



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 27 March 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.47pm The Presiding Member declared the meeting open.

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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 K Hart	Kendunup Ward
Cr J Mark	Town Ward
Cr K Clements	Town Ward
Cr B Hollingworth	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
Ms J Albany	Planning Officer
Mrs J MacLean	Administration Officer
Ms C Delmage	Administration Officer

Apologies

Cr J Moir	South Ward
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There were no 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

Councillor John Mark applied for Leave of Absence for 10 April 2007.

Moved Cr K Hart, seconded Cr M Skinner:

That Cr J Mark be granted Leave of Absence for 10 April 2007.

CARRIED (8/10)

No. 116/07

7 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held 13 March 2007 be confirmed subject to:

Page 3: In line two of the response by Cr Forbes to Mr Bateman, the word 'clad' being deleted and replaced with the word 'reclad'.

Page 6: In the Disclosure Of Financial Interest by Cr Forbes, the word 'financial' after 'Nature Of Interest' being deleted and replaced with the words 'owner of land in affected area'

Page 61: That the words '4.51pm Cr J Cameron returned' be inserted after the sentence that ends with the words 'seconded Cr B Hollingworth:' and before the sentence that begins with the words '4.52pm'.

CARRIED (8/0)

No. 117/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Cr K Forbes – Shire President advised the Council that further to previous discussion, he had authorised in advance, Emergency Expenditure pursuant to Section 6.8 (1) of the Local Government Act 1995 to cover the cost (\$9,700.00) of erecting a new standpipe on Mitchell Street, Mount Barker to assist with the supply of stock water. The standpipe is connected to the Bolganup Dam and should reduce travelling time for members of the community. It is expected to be completed today.
- Cr Forbes and Mr R Stewart – Chief Executive Officer have met with representatives of the Water Corporation, Department of Water and the Department of Agriculture and Food regarding the issue of water supplies for stock as well as the water requirements for the region. Cr Forbes noted that representatives from the Department of Water would attend the next meeting of the Rainbow Coast Regional Council and speak to the four Council members (Albany, Plantagenet, Denmark and Cranbrook) regarding water issues in particular, future requirements and the ability to meet demand.
- 20.03.07 – Ms Stephanie Smith from the Western Australia Local Government Association (WALGA) conducted Councillor training in the Council Chambers from 9.00am. Cr Forbes noted that the training was well conducted and a fair bit of useful information obtained. Cr Forbes further noted that their Chief Executive Officer assessments were reasonably on track.

Cr Forbes noted that Ms Smith was quite surprised and impressed with the amount of change occurring within the Shire of Plantagenet.
- Cr Forbes and Cr D Williss – Deputy Shire President attended a meeting of the One Community One College Committee. Cr Forbes noted that the first stage of construction is due to start in April 2007 and finish in February 2008 (after the school year commences). Apart from Year Seven, all grades will move to the new premises at the end of the first school term. Cr Forbes will meet with Hon Matt Benson-Lidholm to discuss when funding for later stages will occur.
- Cr Williss, Mr Stewart and Mr Ian Bartlett – Manager Works and Services attended a Regional Roads Group (RRG) meeting regarding funding and noted that it appears to be on track. Heavy Haulage Permits were discussed and it was noted that many Councils are still having problems in this area. A map supplied was not accurate and did not have the western section of Woogenellup Road correctly classified.
- 27.03.07 – The Annual General Meeting of Electors will be held tonight at 8.00pm in the Council Chambers. All Councillors are encouraged to attend.
- 28.03.07 – Cr Forbes will attend a two (2) hour briefing in Albany from Landcorp regarding future land release for the Great Southern Region.
- 29.03.07 – Cr Forbes and Mr Stewart will attend a meeting at the Forest Hill Hall from 8.00pm to discuss locality boundaries between Denbarker and Forest Hill. All councillors are invited.
- 02.04.07 – Cr Forbes will participate in a Great Southern Zone Teleconference.
- 03.04.07 – Cr Forbes, Cr Williss and Mr Ian Bartlett will attend a Timber Industry Road Evaluation Strategy (TIRES) meeting to discuss their application for funding for the next financial year. Cr Forbes noted that the Minister was reasonably supportive of our application.
- 04.04.07 – A small working group will meet to discuss firebreaks.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES

Location / Address: N / A
Attachments: (3) Committee Minutes
Name of Applicant: N / A
File Reference: CA/103/1; FM/103/1; ES/103/6
Author: Cherie Delmage - Administration Officer
Authorised By: John Fathers - Deputy Chief Executive Officer
Date of Report: 16 March 2007

Purpose

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

- (1) Great Southern Regional Cattle Saleyards Committee Meeting – 27 February 2007
- (2) Audit Committee Meeting – 27 February 2007
- (3) Bush Fire Advisory Committee Meeting – 21 February 2007

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:

- (1) **Great Southern Regional Cattle Saleyards Committee Meeting – 27 February 2007**
- (2) **Audit Committee Meeting – 27 February 2007**
- (3) **Bush Fire Advisory Committee Meeting – 21 February 2007**

CARRIED (8/0)

No. 118/07

9.2 CORPORATE SERVICES REPORTS

9.2.1 FINANCIAL STATEMENTS – FEBRUARY 2007

Location / Address:	N / A
Attachments: (1)	Financial Statements – February 2007
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 March 2007

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 28 February 2007.

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 D Williss, seconded Cr B Hollingworth:

That the financial statements for the month ending 28 February 2007 be received.

CARRIED (8/0)

No. 119/07

9.2.2 LIST OF PAYMENTS – FEBRUARY 2007

Location / Address: N / A
Attachments: (1) List of Payments – February 2007
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 March 2007

Purpose

The purpose of this report is to present the list of payments that were made during the month of February 2007.

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 J Cameron, seconded Cr J Mark:

That the payment of accounts for the month of February 2007 covering electronic payments, cheques 36505 and 36593 to 36678, totalling \$615,898.29 and trust cheque 157, totalling \$300.00, be noted.

CARRIED (8/0)

No. 120/07

9.2.3 COMPLIANCE AUDIT RETURN - 2006

Location / Address:	N / A
Attachments: (1)	Compliance Audit Return - 2006
Name of Applicant:	N / A
File Reference:	CM/19/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	15 March 2007

Purpose

The purpose of this report is to enable the Council to fulfil its statutory obligations with regard to the Compliance Audit.

Background

A Compliance Audit is required to be completed once in each calendar year. The 2006 Compliance Audit revealed some areas of non-compliance. Those areas have been reviewed and process changes implemented to ensure full compliance in future. These areas are identified within the Compliance Audit return.

Statutory Environment

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995.

Further, the Local Government (Audit) Regulations 1996 provide that the Compliance Audit is to be:

- (a) Presented to the Council at a meeting of the Council.
- (b) Adopted by the Council; and
- (c) Recorded in the minutes of the meeting at which it is adopted.

Also, after the compliance audit return has been presented to the Council a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations and;
- (b) Any additional information explaining or qualifying the Compliance Audit, is to be submitted to the Director General by 31 March next following the period to which the return relates.

Consultation

Consultation has occurred with relevant Council Officers.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Compliance Audit Return – 2006 (Cont.)**Strategic Implications**

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Compliance Audit Return for the calendar year 1 January 2006 to 31 December 2006 be adopted and submitted to the Director General of the Department of Local Government and Regional Development.

COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That the Compliance Audit Return (as tabled) for the calendar year 1 January 2006 to 31 December 2006 be adopted and submitted to the Director General of the Department of Local Government and Regional Development subject to the following changes being noted:

- **Page 17 – Question 11 – the response ‘N/A’ being deleted and replaced with the response ‘yes’**
- **Page 18 – Question 13 – the response ‘Yes’ being deleted and replaced with the response ‘N/A’**
- **Page 19 – Question 27 – The response ‘Yes’ being deleted and replaced with the response ‘N/A’.**

CARRIED (8/0)

No. 121/07

Reason For Change

- (1) An amended Return was tabled.
- (2) Minor changes, reflected in the Motion, were necessary.

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 TECHNICAL SERVICES REPORTS

9.4.1 TENDER TO SUPPLY LABOUR - CONSTRUCTION OF CULVERTS - HAY RIVER

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:	13 March 2007

Purpose

The purpose of this report is to consider the outcome of invited tenders to supply labour for the construction of a multi cell culvert over the Hay River, Spencer Road, Narrikup.

