



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 22 April 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:44 PM 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 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes
Cr B Hollingworth
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr J Moir
Cr M Skinner

Previously Approved Leave of Absence

Cr D Nye-Chart 12 April 2008 to 5 May 2008 (inclusive)
 03 October 2008 to 20 October 2008 (inclusive)

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

There was one (1) member of the public in attendance.

There was one (1) member of the media in attendance.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 DISCLOSURE OF INTEREST

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE**7.1 APPLICANT: CR B HOLLINGWORTH**

Cr B Hollingworth requested Leave of Absence from 15 October 2008 to 24 October 2008 inclusive.

7.2 APPLICANT: CR K CLEMENTS

Cr K Clements requested Leave of Absence from 11 June 2008 to 22 June 2008 and 14 July 2008 to 30 July 2008 inclusive.

Moved Cr J Mark, seconded Cr M Skinner

That Cr B Hollingworth be granted Leave of Absence from 15 October 2008 to 24 October 2008 (inclusive) and Cr K Clements be granted Leave of Absence from 11 June to 22 June 2008 (inclusive) and 14 July 2008 to 30 July 2008 (inclusive).

CARRIED (8/0)

NO. 93/08

8 CONFIRMATION OF MINUTES

Moved Cr A Budrikis, seconded Cr J Mark

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 8 April 2008 as circulated, be taken as read and adopted as a correct record subject to the following changes:

Page 18: It being noted that Resolution NO. 71/08 should read 'CARRIED (5/4)'.

Page 55: That the words 'CARRIED' and 'NO. 91/08' be deleted and resolution number 92/08 be renumbered accordingly to 91/08 and 93/08 to 92/08.

CARRIED (8/0)

NO. 94/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 9 April 2008 – Attended a Timber Industry Evaluation Strategy (TIRES) meeting at the Shire of Plantagenet. The Council's allocation for 2008 – 2009 was reduced from \$300,000.00 to \$200,000.00. The final TIRES pre Shire budget meeting will be held on 14 May 2008.
- 9 April 2008 – Attended a function along with other Councillors, staff and plantation industry representatives to welcome representatives from the Glenelg Shire Council for an information sharing session.
- 12 April 2008 – Attended the opening of the Mount Barker Northern By-Pass by Hon. Matt Benson MLC representing Minister MacTiernan. It was pleasing to have Steve Potter from the Minister's office and John Marmion Main Roads Western Australia (MRWA) Perth in attendance. A much awaited event with a good result. Thank you Councillors for your attendance.
- 17 April 2008 – The Audit Committee met with the Council's Auditor during his interim audit.
- 18 April 2008 – Mr Stewart, Mr Howard, Cr Hollingworth and I attended a workshop with west Narrikup residents, Mr Hoult (composting facility) and representatives of Mount Barker Chickens, Department of Food and Agriculture, Department of Health and Department of Environment and Conservation to discuss the future and changes required for the success of the composting facility. Thanks to Cr Hollingworth for supporting Mr Howard on the front table of this workshop.
- 25 April 2008 – Anzac Day – It would be appreciated if all Councillors could attend this function.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Councillor B Hollingworth – Attended a TIRES Meeting on 9 April 2008 and then met with the Glenelg Shire Council; also a member of Timber 2020 on 10 April 2008.

Attended the ANZAC Day Ceremony at the Mount Barker Community College on 11 April 2008 representing the Council and Mount Barker Rotary Club.

12 April 2008 – Attended the opening of the Northern By-Pass.

18 April 2008 – Attended the Hoult Composting Information Session.

Some of the issues raised were:

- Odour;
- Static Composting process — ensuring that process is thorough and complete;
- Dewatering of raw material;
- Controlling rainfall – leachates;
- Health issues – vermin, flies, crows etc;
- Neighbourhood relationships – community;
- Lifestyle = capacity of individuals to manage their on-property industry without offending neighbours;
- Commitment from Mount Barker Chickens to support Paul Hoult in addressing issues;
- Vital to record / document problems – has been done for this main issue; and
- Recycling of waste is a priority of Council Waste Management process.

