lowood Road job which is \$48,696.00 over budget.
- (20) TIRES (Job4008D, Job4013A, 1210.2.755 Pages 13 and 14) – As a result of the anticipated TIRES funding not being forthcoming, Budget Item 'TIRES' (Capital Income) should be reduced by \$1 million. Accordingly, Budget Item 'Spencer Road TIRES (SLK 6 to SLK 10)' should be reduced by \$800,000.00 and Budget Item 'Martagallup Road TIRES (SLK 8 to SLK 10.61)' be reduced by \$200,000.00.
- (21) Morpeth Street (Job 5203, 1210.2.756, Page 14) – Budget Item Morpeth Street will over-expend by \$8,286.00 due to subdivisional roadworks being carried out. Conversely, the income from Budget Item 'Contribution - Morpeth Street' can be increased by \$8,000.00 due to contributions to those roadworks.
- (22) RoMan Data Upgrade and Asset Management Strategy (1220.1.80, 1220.1.90, Page 76) – These projects will not take place in this financial year and sums of \$15,000.00 and \$9,000.00 are therefore available for reallocation.
- (23) Tourism Bureau – Business Plan (1320.1.New, Page 78) At a Special meeting of the Council held on 27 November 2006 it was resolved, in part, that the Council acknowledges that the reduced operating hours will not necessarily be an optimum solution and therefore the Council will fund, up to a maximum of
-

Budget Reallocations – December 2006 (Cont.)

- \$10,000.00, the appointment of a Consultant to prepare a Business Plan on behalf of the Visitor Centre, subject to budget reallocation.
- (24) Saleyards Utilities (1380.1.34, Page 80) – This budget item has an allocation of \$25,137.00. The actual amount spent is hoped to be significantly lower than this given that minimal scheme water is currently being used and will probably only be used over summer. It is hoped that at least \$5,000.00 will be saved and therefore the budget can be adjusted accordingly.
- (25) Saleyards Water Monitoring (1380.1.51, Page 80) – This Budget Item was allocated \$2,000.00 and over \$4,000.00 has already been spent. An additional \$7,000.00 is sought for this work, which is carried out every six weeks. It is hoped to be able to reduced the costs of this soon by contracting a local company.
- (26) Saleyards Office Expenses (1380.1.152, Page 80) – This Budget Item was allocated \$410.00. An increase to \$2,000.00 is sought to cover higher than expected costs for a new facsimile machine, office chair and canteen tender advertising.
- (27) Saleyards Other Income (1380.2.180, page 80) – This year's budget amount is \$55,000.00. This is an extrapolation of last year's budget actual sum of \$50,000.00, however, last year's figure included a contribution from the Department of Agriculture for the Boontech Reader of \$35,000.00. It is expected that actual income to be received, which relates to sale of manure and canteen lease fees, will only be around \$10,000.00. It is therefore suggested that this budget item be reduced by \$45,000.00.
- (28) Plant Hire (1410.1.317, 1410.2.779, Page 82) – Main Roads WA have contracted the Shire to do clearing works associated with the Western Bypass. Accordingly, it is suggested that budget Item 'Plant Hire' be increased by \$195,000.00 and that Budget Item 'Charges – Plant Hire' be increased by \$223,000.00.
- (29) Relief Staff and Contractors (1430.1.181, Page 83) – This Budget Item was allocated \$10,000.00 in the budget and nothing has been spent to date. It is suggested that it be reduced by \$5,000.00.
- (30) Mount Barker Radio Mast Inspection (1480.1.New) – In 2007, the lease on the Mount Barker Radio Mast to Southern Digital will expire and there will be an option for a ten year renewal. A condition of the lease is that the shed and mast will be maintained in good condition. In order to assess the condition of the mast, quotes have been obtained from suitable qualified communications contractors, the lowest being around \$4,200.00. It is recommended that this sum be provided.

Recent discussions with the Shire President and Chief Executive Officer have resulted in some amendments to the original report. In terms of changes to capital works, an underspend on Lowood Road (Underground Power) has been reallocated to the Main Lowood Road and the HACC Facilities Upgrade is recommended to be funded from restricted funds from the sale of the old Station House. The total over-budget amount on capital works is \$15,586.00.

Legal expenses will exceed budget by at least \$10,000.00 due to the South Mount Barker Football Club issue. Operating Costs / Landfill will also exceed budget and it is

Budget Reallocations – December 2006 (Cont.)

recommended that \$28,748.00 be reallocated. The reimbursements for town planning salaries that was previously recommended be available for reallocation may in fact be required for a replacement for Mr Duncan whilst he is on long service leave. The total over-budget amount on operating \$10,000.00.

The Council may leave this budget review with a total over-expenditure of \$25,586.00 with a view to a similar reduction in expenditure to be sought at the March budget review, or select certain items for reduction.

Voting Requirements

Absolute majority.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

THAT:

(1) The adopted 2006 / 2007 Annual Budget be amended as follows:

Description	Original Budget (\$)	New Budget (\$)
Rural (UV) Rates - 310.2.701	2,234,342	2,259,290
Rural Townsite (Y) Rates - 310.2.702	74,952	74,374
Rural Townsite (Y) Interim Rates - 310.2.726	2,000	4,000
Interest - Municipal Funds - 320.2.110	66,000	84,000
Legal Expenses – 420.1.167	(10,000)	(20,000)
Advertising Other - 420.1.173	(7,000)	(17,000)
Advertising Staff Vacancies - 420.1.174	(20,000)	(10,000)
Firebreak Inspections - 510.1.322	(24,000)	(19,000)
Fire Prevention - Fines and Penalties - 510.2.785	9,000	4,000
Emergency Shire Radio Equipment - 510.3.141	(4,000)	0
Salaries - Environmental Health Officer - 730.1.21	(56,868)	(62,537)
Health Reimbursements - 730.2.769	11,000	1,000
Part Refund - Village Homes Donation - 840.2.160	0	5,000
HACC Facilities Upgrade - 840.3.New	0	(95,319)
Interest on Loan - Village Homes S/S - 850.1.106	(491)	(258)
Principal Repayment - Village Homes S/S - 840.5.145	(11,572)	(35,000)
Interest on Loan - Village Homes S/S - 840.2.113	491	258
Principal Repayment - Village Homes S/S - 840.6.148	11,572	35,000
Operating Costs/Landfill – 1010.1.338	(190,000)	(218,748)
Abandoned Vehicles - 1035.1.328	(500)	(1,500)
Donation - Wind Farm - 1035.1.New	0	(1,000)
Rural Strategy / Maps - 1040.1.176	(500)	(8,000)
Municipal Inventory Review Consultant - 1040.1.181	(7,500)	0
Cemetery Land Acquisition - 1050.3.133	(97,694)	(110,194)
Install Exit Signs Bar Area - Frost Pavilion - 1110.3.341	(2,500)	(780)
Sounness Park Survey - 1133.1.New	0	(4,500)
Library - Hot Water System - 1140.3.135	(3,000)	(3,520)
Lowood Road – Job 4001	(447,367)	(509,566)
Lowood Road - Dept of Energy - Job4001EE	(179,428)	(117,229)
Spencer Road TIRES (SLK 6 to SLK 10) - Job4008D	(1,066,666)	(266,666)

Budget Reallocations – December 2006 (Cont.)

Martagallup Road TIRES (SLK 8 to SLK 10.61) - Job4013A	(266,667)	(66,667)
TIRES (Capital Income) - 1210.2.755	1,079,336	79,336
Morpeth Street - Job 5203	(3,714)	(12,000)
Contribution - Morpeth Street - 1210.2.756	0	8,000
RoMan Data Upgrade - 1220.1.80	(15,000)	(800)
Asset Management Strategy - 1220.1.90	(9,000)	0
Tourism Bureau - Business Plan - 1320.1.New	0	(10,000)
Saleyards Utilities - 1380.1.34	(25,137)	(20,000)
Saleyards Water Monitoring - 1380.1.51	(2,000)	(9,000)
Saleyards Office Expenses - 1380.1.152	(410)	(2,000)
Saleyards Other Income - 1380.2.180	55,000	10,000
Plant Hire - 1410.1.317	(5,000)	(200,000)
Charges - Plant Hire - 1410.2.779	7,000	230,000
Relief Staff and Contractors - 1430.1.181	(10,000)	(5,000)
Mount Barker Radio Mast Inspection - 1480.1.New	0	(4,200)

- (2) The HACC Facilities Upgrade project, at a cost to the Council of \$95,319.00, be funded from the restricted capital funds set aside by the Council from the sale of the Old Station House.