Background

At its meeting held 28 November 2006, the Council declined 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 labour to the abovementioned locations.

Following expressions of interest to supply labour, the Council at its meeting held 27 February 2007 declined to accept the tender that was received from Jonor Construction Pty Ltd. The outcome was to amend the scope of works and re-tender the proposed job.

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.

Tender To Supply Labour – Construction Of Culverts – Hay River (Cont.)**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 of \$415,317.00 for the construction of Spencer Road (incorporating the Hay River 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 Consultants to invite tender submissions for the supply of labour to construct a multi cell culvert over the Hay River, the scope of works was altered from the previous invitation to tender, where the Sleeman Creek had previously been incorporated. Tenderers were provided with Technical Specifications by Opus International Consultants in conjunction with Mr Ian Bartlett – Manager Works and Services. Two (2) tenders were received by the close of submissions on Friday 9 March 2007. A summary of the tenders received is shown tabulated below:

Name of Tenderer	Amount of Tender	Remarks
1. Landline Enterprises Pty Ltd	\$ 198,000.00 ex GST	Cheapest Tender, confirming offer made on 11/2/07. Excludes laying of rock work.
2. Albany Formwork	\$ 213,840.00 ex GST	Excludes clearing vegetation, removal of existing road embankment, dewatering and laying of rock work.

Consultants from Opus International assessed the tenders and provided the following recommendation:

'Proceed with award of Tender to Landline Enterprises Pty Ltd subject to completion of the Tender forms 1 to 6 and provision of insurances prior to award of contract.'

Clarification was sought on the Tender forms 1 to 6 by Opus International with a satisfactory outcome.

After evaluation of the tender submissions received, it was concluded that the tender from Landline Enterprises Pty Ltd represented the best value for money investment for the Shire, being the lowest quote and resulting in less work to be carried out by the Shire.

Voting Requirements

Simple Majority

Tender To Supply Labour – Construction Of Culverts – Hay River (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Clements:

That the tender from Landline Enterprises Pty Ltd to supply labour for the construction of a multi cell culvert over the Hay River, Spencer Road, Narrikup be accepted according to the following pricing schedule:

Name of Tenderer	Amount of Tender
1. Landline Enterprises Pty Ltd	\$ 198,000.00 ex GST

CARRIED (8/0)

No. 122/07

9.5 DEVELOPMENT SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Skinner has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That the raised walkway on Lowood Road become a designated pedestrian crossing.'

Councillor Comment

- (1) There is still confusion on who has the right of way with the majority of cars still stopping and waving pedestrians across.
- (2) There is insufficient width on the centre island for an adult with young children to stand.
- (3) It is the only raised crossing for the main shopping centre in Mount Barker.

Moved Cr M Skinner, seconded Cr D Williss:

That the raised walkway on Lowood Road become a designated pedestrian crossing.

The Chief Executive Officer advised that he had written to Main Roads WA regarding the matter and was awaiting a response.

MOTION TO ADJOURN THE QUESTION

Moved Cr J Cameron, seconded Cr J Mark:

That the question be adjourned until the Chief Executive Officer receives a response on the matter from Main Roads WA.

CARRIED (5/3)

No. 123/07

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

Moved Cr J Mark, seconded Cr B Hollingworth:

That new business of an urgent nature namely:

- Proposal to waive Building Licence application fees and charges for victims of natural disasters

be introduced into the meeting.

CARRIED (8/0)

No. 124/07

11.1 PROPOSAL TO WAIVE BUILDING LICENCE APPLICATION FEES AND CHARGES FOR VICTIMS OF NATURAL DISASTER

Cr Williss read aloud the attached proposal.

Moved Cr D Williss, seconded Cr K Hart:

That a Policy be prepared for consideration by the Council such that:

'For genuine natural disaster victims eg: fire, flood, storm, plans to the Council to replace a building on the same site and of a similar size and structure to buildings damaged and / or destroyed, that Building Licence fees be by Chief Executive Officer donation. Further, that Building Permits be approved with minimum delays.

This proposal to be applied to victims of the February 2007 Porongurup Fire.'

and that in the interim, the intent of the Policy be applied to victims of the February 2007 Porongurup fire.

CARRIED (8/0)

No. 125/07

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.07pm The Presiding Member declared the meeting closed.

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