Further discussion

- Buffers – define boundaries, questions, requirements, interpretation;
- Treatment of waste prior to composting;
- DEC/Council Licensing requirements;
- Quality assurance - measurements program;
- Determine scale of industry development;
- Best practice guidelines using Australian Standard AS4454; and
- Interested parties to visit Mount Barker Chicken to view process from beginning to end and Environmental Health Officer's actions and consequences.

Cr J Mark – Attended a Visitor Centre Meeting at the conclusion of the Council Meeting on 8 April 2008.

Would like the Council to write a letter congratulating the Mount Barker Visitor Centre on the Visitor Guide especially on the quality and standard of the guide.

Advised that the Mount Barker Visitor Centre is hoping to become a Product Centre with Wine Tasting as an example.

Advised that the Inaugural Meeting of the RoadWise Committee was held on 27 March 2008. Cr Mark would like Councillors to advise him of any matters that may need to go before the Committee.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 CORPORATE SERVICES REPORTS

11.1.1 POLICY - PENSIONER REBATES ON RURAL PROPERTIES

File No:	RV/134/3
Attachments:	Pensioner List
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Ward Rates Officer
Proposed Meeting Date:	22 April 2008

Purpose

The purpose of this report is to adopt a policy for granting pensioner concessions for owner occupiers of rural properties within the Shire of Plantagenet.

Background

The Council has traditionally granted pensioner rebates to owner occupiers based on certain categories of pensioner concession status, as evidenced by cards held by the applicant in accordance with the Rates and Charges (Rebates and Deferments) Act, 1992.

Under that Act, Senior Card Holders receive a 25% rebate. A 50% rebate is applicable for people who have:

- a Senior Card and a Commonwealth Senior Card; or
- a Pensioner Concession Card; or
- a State Concession Card;

A proportion of owner occupiers have sought to obtain a rebate as owner occupiers of rural properties where these rural properties are either used solely as a residence for the applicant(s) or as a residence and a farm.

Where the farm is run as a business there is the potential for the lodgement of a business taxation return, claiming full rates and charges as a tax deduction and in such cases the granting of any pensioner rebate could be seen as a double benefit, from the taxation offset and the pensioner rebate.

On occasions, staff have found cases where the pensioner rebate on commercial farming properties has been applied inconsistently. In some cases full rebates have been applied to commercial farming properties whereas in other cases, some ratepayers have been denied a pensioner rebate on the grounds of running a commercial enterprise.

Consultation with State Revenue has confirmed that the onus of granting the Pensioner Rebate in these circumstances lies solely with the local government.

Research undertaken into other Local Government Authorities has shown that the application of the Pensioner Rebate on commercial farming owner occupied properties differs significantly.

There is no method available to staff of determining if a rural property is run as a commercial entity or not, other than relying upon a pensioner rebate applicant's declaration.

Statutory Environment

The Rates and Charges (Rebates and Deferments) Act, 1992, defines the manner in and circumstances under which a Local Authority is to apply pensioner concessions. State Revenue, as the statutory authority vested in administering the Act has issued procedural guidelines for interpreting section 28 (2) of the Act which provides for rebate apportionment where the applicant's land is used as the ordinary place of residence and it is not the sole use of that land.

The 'Concessions on Commercial and Farming Properties Occupied by Pensioners' section of the procedure manual provides five (5) options to arrive at a solution for the granting of a pensioner concession in these circumstances.

- (1) Grant no concession.
- (2) Grant a proportionate rebate based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
- (3) Grant a proportionate rebate by applying an arbitrary curtilage of two (2) hectares in respect of the residential component of the rated property.
- (4) Grant a concession based on a minimum rate or valuation based rate irrespective of property size.
- (5) Grant a concession based on the total rates levied against the property.

Consultation

Consultation has occurred with Rob Stewart – Chief Executive officer, John Fathers – Deputy Chief Executive Officer, Cherie Delmage – Accountant and rates officers from the Shires of Harvey, Denmark, Cranbrook and the Cities of Albany and Stirling.

Financial Implications

The granting of a full pensioner concession entitles the landowner to defer rates and charges on rateable property until the landowner either sells the property or becomes deceased. Although the net cost to the Council from the deferment of rates is nil, in respect of rates cash flow this is not the preferred option given the potential for an ongoing increase in the number of applicants being entitled to a pensioner rebate.