CARRIED (9/0)

No. 10/07

(Absolute Majority)

9.2.6 LIST OF PAYMENTS - DECEMBER 2006

Location / Address:	N / A
Attachments: (1)	List of Payments - December 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:	15 January 2007

Purpose

The purpose of this report is to present the list of payments that were made during the month of December 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 D Williss, seconded Cr J Cameron:

That the payment of accounts for the month of December 2006 covering electronic payments, cheques 36355 to 36472, totalling \$501,664.49, and trust cheques 146, 147 and 152 to 154, totalling \$128,219.01, be noted.

CARRIED (9/0)

No. 11/07

9.2.7 LOT 55 MUIRS HIGHWAY, ROCKY GULLY - SUBMISSION

Location / Address:	N / A
Attachments: (1)	Submission Mrs Carol Dymock
Name of Applicant:	N / A
File Reference:	RV/182/3841
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	4 January 2007

Purpose

The purpose of this report is to consider the submission received opposing the sale of Lot 55 Muirs Highway, Rocky Gully to Mr Luke Gillespie.

Background

At its ordinary meeting held on 12 December 2006 the Council resolved that:

- '(1) Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose of by sale, Lot 55 Muirs Highway, Rocky Gully to Mr Luke Gillespie.*
- (2) Any submissions received during the advertising period be considered by the Council prior to accepting the Offers of Sale.*
- (3) The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.'*

During the submission period one submission was received from Mrs Carol Dymock.

As outlined in her submission (copy attached), Mrs Dymock is opposing the sale of Lot 55 Muirs Highway, Rocky Gully to Mr Luke Gillespie for the sum of \$11,000.00. She believes it was not made clear to her by the Real Estate Agent that she could increase her original offer, and had she known that she could she would have offered a higher amount for the property.

Statutory Environment

Section 3.58 of the Local Government Act 1995 (Act) and the Local Government (Function and General) Regulations govern the disposal of the land by a local government.

Consultation

Consultation has occurred with Mr Michael Scott - Sales Representative - Ray White Mount Barker and Mrs Carol Dymock.

Policy Implications

There are no policy implications for this report.

Financial Implications

Any proceeds from the sale of this property, will be in addition to budgeted funds.

Lot 55 Muirs Highway, Rocky Gully – Submission (Cont.)

The Real Estate Agent's selling fee is 15% of the actual selling price.

Under Section 3.58 when disposing of a property the Council needs to advertise the market value of the property '...as ascertained by a valuation carried out not more than 6 months before the proposed disposition.' Should the sale of the property be prolonged until after 11 February 2006 the Council will be required to obtain another market valuation, costing approximately five hundred dollars (\$500.00).

Strategic Implications

There are no strategic implications for this report.

Officer Comment

When reviewing submissions, Section 3.58 of the Act does not prevent the Council from disposing of property to the nominated purchaser at the advertised price, even when it has received a submission from another person indicating they are prepared to pay a higher price. However, it does require that '...the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.'

Alternatively, should the Council choose not to proceed with the sale to Mr Luke Gillespie then offers may again be accepted by the real estate agent. This course of action will however, have financial implications in terms of advertising and revaluation.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

THAT:

- (1) The submission received from Mrs Carol Dymock be acknowledged, but given the financial implications of readvertising and revaluation, the sale of Lot 55 Muirs Highway, Rocky Gully to Mr Luke Gillespie for the sum of eleven thousand dollars (\$11,000.00), be endorsed.**
- (2) The Chief Executive Officer be delegated the authority to finalise the sale of this property.**

CARRIED (9/0)

No. 12/07

(Absolute Majority)

9.2.8 LOT 364, RESERVE 23771 OSBORNE ROAD, MOUNT BARKER - LEASE GIRL GUIDES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/3496
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers – Acting Chief Executive Officer
Date of Report:	12 January 2007

Purpose

The purpose of this report is to consider leasing Lot 364 Osborne Road, Mount Barker being the total of Reserve 23771 to Guides Western Australia, on behalf of the Mount Barker Guides.

Background

Guides Western Australia (Guides) currently has a lease agreement with the Council for Lot 363 Albany Highway, Mount Barker, which is due to expire on 24 March 2009.

They would like to cancel the lease for this property and establish a new lease for Lot 364 being Reserve 23771 Osborne Road, Mount Barker, with the same lease conditions they currently enjoy.

Until the 31 December 2006, Lot 364 Osborne Road was leased to the Minister of Education for the Mount Barker Kindergarten. Due to the Kindergarten being relocated as part of the 'One College, One Community' initiative, the Minister for Education and Training decided not to renew their lease agreement.

An inspection of the premises was undertaken by the Council's Principal Building Surveyor, Alan Watkins and its Environmental Health Officer, Eric Howard. From this inspection a few minor building maintenance issues need to be addressed, prior to releasing the building, including the installation of Exit signs.

At its Ordinary Meeting held 12 September 2006, the Council resolved that:

'(1) Guides Western Australia be advised that no objections are raised for that Association to sublease the Guides Hall situated at Lot 363, 66 Albany Highway, Mount Barker to the Mount Barker Sub Branch of the Returned Services League (RSL).'

It is the intention of the Guides to extend a sublease to the RSL for Lot 364 should the lease be approved. The RSL is agreeable to this proposed relocation.

On the decision to lease Lot 364 Osborne Road to the Guides, the Council at its Ordinary Meeting held 12 December 2006, resolved:

'That the question be adjourned to allow Councillors to undertake an inspection of both the existing Guides Hall and the former Booth Street Kindergarten and that a further report be presented to the meeting of the Council to be held on 23 January 2007.'

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the disposal of property.

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

- *'the land is disposed of to a body, whether incorporated or not –*
 - *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.'*

A lease agreement to the Guides could be classed as an exempt disposition.

It is a requirement under the Land Administration Act 1997 that as Lot 364 is vested in the Shire of Plantagenet lease approval is required from the Minister for Planning and Infrastructure.

Consultation

Consultation has occurred between Mr Rob Stewart - Chief Executive Officer and members from the RSL and Guides Mount Barker.

Policy Implications

There are no policy implications for this report.

Financial Implications

Approximately \$500.00 will be required to be spent on the premises to enable them to be utilised. Additional funds may be required should the Council decide to upgrade the child size toilets to adult size.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) The Guides Western Australia lease of Lot 363 Albany Highway, Mount Barker be finalised as of 28 February 2007.**
- (2) Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease of Lot 364 Osborne Road, Mount Barker being Reserve 23771 be leased to Guides Western Australia as of 1 January 2007, with the following provisions:**

Lot 364, Reserve 23771 Osborne Road, Mount Barker – Lease Girl Guides (Cont.)

- Rental to be one (1) dollar per annum;
- Term of the lease to be five (5) years; Guides Western Australia to be responsible for public liability insurance, contents insurance, minor building maintenance, garden maintenance, water usage and electricity charges;
- The Shire of Plantagenet to be responsible for building insurance, property and water rates and major building maintenance;
- The Shire of Plantagenet permits Guides Western Australia to sub lease to the Returned Services League; and
- Subject to the approval of the Minister for Planning and Infrastructure.

CARRIED (9/0)

No. 13/07

FURTHER MOTION

Moved Cr K Clements, seconded Cr M Skinner:

That an investigation be made into the possible purchase of Lot 363 Albany Highway, Mount Barker from the Crown, with a view to the rezoning, subdivision and disposal of lots and that a report be presented to the Council no later than its meeting to be held 1 July 2007.

