



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 24 February 2009

TIME: 2.45 pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45 PM The Presiding Member declared the meeting open.

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

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

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services
Mrs Kaye Skinner	Executive Secretary

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

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

Previously Approved Leave of Absence:

Cr K Forbes AM	1 February to 25 February 2009 (inclusive)
Cr J Mark	22 February to 5 March 2009 (inclusive)

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONSMount Barker Caravan Park – Steve Smith

Mr Smith asked whether the Council would reconsider the proposal for the Caravan Park to utilise the water from the Government Dam. He stated that he was prepared to pay for the water and that the Caravan Park was an asset

to the town and that it was an entry statement. Without the water the park would lose its attractiveness.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

A Proximity Interest was disclosed by Cr Hollingworth for Item 12.4.7

A Financial Interest was disclosed by Cr Skinner for Item 12.4.7

A Financial Interest was disclosed by Cr Nye-Chart for Item 12.4.7

A Financial Interest was disclosed by Cr Moir for Item 12.4.7

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

8 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr S Grylls:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 10 February 2009 as circulated, be taken as read and adopted as a correct record subject to:

Page 2: Cr J Mark's Leave of Absence, the date '26' being replaced with the date '22'.

CARRIED (7/0)

NO. 31/09

9 COMMITTEE MINUTES

Nil

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 17 February 2009 attended a meeting in Denmark to discuss the proposed amalgamation of Councils and to discuss the reasons why the Shire of Denmark was not included in the Southern Link Voluntary Regional Organisation of Councils (VROC) and future direction of both Councils.
- 19 February 2009 attended a meeting with Department for Planning and Infrastructure relevant to Timber 2020.
- 27 February 2009 will be attending the Albany Chamber of Commerce – Industry Awards.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSIONCr J Moir

- Attended a Porongurup Fire Working Group Meeting.

Cr D Nye-Chart

- Attended a Meeting with Mark Wallace in relation to Barrow Road.

Cr M Skinner

- Attended a Meeting with Mark Wallace in relation to Barrow Road.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

Nil

12.2 WORKS AND SERVICES REPORTS

12.2.1 TENDER: KERBSIDE RUBBISH REMOVAL AND RECYCLING

File No: WM/103/2
Attachments: [Waste and Recycle Draft Tender.doc](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Ian Bartlett
Manager Works and Services
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to provide information on the options for kerbside rubbish removal and recycling and to seek approval to call tenders for the provision of these services.

BACKGROUND

At its meeting held 8 April 2008, the Council resolved that the Chief Executive Officer be requested to prepare for the consideration of the Council a report addressing the costs and benefits for kerbside rubbish removal continuing to be undertaken utilising Council staff and plant against the service being undertaken by contractors including other local governments.

STATUTORY ENVIRONMENT

Health Act, 1911 (as amended)

The Waste Avoidance Resource and Recovery Act 2007

Local Government Act, 1995 (as amended).

Local Government (Functions and General) Regulations, 1996 (as amended) Part 4 – Tenders for Providing Goods and Services. All contracts above \$100,000 (ex. GST) must be tendered for.

Section 112 of the Health Act 1911 provides for the Council to undertake or contract for the efficient execution of the removal of household refuse within its district.

CONSULTATION

Consultation has taken place with external contractors and the Western Australian Local Government Association (WALGA) in regard to this report.

FINANCIAL IMPLICATIONS

The Council's 2008/2009 budget provides a total cost of \$140,000.00 for refuse removal services within the Shire. The budget also provides for \$310,000.00 in expenditure for the maintenance of the various refuse sites. Therefore, a total annual cost of \$450,000.00 is expected to be incurred for the provision of refuse site maintenance and rubbish removal services in this financial year.

The budget provides for the generation of total annual income of \$150,480.00 for the refuse collection service, \$157,887.00 for the refuse site rate and \$50,000.00 for additional refuse site tipping fees, making a total of \$358,367.00 in fees and charges payable by customers as a contribution towards the provision of the above services.

As a result, the provision of such services provides a net budget deficit of \$91,633.00. Taking into account all budget items within the Refuse Collection and Waste Disposal Sites programs, the annual deficit is expected to be approximately \$134,000.

The current proposal is suggested for implementation in the 2009/10 financial year. The budget implications and charging regime will need to be considered further, when tenders have been received.

POLICY IMPLICATIONS

The outcome of investigations into this matter may result in the Council moving towards an alternative method of service delivery.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 2 - Infrastructure provides as an aim:

'To protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

OFFICER COMMENT

An investigation has been carried out into the comparative costs of providing the current refuse collection service, which are detailed below. The service is a once a week pick up in the towns of Mount Barker, Kendenup and Narrikup. The Council currently picks up approximately 1,200 mobile garbage bins (MGBs) each week from residential and commercial properties and parks, domestic bins making up approximately 1,000 of that total.

Council Staff

Shire staff currently undertake this work in approximately 29 hours over four days (1,508 hours per year). The costs to the Council are as follows:

- Direct labour \$ 31,900;
- Works overheads \$ 28,710;
- Plant costs \$ 45,000;
- Plant depreciation \$ 30,000;
- TOTAL \$135,610.

The plant costs are based on the actual cost of running the Acco compactor rubbish truck in the 2007/08 financial year. The depreciation charge is based on depreciating a new truck valued at \$300,000.00 over a ten year period. This should reflect the loss on sale of a rubbish truck under any likely scenarios.