In adopting this policy, the Council should also consider the staff resource required to administer options 2 and 3.

Policy Implications

The Council currently has no policy in place in respect of granting pensioner concessions on commercial farming properties owned and occupied by otherwise eligible pensioners. A policy has been recommended for adoption.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Shire of Plantagenet should observe the intent of the Rates and Charges (Rebates and Deferments) Act, 1992. That is to grant the appropriate pensioner rebate where a claimant is otherwise eligible and not to treat any otherwise eligible claimant adversely.

The Shire of Plantagenet also should appear (and actually be) consistent to avoid ratepayer confusion and unnecessary workload.

Of the options listed in the work instructions attached to the Act, the following comments are made. It is considered that option 1 is not necessary.

If the Council was to adopt option 2, we would need to seek 'off rating role' valuations for the residential land parcel and house and the balance of the group rated farm parcels. This would involve significant work and delay processing the claimant's application. Additionally, this time delay may result in valuation complications if the delay is over two financial reporting periods.

Option 3 is not considered equitable. As an example, if a farmer had a two (2) hectare residential curtilage on a 50ha property – he/she would obtain a rebate based on 2/50 of the overall rates. A farmer with a 100 hectare property would only receive a rebate based on 2/100 of their overall rates. With the rates and charges for 100ha not being twice that of 50ha, he/she would receive less rebate and therefore be penalised.

Option 4 is the preferred option as it is simple to apply, easy to understand and considered to be equitable.

Option 5 is not considered equitable as it has no bearing on the residential component of a landholding.

It is therefore considered that the fairest, most equitable and efficient method for applying the pensioner rebate on owner occupied commercial farming properties is to apply the appropriate rebate based on the minimum Rates and the Emergency Services Levy Charges. Numerous advantages of applying this method would include:

- (1) All rebate-eligible farmers receive the same, thus avoiding dispute and perceived unfairness.
- (2) Minimum amount of work and rebate can be calculated easily and immediately.
- (3) No time lag from requesting Valuer Generals Office 'off rating role' valuations.
- (4) No need to split up group ratings. The rebate is granted on the minimum charge for the land parcel upon which the residence is situated.
- (5) If the claimant is not a 100% pensioner, they cannot defer their rates.

Since there is no method available to prove a rural property is a commercial farm or not, staff believe that the pensioner rebate for all rural properties should also have the appropriate rebate based on the minimum Rates and the Emergency Services Levy Charges.

Therefore, in all cases, where a claimant, being the owner occupier of a property rated Rural, would obtain a pensioner rebate equivalent to an entitlement based on applying the rebate (in accordance with the cards held) against the minimum charge for Rates and the Emergency Services Levy (ESL).

Based on current registered card holders, 140 assessments could be affected by this policy change. On current ownership, 28 ratepayers have a nil dollar impact, 13 ratepayers would pay less ranging from \$11.84 to \$162.32 on the current year's rates. The remaining 99 ratepayers would pay more ranging from \$0.98 to \$2,099.17 per year, based on current year's rates (Average \$287.32). A list of the changes is attached.

If accepted by the Council, all of the affected parties will be advised in writing as soon as possible and it is proposed that an appropriate notice be placed in the Plantagenet News.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth

THAT:

- (1) **The following Pensioner Rebates on Rural Properties Policy F/FM/8 be adopted:**

OBJECTIVE:

To adopt a consistent approach for granting pensioner rebates for owner occupiers of rural properties within the Shire of Plantagenet.

POLICY:

Where an owner occupier of a rural property claims a pensioner concession, the applicable rebate will be based on applying the rebate (in accordance with the appropriate legislation) against the minimum charge for property rates and the Emergency Services Levy (ESL), irrespective of property size.'

- (2) **Any existing application of the pensioner rebate remain for the 2007 / 2008 rating year and the new policy take effect from 1 July 2008.**

CARRIED (8/0)

NO. 95/08

11.1.2 SALE OF LAND FOR NON PAYMENT OF RATES

File No: Various
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Ward
Rates Officer
Proposed Meeting Date: 22 April 2008

Purpose

The purpose of this report is to advise the Council of the debt collection recovery procedures commenced under the Local Government Act (1995) in regard to outstanding rates.