CARRIED (9/0)

No. 14/07

9.2.9 MOUNT BARKER TOURIST BUREAU INC. - SUBLEASE AMENDMENT

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/5/4
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	12 January 2007

Purpose

The purpose of this report is to consider amending the head lease between the Public Transport Authority of Western Australia (PTAWA) and the Shire of Plantagenet and the sublease agreement between the Shire of Plantagenet and the Mount Barker Tourist Bureau Inc over a portion of the Mount Barker Railway Station building. These amendments will facilitate a sub-sub-lease of a portion of the leased area for the purposes of a commercial enterprise.

Background

The Shire of Plantagenet currently leases approximately 211.54m² of the Mount Barker Railway Station building located on Albany Highway, Mount Barker to the Mount Barker Tourist Bureau Inc. The current lease agreement is due to expire on 30 June 2009.

To assist with reducing the operating costs of the Mount Barker Visitor Centre, the Mount Barker Tourist Bureau Inc is proposing a co-location with another business and the Visitor Centre within the premises. It has been indicated by the Mount Barker Tourist Bureau Inc that this co-location may occur with a retail business.

The type of business allowed to operate within the building is restricted by the conditions of both the sublease and the head lease that the Shire has with the Public Transport Authority Western Australia. The operation of a retail business is also prohibited under the sublease.

Therefore to proceed with any type of co-location both the head lease and the sublease agreements will need to be amended. Any changes to these agreements will also require permission from the PTAWA.

This request has been informally forwarded to the PTAWA and is being given their consideration.

Statutory Environment

Commercial Tenancy (Retail Shops) Agreements Act 1985.

Consultation

Consultation has occurred with representatives from the Mount Barker Tourist Bureau Inc and Jim Mullins from Burgess Rawson. Burgess Rawson coordinates the lease agreements for the PTAWA.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Assisting the Mount Barker Visitor Centre with this co-location initiative will go towards enabling the Centre to continue as an independently operated and financial business. The development of tourism within Plantagenet is strongly connected to the Shire's strategic plan aim of being '...a strong cohesive community working together for common goals' which result '...in a better quality of life for the people of Plantagenet'.

Officer Comment

The major changes that will be required to be made to the sublease include:

- Altering the permitted use of the building;
- Enabling a retail shop to be operated from the premises; and
- Providing the sublessee the ability to sub-sublease the premises.

Should a retail shop be allowed in the building then it will be subject to the Commercial Tenancy (Retail Shops) Agreements Act 1985. The Council would require legal advice on the implications that this Act may have on the Shire as a sublessor and advice on any sub-sublease that is proposed by the Mount Barker Tourist Bureau Inc.

This report is seeking the Council's in-principle support for amending the lease and sublease agreements and authority to seek legal advice on the implications involved in allowing a retail outlet to operate within the premises. It is envisaged that the assistance of the Shire's solicitors will be also required in perusing the new lease agreements.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

THAT:

- (1) No objections be raised to amending the sublease over the portion of the Mount Barker Railway building, located on Albany Highway, Mount Barker, between the Mount Barker Tourist Bureau Inc and the Shire of Plantagenet to such extent that the Mount Barker Visitor Centre is able to co-locate within the building with another business, provided that:**
 - (a) The Public Transport Authority Western Australia (PTAWA) is agreeable to any required changes to the head lease and sub-lease, and all PTAWA conditions are met;**
 - (b) Legal advice is obtained on the proposed lease changes in order to determine the implications for the Council; and**

Mount Barker Tourist Bureau Inc. – Sublease Agreement (Cont.)

- (c) All sub-sublease agreements entered into by the Mount Barker Tourist Bureau Inc receive the Council and the PTAWA's approval and do not breach any conditions of the head lease or the sublease.
- (2) No objections be raised to amending the head lease with the PTAWA to enable Part (1) to occur, on the basis that all the conditions of Part (1) are met.
- (3) the Chief Executive Officer be authorised to progress appropriate amendments to the lease documentation, in conjunction with the Shire's solicitors where necessary, and to submit a further report to the Council with amended lease agreements no later than the Council meeting to be held 27 March 2007.

CARRIED (9/0)

No. 15/07

9.2.10 ROAD NAMING - FAULKNER COURT

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/107/1; LP/158/41
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	9 January 2007

Purpose

The purpose of this report is to revise the use of Faulkner Court as a road name within the Western Australian Planning Commission No. 130712 Subdivision of Lot 6052 Porongurup.

Background

At its ordinary meeting held 14 November 2006, the Council resolved:

'(2) Within the WAPC No. 130712 Subdivision of Lot 6052 Porongurup:

- (a) 'Stoney Creek Road' be applied to the unnamed section of road on the north side of Lot 4853, which will now be the main road within the subdivision; and*
- (b) 'Faulkner Court' be applied to the short cul-de-sac providing access to Lots 803, 804 and 806 within the same subdivision.'*

Following an advertising period for which no submissions were received, the request was forwarded to the Geographical Names Committee for consideration.

It has been decided by the Committee that as there is a Faulkner Road in Napier, it is in too close a proximity to be utilised again in this subdivision. The Committee has requested that another name be selected by the Council.

The original naming application received from the Subdivision Developer requested the use of Verazzi and Beech as road names to be applied within the subdivision.

In the report to the Council on the 14 November 2006 it was recommended that the subdivision developer's selection of Verazzi be replaced with Stoney Creek and Beech Court be applied to the cul-de-sac.

The Council chose to utilise Faulkner Court rather than Beech Court, as the name had a greater significance to the Porongurup area than Beech.

Verazzi is listed on the Council's Road Name Register, copy attached, with notation to its connection to the Porongurup. Historical details provided by Mr Harry Reeves suggest that Mrs Nella Verazzi was a post war immigrant who worked for the local hospital for forty years, while her husband, a wartime prisoner of war, farmed their property.

Statutory Environment

The Land Administration Act 1997 governs the road naming process.

Road Naming - Faulkner Court (Cont.)

Section 5.25(1)(e) of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 governs the revocation process.

Consultation

Consultation has occurred with Mr John Maddison - Geographical Names Committee.

Policy Implications

Council Policy No. I/RR/1 – Future Street and Reserve Names, requires additions and deletions to the Road Name Register be made by Council decision only.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

In accordance with Section 5.25(1)(e) of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996, Crs Moir, Hollingworth and Williss supported the proposal to revoke Clause (2)(b) of Council Resolution No. 382/06.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

THAT:

- (1) Clause (2)(b) of Council resolution 382/06 at its meeting held 14 November 2006, as follows:
'(b) 'Faulkner Court' be applied to the short cul-de-sac providing access to Lots 803, 804 and 806 within the same subdivision.'
be revoked.**
- (2) The Geographical Names Committee be advised that Verazzi Court be applied to the short cul-de-sac providing access to Lots 803, 804 and 806 within the WAPC No. 130712 Subdivision of Lot 6052 Porongurup rather than Faulkner Court.**

CARRIED (9/0)

No. 16/07

(Absolute Majority)

9.3 TECHNICAL SERVICES REPORTS

9.3.1 TRAFFIC MANAGEMENT EVENTS – MAIN ROADS WESTERN AUSTRALIA – INSTRUMENT OF AUTHORISATION

Location / Address:	N / A
Attachments: (1)	Copy Of Instrument Of Authorisation
Name of Applicant:	N / A
File Reference:	GR/97/4
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	5 January 2007

Purpose

The purpose of this report is to grant authority to the Chief Executive Officer to affix the Common Seal of the Council to the Western Australia Road Traffic Code 2000 Regulation 297(2) 'Instrument Of Authorisation' relating to Traffic Management Events between the Commissioner of Main Roads and the Shire of Plantagenet.

Background

Correspondence was received on 4 January 2007 from Main Roads advising that Main Roads (in conjunction with the Traffic Management for Events Advisory Group) has recently introduced the 'Traffic Management for Events Code of Practice'. The responsibilities of both 'Authorised Bodies' and 'non-Authorised Bodies' in relation to road signs and devices for events are addressed in Section 8 of this Code of Practice. Signing of the proposed Instrument of Authorisation is required for the Shire of Plantagenet to be approved by the Commissioner as an 'Authorised Body'.

Statutory Environment

Road Traffic Code 2000, Regulation 297(2)

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

A copy of the agreement, together with guidelines for compliance is attached for Councillor's information.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

That authority be granted to the Chief Executive Officer to affix the Common Seal of the Council to the Western Australia Road Traffic Code 2000, Regulation 297(2) Instrument of Authorisation relating to Traffic Management for Events between the Commissioner of Main Roads and the Shire of Plantagenet.

CARRIED (9/0)

No. 17/07

9.3.2 TENDER TO SUPPLY CULVERTS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/165/1; PS/165/21
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	5 January 2007

Purpose

The purpose of this report is to consider the outcome of tenders received from expressions of interest to supply culverts to the Hay River – Spencer Road, the Narrikup Bypass and Mitchell Street.

Background

At the ordinary Council Meeting of 28 November 2006, the decision was made not to accept the tender that was received from Jonor Construction Pty Ltd for the Construction of a Multi Cell Culvert over the Hay River, Spencer Road and to instead invite expressions of interest through Opus International for the supply of culverts to the above mentioned locations.

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The Tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Regulation 19 requires the Council to advise each tenderer in writing the results of Council's decision.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services and consultants from Opus International.

Policy Implications

There are no policy implications for this report.

Financial Implications

The combined budget allocation for the 2006 / 2007 Road Construction and Maintenance Program is \$5,834,757.00. Incorporated in this amount is the allocation for the construction of Spencer Road (incorporating the Hay River crossing), the Narrikup Bypass and Mitchell Street.

Tender To Supply Culverts (Cont.)**Strategic Implications**

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 – Infrastructure incorporates the following:

'Infrastructure aims to:

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

Officer Comment

The Shire of Plantagenet engaged Opus International to invite expressions of interest for the supply of culverts. The tenders received are shown tabulated below:

Contract:	Supply of Culverts Hay River		
	Name of Tenderer	Amount of Tender	Remarks
	1. MJB Industries Pty Ltd	\$ 203, 091.26	Australind based. The cheapest option with the cheapest delivery fee.
	2. Rinker Australia Pty Ltd – trading as Humes	\$ 257, 947.80	Contractual details provided with Quotation see report recommendations of reporting officer.
	3. Donnybrook Concrete	\$ 257, 263.60	Supply of reinforced concrete box culverts match Rinker quotes probably from the same supplier small total price difference due to lower delivery fee.
	4. Rocla Pty Ltd	\$ 214, 111.99	Second cheapest option follows the first quote by \$11, 020.73

Contract:	Supply of Culverts Narrikup Bypass		
	Name of Tenderer	Amount of Tender	Remarks
	1. MJB Industries Pty Ltd	\$ 40, 404.88	Cheapest option.
	2. Rinker Australia Pty Ltd	\$ 43, 907.60	Although one of the most expensive has the cheapest delivery fee. Contractual documents included with quotation.

Tender To Supply Culverts (Cont.)

3. Donnybrook Concrete	\$ 45, 217.70	Most expensive quoting the same as majority of Rinker prices but significantly higher delivery fee.
4. Rocla Pty Ltd	\$ 41, 959.58	Second cheapest option difference between MJB quote and theirs is \$1554.7

Contract:	Mitchell St, Supply of Culverts	
Name of Tenderer	Amount of Tender	Remarks
1. MJB Industries Pty Ltd	\$ 55, 667.08	Second cheapest
2. Rinker Australia Pty Ltd	\$ 70, 356.00	
3. Donnybrook Concrete	\$ 68, 805.00	
4. Rocla Pty Ltd	\$ 46, 777.50	Cheapest option by \$8,889.58 compared to MJB the second cheapest.

The examining officer from Opus International provided the following report and recommendation:

'Both Rinker and Rocla provided extra requirements with their quotation.

Rinker has reserved the right to change the quotation if they are not accepted for all parts of the tender as it stands. Subject to written confirmation by 15 January 2007 all products could be available for delivery by 30 March 2007. Delivery time is subject to mould availability at time of award. Delays in excess of two (2) weeks from agreed delivery schedule may also incur additional storage charges. Terms of payment for manufactured item claims would be required within thirty days from the end of the month in which they were submitted. Also they length of the box culverts in all three (3) items have been changed from 1200mm to 1220mm.

Rocla has stated that manufacturing times need to be discussed upon placement of order.

After checking all the values in each of the Items our recommended tenderer is MJB Industries as they are the overall cheapest supplier although Rocla is the cheapest supplier for item three. We advise that MJB tender all three items for ease and convenience. MJB including all three items is \$3,658.85 cheaper than Rocla the next cheapest for all three items. If you decided to have MJB tender the first two Items and Rocla the third you rather than MJB tendering them all there would be a saving of \$8,889.58 but the extra saving may not be worth the added inconvenience of working with two (2) different contractors at the same time.'

Voting Requirements

Simple Majority

Tender To Supply Culverts (Cont.)**OFFICER'S RECOMMENDATION**

That the tender from MJB Industries Pty Ltd to supply culverts to the Hay River – Spencer Road, the Narrikup Bypass and to Mitchell Street at a total cost of \$299,163.22 be accepted.

COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

That the tender from Rocla Pty Ltd to supply culverts to the Hay River – Spencer Road, the Narrikup Bypass and to Mitchell Street at a total cost of \$302,849.07 be accepted.

CARRIED (9/0)

No. 18/07

Reason For Change

Mr Ian Bartlett – Manager Works and Services advised the Council that MJB Industries Pty Ltd withdrew their tender prior to the commencement of the meeting and therefore recommended that the tender submitted by Rocla Pty Ltd be accepted.

9.3.3 KENDENUP LANDFILL SITE - OPERATING HOURS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WM/151/5
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	John Fathers – Acting Chief Executive Officer
Date of Report:	2 January 2007

Purpose

The purpose of this report is to seek authority to alter the operating hours of the Kendenup Landfill Site.

Background

The following opening hours currently apply to the Kendenup Landfill Site:

- Tuesday and Thursday 8.00am – 3.00pm
- Sunday 10.00am – 4.00pm

At the meeting of the Waste Management Committee held on Tuesday 12 December 2006 a report was presented to the Committee in relation to the conclusion of the six (6) month trial period for opening hours for the Council's Landfill sites and Transfer Stations. It was resolved that the opening hours for the Kendenup Landfill Site be altered to reflect the following as of 1 February 2007:

- Tuesday and Thursday 12.00noon – 4.00pm
- Saturday 12.00noon – 4.00pm
- Sunday 10.00am – 4.00pm

Statutory Environment

The Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004 provides at Clause 12:

'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'

Consultation

Consultation has occurred with the Waste Management Committee in relation to this matter.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Part of the Council's Strategic Plan, Key Result Area 2 (Infrastructure) provides as a Council aim that the Council will:

Kendenup Landfill Site – Operating Hours (Cont.)

‘Protect the Community’s health by managing waste in a timely, effective, economic and environmentally safe manner.’

Further, under Key Result Area 2 (Infrastructure) – waste and recycling, the Strategic Plan provides the following:

‘Our success is measured by:

- *Development of a waste management plan which reflects legislative requirements and community demands;*
- *Level of customer satisfaction;*
- *Internal and external benchmarking;*
- *Demonstrated pursuit of continuous improvement initiatives.’*

Officer Comment

It is considered that the changes to the opening hours for the Kendenup Landfill site recommended by the Waste Management Committee are appropriate and should be adopted.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

That pursuant to Clause 12 of the Council’s Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the opening hours relating to the Kendenup Landfill Site be amended as follows as of 1 February 2007:

- **Tuesday and Thursday 12.00noon – 4.00pm**
- **Saturday 12.00noon – 4.00pm**
- **Sunday 10.00am – 4.00pm**

CARRIED (9/0)

No. 19/07

9.4 DEVELOPMENT SERVICES REPORTS

9.4.1 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 41 - OMNIBUS AMENDMENT - SUBMISSIONS RECEIVED

Location / Address:	N / A
Attachments: (1)	Summary of Submissions
Name of Applicant:	N / A
File Reference:	LP/181/14
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	19 December 2006

Purpose

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to alter various parts of the text to clarify anomalies, rationalise numbering, introduce some model provisions and to rezone Lot 67 Langton Road, Mount Barker to Residential (R20).