Background

Proceedings against the owners of assessments 110007, 112334, 137612, 137695, 138552 and 138560 have been commenced under delegated authority. The property owners listed below have failed to pay rates for a period of at least three years and in all cases, other debt collection procedures have proved fruitless.

Statutory Environment

Sections 6.63 to 6.75 of the Local Government Act (1995) and regulations 72 to 78 of the Financial Management Regulations govern the actions to be taken against landowners of rateable land to which rates have remain unpaid for more than three (3) years.

6.64. Actions to be taken:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land;*
 - (b) *sell the land;*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification, as is prescribed and then to affix on a conspicuous part of the land a notice on the form or substantially in the form prescribed.*

It is a requirement of section 6.68 that the Local Government must have at least once tried to recover the outstanding amounts unless it has reasonable belief that the cost of debt collection proceedings will equal or exceed the value of the land.

6.68. Exercise of power to sell land

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the “**power of sale**”) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.*

State-wide public notice of sale of land for non-payment of rates or service charges is to be given and sale must be in the way of a public auction as prescribed in form 5 of the Local Government (Financial Management) Regulations 1996 [reg. 75].

It is recommended that power of sale under section 6.64 (1) (b) of the Local Government Act 1995, be exercised pursuant to delegation LG025. The Chief Executive Officer has the delegated authority to appoint persons to initiate prosecutions on behalf of the Council and Local Government Act (1995).

Consultation

Consultation has occurred with Cherie Delmage - Accountant.

Financial Implications

As at 8 April 2008, the total amount outstanding by the landowners listed below amounts to \$38,650.38 including penalties.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The property owners were issued with General Procedure Claims (summons) at their last known addresses in March 2008. No payment or response to this action has been received to date.

The properties intended to be sold are as follows:

<u>Assessment</u>	<u>Address</u>	<u>Arrears</u>	<u>Property</u>
110007	30 Westfield Street, Rocky Gully	\$14,821.86	Vacant Land
112334	60 Ormond Road, Mount Barker	\$ 3,348.97	House and Land
137612	42 Seventh Avenue, Kendenup	\$ 5,102.73	Vacant Land
137695	48 Second Avenue, Kendenup	\$ 5,102.73	Vacant Land
138552	105 Hassell Avenue, Kendenup	\$ 5,177.38	Vacant Land
138560	107 Hassell Avenue, Kendenup	\$ 5,096.71	Vacant Land

The sale of these properties is the only realistic way of recovering moneys owed.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements seconded Cr B Hollingworth

That the action of the Chief Executive Officer in commencing the sale of land actions against the landowners of the following assessments in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and pursuant to delegation LG022, be noted:

- 110007 30 Westfield Street, Rocky Gully;**
- 112334 60 Ormond Road, Mount Barker;**
- 137612 42 Seventh Avenue, Kendenup;**
- 137695 48 Second Avenue, Kendenup;**
- 138552 105 Hassell Avenue, Kendenup; and**
- 138560 107 Hassell Avenue, Kendenup.**

CARRIED (8/0)

NO. 96/08

11.1.3 VALLEY VIEW TREE FARM – OUTSTANDING RATES

File No: FM/102/1
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Ward
Rates Officer
Proposed Meeting Date: 22 April 2008

Purpose

The purpose of this report is to advise the Council of the debt collection recovery procedures commenced under the Local Government Act (1995) in regard to outstanding rates within the Valley View Tree Farm.

Background

The Council will recall that substantial rates are outstanding on the Valley View strata titled tree farm.

At its meeting held on 25 September 2007, the Council resolved that the Shire's solicitors, Chalmers Legal Studio Pty Ltd, be instructed to give notice to Integrated Tree Cropping, the plantation manager of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm that unless the Shire receives an undertaking that all arrears of rates are paid with the proceeds of the impending harvest, the Shire will apply to the District Court to have the strata scheme wound up.