Background

Town Planning Scheme No. 3 has been in operation since gazettal in 1991 and it has become apparent there are several areas where the text needs to be rationalised and areas where improvements are needed to include some additional provisions based on the Western Australian Planning Commission Model Scheme Text.

Lot 67 Langton Road was zoned Residential under the previous Town Planning Scheme No. 2 but when Town Planning Scheme No. 3 was finalised a colouring error showed this lot as being part of a Scheme Public Purpose Reserve for the purpose of Church. This Public Purpose Reserve extends eastwards to Lord Street where all of that land is owned by the Roman Catholic Bishop of Bunbury and St Joseph's Sacred Heart School, Mount Barker. Lot 67 is vacant but was previously occupied by a house and is privately owned.

Councillors were provided with a full copy of the Amendment document for the 12 September 2006 meeting.

When the Council initially considered this proposed Amendment at its meeting held on 12 September 2006 it was resolved at Resolution 284/06:

'THAT:

- (1) Amendment No. 41 to the Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- (2) Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two days to enable comment to be made.*
- (3) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 13 February 2007.'*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 12 October 2006.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the EPA for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. The Council must consider any submissions lodged within forty-two days and refer its recommendations to the Western Australian Planning Commission and the Minister within twenty-eight days.

Consultation

Discussions have been held with Mr Rob Stewart - Chief Executive Officer, the land owner of Lot 67 Langton Road and the Regional Manager of the Department for Planning and Infrastructure in Albany.

The EPA cleared the Amendment to proceed to advertising and the forty-two day advertising period ended on 13 December 2006. Advertising was by way of a newspaper notice, a sign on Lot 67 Langton Road, letters to neighbours and letters to various Government Agencies.

At the close of the advertising period a total of five (5) submissions had been received (see Summary of Submissions attached). The submissions did not contain objections to the Amendment.

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of advertising was met by the Town Planning Advertising Budget. If finalised, the cost of publishing a notice in the Government Gazette will be met by the Town Planning Advertising Budget.

Strategic Implications

Key Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented. An up-to-date Scheme is critical.

Officer Comment

This proposed Amendment consists of fifty-two parts many of which are of a relatively minor nature in that they correct terminology to reflect current documents such as the Residential Design Codes, rationalise numbers of specified areas in the Rural Residential Schedule 5, delete superfluous wording (again in Schedule 5). It also introduces some model provisions and some specific land use activities into the Zoning Table for ease of use. It also proposes to rezone Lot 67 Langton Road from a Scheme Public Purpose Reserve to a Residential Zone (with a R20 coding applied).

The new use classes to be included in the Zoning Table are:

Aquaculture
Bed and Breakfast *

Cellar Sales
Chalet *
Craft Shop and Gallery *
Gallery / Restaurant
Home Business
Horticulture
Private Recreation
Telecommunication Infrastructure
Tourist Accommodation *
Winery *

(* defined in Schedule 1 already)

These use classes are generally listed as either 'SA' (discretionary subject to advertising) or 'AA' (discretionary) in the relevant zonings such as Rural or Residential.

Where no definitions of these use classes exist, these have been provided for inclusion into Schedule 1 (Interpretations).

A new Clause 5.1.3 has been included to enable the Council to consider and if necessary grant approval to an unauthorised development (commonly referred to as retrospective approvals).

A Clause 5.11 to enable the Council to accept a cash payment in lieu of car parking spaces has been included as has clause 5.12 for development of land subject to dampness or flooding.

As stated earlier some new definitions have been included in Schedule No. 1 (Interpretations) to match uses now listed in the Zoning Table. Of interest is that of 'Home Business' which is similar to Home Occupation except the floor area has been increased from 20m² to 50m² and it can employ up to two (2) people not a member of the occupier's family. The definition of 'Horticulture' covers both annual and perennial varieties from vegetables to fruit trees and vineyards and also includes wildflower cultivation.

The submissions received do not warrant any alterations to the Amendment as proposed. The Amendment will now need to be referred to the Western Australian Planning Commission for it to provide a report and recommendation to the Honourable Minister for Planning and Infrastructure.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

THAT:

- (1) The submissions lodged on Amendment No. 41 to Town Planning Scheme No. 3 be noted.**

- (2) Amendment No. 41 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.
- (3) Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 41 once approved by the Honourable Minister.

CARRIED (9/0)

No. 20/07

9.4.2 ROAD CLOSURE - FORSTER ROAD, KENDENUP

Location / Address:	Forster Road, north of Red Gum Pass Road
Attachments: (3)	Location Map DPI Map Summary of Submissions
Name of Applicant:	Mrs J Burcham
File Reference:	RO/144/5
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	3 January 2007

Purpose

The purpose of this report is to consider submissions lodged during the advertising of the proposed road closure of portion of Forster Road, Kendenup.

Background

Mrs Jacqueline Burcham has requested the closure of Forster Road between Red Gum Pass Road and the Kitchener Road reserve as she owns land on both sides of this un-constructed gazetted road. Fencing along the reserve has been removed to improve access between titles on either side of the road reserve.

At its meeting held 10 October 2006, the Council resolved:

'That closure procedures be commenced for the unconstructed gazetted portion of Forster Road between Red Gum Pass Road and Kitchener Road subject to all costs being met by the applicant including the purchase of the Road Reserve, if required.'

The applicant has paid the necessary funds for the advertising process.

Road closure proposals are required to meet the requirements of the Land Administration Act 1997 which include public advertising and letters to various State Government Agencies.

The proposal was advertised and State Agencies were written to.

Statutory Environment

Local Government Act 1995

Land Administration Act 1997 – S.58

Land Administration Regulations 1998

Local Government (Miscellaneous Provisions) Act 1960

Consultation

The closure was advertised to the public and letters were sent to a range of State Government Agencies.

At the close of the 35 day period a total of five (5) submissions were received (see Summary of Submissions attached).

Policy Implications

There are no policy implications for this report.

Road Closure – Forster Road, Kendenup (Cont.)**Financial Implications**

The \$500.00 fee for the advertising has been paid.

If the closure proceeds to finalisation the applicant will be required to purchase the land from the Crown.

Strategic Implications

Shire of Plantagenet Strategic Plan Key Result Area 2:

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

Officer Comment

The Department for Planning and Infrastructure in its submission advised the Western Australian Planning Commission will not support the closure action as it will leave Lot 2032 without frontage to a road reserve. This is correct and the fact that the road is not constructed has no bearing on the matter as it still is a legal road reserve in Crown ownership. Lot 2032 is owned by the applicant but it is a separate lot.

Submission from the owners of Forster Road properties did not support the road closure proposal as it may be needed in the future and if sold it would be difficult to regain it. The road has potential for fire access. One (1) of the submissions supported the current use by the adjoining owners.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr K Clements:

THAT:

- (1) Forster Road Reserve remain open due to submissions received.
- (2) Mrs J Burcham be advised in the terms of Part (1) above.
- (3) The Department for Planning and Infrastructure (State Land Services) be advised of Part (1) above.

WITHDRAWAL OF MOTION

In accordance with Clause 9.11 of the Shire of Plantagenet Standing Orders Local Law, at the request of the mover and with the approval of the seconder, the motion was withdrawn with the consent of the Council.

ALTERNATIVE MOTION

Moved Cr M Skinner, seconded Cr K Hart:

That the Forster Road road closure process for the section between Redgum Pass Road and the Kitchener Road Reserve be held in abeyance until the amalgamation of Lot 2032 with either Lot 347 or Lot 336 by the landowner.