At its meeting held on 11 December 2007, the Council resolved that Chalmers Legal Studio Pty Ltd, acting on behalf of the Shire of Plantagenet, be instructed to apply to the District Court to have the strata scheme (Strata Plan 31689) for Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm to be wound up.

In conjunction with these actions, General Procedure Claims (summons) have been issued against the relevant property owners. Although this action has resulted in approximately \$40,000 in arrears rates being paid, a significant amount still remains outstanding.

Statutory Environment

Section 6.64 of the Local Government Act 1995 states:

'Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -

- (a) from time to time lease the land;
- (b) sell the land;
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.'

Section 6.68 of the Local Government Act 1995 states:

'Exercise of power to sell land

(1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the "power of sale") in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.

(2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.

(3) Schedule 6.3 has effect in relation to the exercise of the power of sale.'

Sections 30 and 31 of the Strata Titles Act refer to the termination of Strata schemes.

Consultation

Consultation has occurred with solicitors, Chalmers Legal Studio Pty Ltd.

Financial Implications

As at 10 April 2008, the rates outstanding (inclusive of charges) for the Valley View Tree Farm total \$125,132.18. Nineteen out of 61 properties have significant arrears, totalling \$115,060.52. A list showing the details of outstanding rates for each lot is shown below:

Assessment	Lot	Total Outstanding @ 10 April 2008
140400	2	\$5142.84
140426	4	\$5432.94
140442	6	\$4739.90
140467	8	\$7474.23
140517	14	\$5050.74
140525	13	\$7714.30
140533	15	\$5430.94
140616	23	\$4983.44
140632	25	\$6791.03
140673	29	\$5814.64
140707	32	\$4513.72
140772	39	\$4983.44
140814	43	\$5480.64
140863	48	\$8353.93
140871	49	\$6253.89

140921	54	\$7499.23
140954	57	\$7791.45
140962	58	\$4632.59
140988	60	\$6976.63
TOTAL		\$115,060.52

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Since the Council's December 2007 decision, lawyers acting on behalf of the Strata Company have disputed the legal ability for the Council to seek termination of the strata scheme as Section 31 of the Strata Titles Act restricts such action being initiated by a registered mortgagee. The Shire's solicitors argue that the action taken in registering caveats establishes this right. If the Council progressed with an application to terminate the scheme, this matter would be decided by the District Court, however it is far from certain that the Council would be successful and it is unlikely that this would be progressed prior to harvest taking place.

In view of this, it is considered that the Council should revert to the standard taking of land provisions of the Local Government Act 1995. The realistic options are to take the land and transfer it to the Council or to take the land and offer it for sale. If the land is not sold within 12 months, the Council may transfer the land to the Crown or itself.

Under the option of taking the land and transferring it to the Council, legal advice is that the Shire would be liable for unpaid and ongoing strata fees and ongoing plantation fees. In addition, the lots would become non rateable. Strata fees are currently \$58.61 per year and plantation fees are \$87.50 per year. We are not able to ascertain the level of unpaid strata fees, however, they could conceivably be in the region of \$3000-\$4000 for each lot.

Given that the plantation is to be harvested in the near future, it is possible that the lots may have a reasonable market value, such that unpaid rates could be realised. This is therefore the preferred option.

In view of this, it is proposed to sell the lots under Section 6.64 of the Local Government Act 1995. It is preferable for this action to be taken prior to the commencement of harvest, estimated to be September 2008.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Clements

That the action of the Chief Executive Officer in commencing the sale of land actions against the landowners of the following 19 parcels of land located in

the Valley View Strata Title Tree Farm in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and pursuant to delegation LG022, be noted:

140400 Lot 2;
140426 Lot 4;
140442 Lot 6;
140467 Lot 8;
140517 Lot 14;
140525 Lot 13;
140533 Lot 15;
140616 Lot 23;
140632 Lot 25;
140673 Lot 29;
140707 Lot 32;
140772 Lot 39;
140814 Lot 43;
140863 Lot 48;
140871 Lot 49;
140921 Lot 54;
140954 Lot 57;
140962 Lot 58; and
140988 Lot 60.