CARRIED (9/0)

No. 21/07

9.4.3 LOT 12, LOCATION 2484 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP - CHALET - SUBMISSIONS

Location / Address:	Lot 12 of Location 2484 Mount Barker-Porongurup Road, Porongurup
Attachments: (2)	Site Plan Plan of Subdivision
Name of Applicant:	Thomas Peter Thorn
File Reference:	RV/182/619
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 January 2007

Purpose

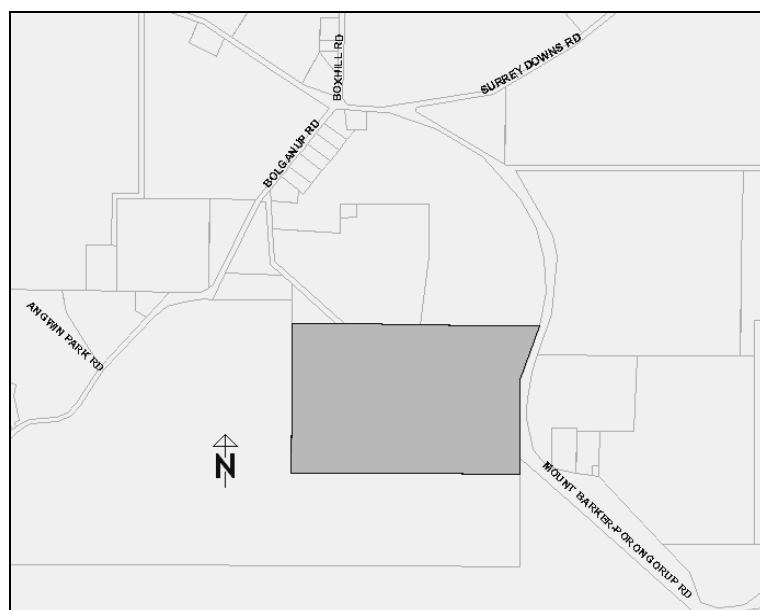
The purpose of this report is to consider submissions received on an application for planning consent for a Chalet at Lot 12, Location 2484 Mount Barker – Porongurup Road, Porongurup.

Background

In this instance the proposal is a Use Not Defined in Schedule 1 (Interpretations) and is not listed within Table 1, the Zoning Table of Town Planning Scheme No. 3.

As per clause 3.2.5 *'if the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

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



Shire records show the owner to be Thomas P Thorn.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural

Consultation

The proposed development application was advertised for twenty-one days in accordance with Clause 6.2.3 of TPS3. At the close of the submission period on 12 December 2006 no submissions had been received.

Policy Implications

The proposed application was considered in relation to the Town Planning Scheme Policy No. 14 - Rural Tourist Accommodation and Additional Houses which has now been finalised and it is consistent with that Policy.

Town Planning Scheme Policy No. 6 (Porongurup area) requires the use of non reflective roof and wall materials.

Financial Implications

The cost of advertising was met from the Town Planning Advertising Budget.

Strategic Implications

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

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

'Protect existing rural land from inappropriate land uses.'

Officer Comment

The applicant owns Millinup Estate Wines and Thorns Mountain Retreat. There is currently one (1) existing rural tourist accommodation unit (chalet) and there are two (2) other dwellings on the property of which one is an old cottage and the other the main residence of the property. This proposal would increase the number of tourist accommodation units to two (2) resulting in a total of four (4) dwelling-type structures.

There is an approved deposited plan for the subdivision of Loc 2484 which shows the intention to create Lots 11 and 12. The applicant is intending to lodge the deposited plan with the Department of Land Information for finalisation of the subdivision and the issue of new titles. This must be lodged by 9 April 2011 for finalisation otherwise the subdivision will become void.

The proposed chalet is currently in a central location on the property. With the lodgement and finalisation of the subdivision the chalet will have a setback of 5m from the eastern boundary, overlooking the cricket pitch and a clearance of 20m from remnant vegetation.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the application for a Chalet at Lot 12, Location 2848 Mount Barker Porongurup Road, Porongurup be approved subject to:

- (1) The development being in accordance with the plans dated 30 October 2006.
- (2) External wall and roof colours being in green and brown earth tonings and being non-reflective. White, off-white and unpainted zincalume are not permitted.
- (3) The provision of a source of potable water to a capacity of 92,000 litres. Suction fittings will be required for the supply of water to fire fighting appliances in the event of a fire. Such rainwater tank to be in green and brown tonings with white, off-white and unpainted zincalume not permitted.
- (4) The provision of an on site effluent disposal system to the satisfaction of the Council's Environmental Health Officer.
- (5) The provision of a 20m building protection zone around the chalet.

CARRIED (9/0)

No. 22/07

**9.4.4 LOCATION 2121 CLEAR HILLS ROAD, DENBARKER - WAPC NO. 132239
- SUBDIVISION**

Location / Address:	Location 2121 Clear Hills Road, Denbarker
Attachments: (3)	Location Plan Plan of Subdivision Assessment of Remnant Bush Report
Name of Applicant:	HJ Bicknell
File Reference:	LP/158/76; RV/182/1778
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 January 2007

Purpose

The purpose of this report is to consider a subdivision application for Location 2121 Clear Hills Road, Denbarker.

Background

The Western Australian Planning Commission (WAPC) has referred the proposed subdivision for consideration by the Council.

Shire records show the owner to be HJ Bicknell.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural

WAPC SPP 2.5 ‘Agricultural and Rural Land Use Planning’

WAPC DC 3.4 ‘Subdivision of Rural Land’

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

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

‘Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)’ and also to,

‘Protect existing rural land from inappropriate land uses.’

Officer Comment

In support of the proposal to subdivide this 570.77ha lot into two (2) lots of 242.22ha and 328.55ha, the proponent advises:

- The division is requested under Section 3.3 ‘Subdivision for Conservation’ of the WAPC Policy DC 3.4.
 - The proposed boundary is to be the existing dedicated (unmade) road which physically severs the location.
-

Location 2121 Clearhills Road, Denbarker – WAPC No. 132239 – Subdivision (Cont.)

- The property is mostly cultivated to tree plantations but with substantial remnant vegetation, mostly on the eastern portion, which is identified in the assessment report.
- An appropriate Conservation Covenant will be registered on the Title.
- Approval is sought to separate the main remnant bush from the western plantation section.

The division of the lot by the unmade road is no justification for subdivision. The WAPC would only support such a request if it were a significant man-made feature such as the bituminised Denmark-Mount Barker Road. The subdivision itself would not protect the remnant vegetation and a Conservation Covenant could be placed on the Title now without the subdivision.

There are other large lots in this area and the subdivision could set a precedent for further subdivision of these lots.

This subject lot is zoned Rural under TPS3. The land to the north, west and south is in a Forestry Scheme Reserve under TPS3.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr J Moir:

That the Western Australian Planning Commission be advised that the subdivision of Location 2121 Clear Hills Road, Denbarker (WAPC No. 132239) is not supported for the following reasons:

- (1) The subdivision is of a rural zoned lot.**
- (2) The subdivision would set an undesirable precedent for further subdivision of surrounding rural lots.**
- (3) No Local Planning Strategy or Local Rural Strategy provides guidance on this form of subdivision in the subject locality.**

AMENDMENT

Moved Cr J Cameron, seconded Cr B Hollingworth:

That Part (2) be deleted and the motion be renumbered accordingly.

CARRIED (9/0)

No. 23/07

COUNCIL DECISION

That the Western Australian Planning Commission be advised that the subdivision of Location 2121 Clear Hills Road, Denbarker (WAPC No. 132239) is not supported for the following reasons:

- (1) The subdivision is of a rural zoned lot.**
- (2) No Local Planning Strategy or Local Rural Strategy provides guidance on this form of subdivision in the subject locality.**

CARRIED (7/2)

No. 24/07

9.4.5 LOT 283 SOUTH MARMION STREET, MOUNT BARKER - AQUACULTURE AND HORTICULTURE

Location / Address:	Lot 283 South Marmion Street, Mount Barker
Attachments: (2)	Location plan Site Plan
Name of Applicant:	SJ and SP Mortimore
File Reference:	RV/182/3797
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	3 January 2007

Purpose

The purpose of this report is to consider an application for aquaculture and horticulture at Lot 283 South Marmion Street, Mount Barker.

Background

The site is zoned Rural Residential and a range of activities and uses are permitted at the discretion of the Council ('AA') and these include horticulture and aquaculture.