CARRIED (8/0)

NO. 97/08

11.1.4 FINANCIAL STATEMENTS - MARCH 2008

File No:	FM/65/1
Attachments: (1)	Financial Statement – March 2008
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	22 April 2008

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 March 2008.

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 amount 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 (i.e. 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 RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth seconded Cr J Mark

That the Financial Statements for the period ended 31 March 2008 be received.

CARRIED (8/0)

NO. 98/08

11.1.5 LIST OF ACCOUNTS – MARCH 2008

Attachments: (1)	List of Accounts - March
File No:	FM/65/3
Responsible Officer:	Cherie Delmage Accountant
Author:	Donna Jo Fawcett Accounts Officer
Proposed Meeting Date:	22 April 2008

Purpose

The purpose of this report is to present the list of payments that were made during the months of 31 March 2008.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the List of Accounts.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth

That:

- (1) The payment of accounts for the month of March 2008 covering the following:**
 - (a) Electronic Payments;**
 - (b) Municipal Cheques 38646 to 38657, 38666 to 38678, 38680 to 38718, 38720, 38722 to 38728, 38730 to 38743, 38747 to 38756 totalling \$791,824.13.**

be approved.

(2) Municipal Cheques:

(a) Spoiled – 38658 to 38665, 38719, 38721, 38744 to 38746; and

(b) Cancelled – 38679, 38729.

be noted.

CARRIED (8/0)

NO. 99/08

11.2 EXECUTIVE SERVICES REPORTS

11.2.1 ROADWISE COMMITTEE - NEW MEMBER

File No: RO/125/17
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 22 April 2008

Purpose

The purpose of this report is to recommend the appointment of a new member to the RoadWise Committee.

Background

At its meeting held on 25 September 2007 the Council resolved as follows:

THAT:

- (1) *A committee of the Council be formed pursuant to Section 5.9(2)(c) of the Local Government Act to be named the RoadWise Committee.*
- (2) *The functions of the committee shall be:*
 - (a) *To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
 - (b) *To discuss and make recommendations regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*
- (3) *Membership of the Committee shall be:*
 - (i) *One (1) Local Government Elected Member;*
 - (ii) *One (1) Local Government Officer – Works and Services;*
 - (iii) *One (1) RoadWise Safety Officer;*
 - (iv) *One (1) Police Representative;*
 - (v) *One (1) Main Roads Representative;*
 - (vi) *One (1) Department of Education Representative;*
 - (vii) *One (1) Parents and Citizens Representative; and*
 - (viii) *One (1) Community Representative.*
- (4) *Nominations for membership be sought by the Chief Executive Officer and a further report be presented to the Council at its meeting to be held on 23 October 2007.*

At a special meeting of the Council held on 23 October 2007 the Council further resolved:

'THAT:

- (1) *Cr Mark, Mr Ian Bartlett Manager Works and Services, Ms Andrea Smithson - RoadWise Safety Officer, Ms Julie MacQueen representing Main Roads WA*
-

and Sergeant Alan Spicer representing the Mount Barker Police, Mr Wes Beck representing the Mount Barker Senior High School and Mr D Williss (Community Representative) be appointed as members on the RoadWise Committee.

- (2) Cr Clements be appointed as Deputy to act on behalf of the Council member unable to attend any meeting.*
- (3) Vacant positions be filled by the Council as nominations are received.'*

The One Community One College Parents and Citizens Association has recommended that Mr Len Handasyde be appointed as the Parents and Citizens Association representative.

Statutory Environment

Committees of the Council are established pursuant to Section 5.8 of the Local Government Act 1995. The Committee was formed under Section 5.9(2)(c) which provides that a committee is to comprise ‘...Council Members, Employees and Other Persons...’.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council’s Strategic Plan at Key Result Area 5 (Strategic Planning) Aims to develop strategic partnership and foster regional cooperation.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark

That Mr Len Handasyde be appointed as the One Community One College Parents and Citizens Association representative on the RoadWise Committee.

CARRIED (8/0)

NO. 100/08

(ABSOLUTE MAJORITY)

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

14 CONFIDENTIAL

15 CLOSURE OF MEETING

3.12pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____