Shire records show the owners to be Stephen and Shirley Mortimore of Albany.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural Residential (Mount Barker Hill) where aquaculture and horticulture are permitted at the discretion of the Council.

Consultation

Initial consultation with the Department of Water (DoW) was undertaken. The DoW has responded and indicated support subject to adherence with water quality guidelines in a Water Quality Protection Note – Aquaculture.

As this proposal is quite extensive and the land is close to Residential (R2) land to the north, it is considered appropriate to write to nearby landowners to enable them to comment before the Council makes a decision on the proposal.

Policy Implications

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum cumulative area for outbuilding in the Rural Residential zone at 150m². There is already on shed on the property at 200m² in area and a small shed of some 9m² in area.

Financial Implications

The cost of advertising is to be met from the Town Planning Advertising Budget.

Strategic Implications

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

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

Draft Shire of Plantagenet Mount Barker Townsite Strategy (2002) – the land to the north of this site is within a precinct identified as the Pearce Street Precinct where some closer residential subdivision may be possible. This draft Strategy has not been adopted by the Council.

Officer Comment

The proposal involves a 3,325m² netted area for hazelnut trees with a maximum netting height of 5 metres, a 3,000m² netted area for blueberry bushes with a maximum netting height of 4m, a 150m² purging shed and three 2m deep dams for the marron.

The objective of this Rural Residential zone is 'to provide for rural residential living and small scale rural and tourist uses providing they do not impact detrimentally on the environment or the amenity of adjoining property'.

Clause 4.4 of the Rural Residential zone provisions requires approval of the Council for all dams and it states all dams are to be sited and designed to avoid visual impact from surrounding roads. From the site plan submitted (copy attached) it can be seen that the three dams are away from the road however they are located on the boundary with Lot 282 to the south as this is the wet portion of the property where there is an existing dam.

Clause 4.6 of the zone requires outbuildings to be designed and constructed of materials to allow them to blend in with the landscape of the site. The clause also states the Council shall refuse walls and roofs constructed of reflective materials such as unpainted zincalume and off white colour. No details have been provided of external materials for the 150m² purging shed. Town Planning Scheme Policy 16 (Outbuildings) also sets a maximum cumulative floor area of outbuildings in Rural Residential zones at 150m². There is already a large outbuilding on this site of 200m² in area and a small one of some 9m² in area and as such, the new outbuilding would take the total to approximately 360m² which is well in excess of the Policy figure. The location of the two large outbuildings is some 200m from the road and the size may not be a difficulty.

There is no house on the property and as such management of the operation will be from off site which could cause some concern to nearby residents.

Clause 6.0 of the zone relates to horticultural activities and requires a management plan to be submitted detailing fertiliser and spray use and prohibits the use of gas guns. The proposals are not to involve excessive use of nutrients. No management plan was submitted.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr M Skinner:

THAT:

- (1) The application for aquaculture and horticulture at Lot 283 South Marmion Street be advertised to adjoining / nearby property owners by way of letters inviting comment within twenty-one days.
- (2) At the conclusion of the advertising a further report be prepared for the consideration of the Council at its meeting to be held on 13 March 2007.

CARRIED (9/0)

No. 25/07

9.4.6 HAY RIVER LAND CONSERVATION DISTRICT COMMITTEE - PROPOSED WINDING UP

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	EM/125/16
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	6 December 2006

Purpose

The purpose of this report is to consider the proposed winding up of the Hay River Land Conservation District Committee.

Background

Correspondence has been received from the Administrator of the Hay River Land Conservation District Committee seeking the Council's comment regarding the proposal to wind up the Committee. The Council's comments are sought as the Shire of Plantagenet falls within the Hay River Land Conservation District.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Soil and Land Conservation Act 1945

Officer Comment

The Committee advises that it has ceased to exist as a result of members not attending committee meetings from on or around 30 June 2001.

As the Committee is seeking the Council's support for its own winding up, no objections are raised.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That the Hay River Land Conservation District Committee be advised that the Shire of Plantagenet raises no objections to the winding up of the Committee.

CARRIED (9/0)

No. 26/07

9.4.7 LOT 24 SCOTT ROAD, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 24 Scott Road, Mount Barker
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	Don and Sabine Lush
File Reference:	RV/182/718
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	11 January 2007

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 24 Scott Road, Mount Barker.

Background

An application has been received from the owners of Lot 24 Scott Road, seeking approval to occupy a caravan located on the Lot for a period of twelve (12) months during the construction of their dwelling.

A Building Licence has been issued for the construction of an Outbuilding (Building Licence No.167/06). The applicants anticipate finalising and submitting building plans for the construction of the dwelling within six (6) weeks. The applicants intend to reside within the caravan and connect ablution facilities provided within the outbuilding to an approved effluent disposal system.

Statutory Environment

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- '(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*
-

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The applicants have agreed to comply with the provisions and conditions expressed in the Councils 'Application for Temporary Accommodation' document.

The applicants wish to reside on site during the construction of their dwelling to maintain site security and to expedite the building project.

It is expected that the dwelling will be constructed to a habitable standard within twelve 12 months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

The Council may revoke the temporary accommodation approval at any time during this approval period.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

That approval be granted to D and S Lush to occupy temporary accommodation at Lot 24 Scott Road, Mount Barker for a maximum period of twelve (12) months from the 23 January 2007 subject to:

- (1) Approval to commence occupation of the temporary accommodation is subject to the installation of an approved on-site effluent disposal system, connected to the sanitary waste lines serving the ablution facilities within the outbuilding;**
- (2) Inspection and certification by Council's Environmental Health Officer that the temporary accommodation facilities meet all health and safety standards;**
- (3) Satisfactory progress being achieved with the construction of the Class 1a dwelling; and**
- (4) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

CARRIED (9/0)

No. 27/07

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr K Hart, seconded Cr D Williss:

That new business of an urgent nature namely:

- Tender To Supply Concrete
- Timber Towns Victoria – Proposal To Create A National Body

be introduced into the meeting.

11.1 TENDER TO SUPPLY CONCRETE

A financial Interest was disclosed by Mrs K Skinner for Item 11.1

Nature Of Interest: Receives royalties from Hanson Construction Materials

Location / Address: N / A

Name of Applicant: N / A

File Reference: PS/165/21

Author: Ian Bartlett - Manager Works and Services

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 22 January 2007

Purpose

The purpose of this report is to consider the outcome of tenders received from expressions of interest to supply concrete for the Hay River – Spencer Road and the Narrikup Bypass - Sleeman Creek, Spencer Road.

Background

At its Meeting held 28 November 2006, the Council decided not to accept the tender that was received from Jonor Construction Pty Ltd for the Construction of a Multi Cell Culvert over the Hay River, Spencer Road and to instead invite expressions of interest through Opus International for the supply of concrete to the above mentioned locations.

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The Tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Tender To Supply Concrete (Cont.)

Regulation 19 requires the Council to advise each tenderer in writing the results of Council's decision.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services and consultants from Opus International.

Policy Implications

There are no policy implications for this report.

Financial Implications

The combined budget allocation for the 2006 / 2007 Road Construction and Maintenance Program is \$5,834,757.00. Incorporated in this amount is the allocation for the construction of Spencer Road (incorporating the Hay River crossing) and the Narrikup Bypass, Spencer Road (incorporating the Sleeman Creek crossing).

Strategic Implications

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 – Infrastructure incorporates the following:

'Infrastructure aims to:

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

Officer Comment

The Shire of Plantagenet engaged Opus International to invite expressions of interest for the supply of concrete. The tenders received are shown tabulated below:

Name of Tenderer	Amount of Tender	Remarks
1. Readymix <ul style="list-style-type: none"> ▪ Hay River ▪ Sleeman Creek ▪ TOTAL 	\$57,380.40 \$11,424.00 \$68,804.40	Local company. No quote for Management of Concrete and placement. Price fix till 31 May 2007. Time allowed before waiting time begins is 60 min. Cheapest option.
2. Hanson Construction Materials <ul style="list-style-type: none"> ▪ Hay River ▪ Sleeman Creek ▪ TOTAL 	\$58,489.20 \$11,350.08 \$69,839.28	Quote provides for trucking based on 40 min lead from Batch plant. Provides rate of supply of 10-15m ³ /hour any increase would be charged accordingly.
Additional Testing Available Cost per test (Inc GST) <ul style="list-style-type: none"> ▪ Hay River ▪ Sleeman Creek 	\$237.60 \$204.60	

Tender To Supply Concrete (Cont.)

The Examining Officer from Opus International provided the following report and recommendation: 'Both Readymix and Hanson have included extra requirements with their quotation and neither have quoted on the cost for Management and placement of the concrete we assume this is included in their quote. Both applicants are local to Mount Barker.

Readymix is the cheapest option for overall. There will be further expenses if they are required to work outside of normal trading hours details were given with their quote.

Hanson also will charge in addition to the current quote if they are required to work outside office hours. In addition to the concrete supplied testing can be arranged for both sites with the individual cost per test provided above but total costs depends on how many test you require. Hanson allows for Environment disposal of excess concrete the corresponding charges for that service are listed with the quotation. There is an order cancellation cost which applies if a major pour is cancelled after 3.00pm on the day prior to the pour of the amount \$1000.

Both quotes are similar in price however we advise you to accept Hanson's tender as their prices are very close to Readymix but provide the option for testing and environmental disposal although these have not been included in the overall price.'

The Business Manager for Opus then provided the following recommendation:

'Either supplier is acceptable for cost. Hanson however has less tags on cost and have offered concrete testing as part of their offer. Recommend that Hanson provide best value for money.'

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

That the tender from Hanson Construction Materials to supply concrete to the Hay River-Spencer Road and the Narrikup Bypass-Sleeman Creek, Spencer Road at a total cost of \$69,839.28 be accepted.

CARRIED (9/0)

No. 28/07

11.2 TIMBER TOWNS VICTORIA - PROPOSAL TO FORM A NATIONAL BODY

Location / Address:	N / A
Attachments: (1)	Letter - Auslink
Name of Applicant:	N / A
File Reference:	ED/76/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob - Stewart - Chief Executive Officer
Date of Report:	19 January 2007

Purpose

The purpose of this report is to provide further information regarding the proposition by Timber Towns Victoria (TTV) to form a National Timber Towns body.

Background

At its meeting held 10 October 2006, the Council resolved:

'That Timber Towns Victoria (TTV) be advised that the Shire of Plantagenet will discuss the concept of a National Timber Towns body with its various stakeholders including the Great Southern Development Commission, the Transport Industry and other affected Councils in the Great Southern.'

Consultation

In accordance with the Council's October resolution, letters were sent to the City of Albany and the Shires of Cranbrook and Denmark plus the Great Southern Development Commission (GSDC) and Timber 2020.

At the time of preparation of this report a response has been received from the City of Albany which notes a preference for the preservation of the status quo.

Policy Implications

Whether to support the formation of a National Timber Towns body or otherwise would effectively create new policy.

Financial Implications

As is presently the case, the Council could expect to expend funds on lobbying, travelling, report preparation and consultants.

Strategic Implications

The long term strategic implications for effective lobbying should work towards achieving outcomes, including, in this case, better funding and better roads.

Officer Comment

The Shire President has received further correspondence from TTV noting that that organisation made a presentation at the Australian Local Government Association National General Assembly in Canberra in November 2006. It was noted that the Minister for Fisheries, Forestry and Conservation, Senator the Hon. Eric Abetz strongly encouraged the formation of a National Timber Towns network to enable

Timber Towns Victoria – Proposal To Form A National Body (Cont.)

state and national level dialogues between the local government sector, the plantation sector and other interested parties.

At the National General Assembly it was resolved:

‘That we give in principle support to the formation of a National Timber Councils Task Force and that ALGA is requested to provide secretariat support to the task force.’

When Timber Town representatives visited Mount Barker in late 2006 to present the case for the National body, some questions were raised about the need for such a body, given that our local Timber Industry Review Evaluation Strategy (TIRES) Committee does such an effective job. It was noted that a National body situated close to Canberra could possibly lobby more effectively by being close to the decision making politicians at a Federal level.

The Council's recent lack of success in securing additional road funding through the Commonwealth AusLink Strategic Regional Program lends strength to the national lobby concept.

Given this recent lack of success with and noting that significant resources were expended in putting together a professional submission, it may be opportune to adopt a specific direction with regard to the formation of a National body. That is, a National body could assist the lobbying process and, if this proposition is accepted, then the Shire of Plantagenet could take a leadership role and join the national body and proactively encourage other nearby Councils to do the same.

The TIRES body would not become redundant as it would still need to lobby state politicians.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

THAT:

- (1) Councillor Malcolm Hole, President Timber Towns Victoria, be advised that the Shire of Plantagenet is pleased to lend its support to the formation of a National Timber Towns body and would welcome the opportunity to become a member of such a body.**
- (2) Councillor Hole be further advised that the Shire of Plantagenet will actively lobby other Councils in the Great Southern of Western Australia to also join the National body.**

CARRIED (9/0)

No. 29/07

12 CONFIDENTIAL

12.1 SOUTH MOUNT BARKER FOOTBALL CLUB

An Impartiality Interest was disclosed by Cr J Moir for Item 12.1

Nature of Interest: A family member is a member of a sporting group that uses Sounness Park.

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/48/2
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 19 January 2007

Purpose

The purpose of this report is to advise of the results of the State Administrative Tribunal (SAT) Mediation session held on 17 January 2007 in the Shire of Plantagenet Council Chambers and to seek confirmation from the Council of the results of that mediation.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Cameron, seconded Cr J Moir

4.46pm That the meeting proceed behind closed doors.

CARRIED (9/0)

No. 30/07

MOTION TO PROCEED IN PUBLIC

Moved Cr J Moir, seconded Cr B Hollingworth

5.47pm That the meeting proceed in public.

CARRIED (9/0)

No. 31/07

COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

That pursuant to Section 31 of the State Administrative Tribunal Act 2004, the Council has reviewed its decision of 10 October 2006 (No. 345/06) relating to the South Mount Barker Football Club such that:

South Mount Barker Football Club (Cont.)

- (a) Subject to the South Mount Barker Football Club formally relinquishing any rights that the Club believes it has over infrastructure of any sort at Souness Park (including Clubrooms and Changerooms), and subject to such infrastructure being acknowledged as the property of the Council, the Council will record that infrastructure as full payment of outstanding moneys owed by the Club to the Council.
- (b) A lease arrangement for the Clubrooms being drawn in favour of the South Mount Barker Football Club until 1 October 2007 at a fee of \$1,200.00. Such fee being payable in advance with the understanding that there is no option of renewal.
- (c) No objections are raised for the Club to retain its liquor licence for the period of the lease.
- (d) Clubrooms shall continue to be available to other users as per the conditions of the lease.
- (e) No objections are raised for the Club to remove Club property from the changerooms prior to demolition, subject to agreement as to what constitutes 'property'.
- (f) The Clubrooms shall be left in such condition that they can continue to be utilised for future social functions with no fixtures or fittings being removed from the Clubrooms either prior to, or at the conclusion of the lease.
- (g) Prior to the expiry of the lease, the Council shall demolish the changerooms (or make safe) and the Club shall have salvage rights to the building materials made available from demolition only.
- (h) The Club shall provide for Public Liability insurance over the leased premises.
- (i) The Club does not allow any other user, organisation or person to use or access the old changerooms.
- (j) The Club is liable for any costs incurred for damages occurring during a South Mount Barker Football Club function.
- (k) The Club abide by Council Policy No. A/PA/11 – Halls such that all functions will finish by 1.00am as per normal user guidelines.
- (l) The Club must advise the Council any time they intend to allow any other organisations, people or groups to use the facilities and advise of the following details:
- Name of the user/s
 - Time of use
 - person in charge
 - licensee of the function.

CARRIED (8/1)

No. 32/07

13 CLOSURE OF MEETING

5.54pm The Presiding Member declared the meeting closed.

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