The Council will be aware that the current rubbish truck used is almost at the end of its useful life. The vehicle is a 1998 model purchased from the City of Stirling in 2004/05. The draft 2008-2013 Plant Replacement Program has provision to purchase a replacement waste truck in 2008/2009 at a net cost of \$260,000.00, however this was not funded in the budget.

Contracted Service

Indicative costs have been received from two companies willing and able to conduct the refuse collection service for the Shire. Cleanaway can perform the service for around a cost of \$120.00 per bin per year. Based on the same total of 1,200 MGBs, this is calculated at \$144,000.00. This is on the basis of the rubbish being dumped at the Shire's refusal disposal facilities.

Warren Blackwood has quoted a cost of around \$60.00 per bin per year, being a total cost of \$72,000.00 per year.

The second quote indicates that there is potential major cost savings to be gained from outsourcing this function. It is considered appropriate to formally test the market via a tender process. Incorporating a contracted refuse disposal service with recycling would also accrue additional benefits that would outweigh these simplified comparisons.

Given the Council is considering implementing a recycling service, which should reduce the production of household waste, consideration was given to whether the Council could implement a standard bin size of 120L instead of the current 240L MGB. The intention would be to supply new 120 L bins for normal refuse collection services and convert the current 240L MGBs for the recycling service, which would involve replacing the green lids with yellow lids over time.

Although ideal from a refuse reduction philosophy, it was considered to be 'too much too soon' from a public perception and logistical point of view. It was concluded that a recycling service should be accompanied by the supply of 240L MGBs (to the Australian Standard).

Recycling

Implementing a kerbside recycling service should offer the following benefits:

- Divert large quantities of recyclables from landfill;
- Extend the life of current and future refuse disposal sites and reduce the running costs of those facilities (a 90% compliance of residents in a recycling service is estimated to divert 25% of the waste from landfill);
- Enhance the Council's Zero Waste plans and the waste management plans required under the Waste Avoidance Resource and Recovery Act 2007; and
- Have a collection system in place to capitalise on any financial benefits should a container deposit scheme be introduced.

The cost of recycling services was therefore also raised with the contractors. The cost of supplying recycling to the Council's existing waste collection route was quoted as follows, assuming 1,000 domestic bins:

Quote 1 - Cleanaway.

- \$2.50 per pick up (this is the price to pick up one 240L MGB). This calculates to \$65.00 per year per bin on a fortnightly pick-up, making a total annual cost of approximately \$65,000.00, plus; and
- \$46.50 per tonne. It is anticipated that 12 tonnes per fortnight would be collected @ \$46.50 per tonne making a total annual cost of approximately \$14,500.00, or \$24.00 per household.

Based on this quote, the total ongoing direct cost per household of a recycling service is therefore likely to be in the region of \$89.00 per year (\$65.00 plus \$24.00).

Quote 2 – Warren Blackwood.

- \$2.35 (exc GST) per pick up where the Shire supplies the bins (this is the price to pick up one 240L MGB). This calculates to \$61.10 per year per bin on a fortnightly pick-up, making a total annual cost of approximately \$61,100.00; and
- \$2.90 (exc GST) per pick up where the bins are supplied (this is the price to pick up one 240L MGB). This calculates to \$75.40 per year per bin on a fortnightly pick-up, making a total annual cost of approximately \$75,400.00.

A separate quote has been obtained for the supply of bins only, which is \$48.80 (excluding GST) per 240L MGB with yellow lid. The options for supply of recyclable bins are further discussed below.

Deliberations on a recycling charge should recognise the benefits of taking the recycled items out of the normal waste stream, which will significantly prolong the life of the refuse sites.

Again, it is considered appropriate to undertake a tender process on the provision of recycling services, along with the refuse collection service. Once formal tenders have been received and evaluated, decisions can be made on a charging regime.

Funding and Service Options

The Shire currently picks up approximately 1,000 domestic rubbish bins. There are a number of different funding options for the implementation of a domestic recycling service, which are dependent on whether the Council wishes to enforce recycling on residents or whether it is to be an optional service.

1. Residents/Ratepayers to purchase their own bins. This is the current arrangement for the weekly domestic refuse service. This is a simple option for the Council, although the take-up of the recycling service would clearly be lower than the other options. In view of this, it is unlikely to be a cost effective option for contractors or acceptable in terms of the strategy to promote recycling.
2. The Council to purchase bins for all occupied residences and commercial properties on the current refuse collection route. Based on the quotes received, an approximate initial sum of \$48,800.00 (exc GST) would be required for the purchase of 1,000 recycling bins.
3. Contractor to provide recycling bins, paid for up front. Like option 2, this would require an approximate initial sum of \$48,800.00 (exc GST) for the purchase of 1,000 recycling bins.
4. Contractor to provide recycling bins, paid for within the annual tender price. Quote No. 2 indicates that this would incur an ongoing cost to the Council of \$14,300.00 per year, in current year dollars.

All of these options could be provided for in the tender documentation, with a view to choosing the most appropriate option of those tendered. Nevertheless, it is considered that the recycling service should be implemented on the same route as the current domestic refuse collection service and that it form part of that service (compulsory for all). With regard to commercial properties, it is considered that the recycling service be offered on the same basis as current, that is non-compulsory but at the same rate as a domestic service.

The funding of the implementation of the service and the ongoing costs could be met by general rate revenue or a recycling charge could be implemented. There are advantages and disadvantages to both schemes. These issues need to be discussed and it is suggested that the entire refuse charging regime should be workshopped prior to the adoption of the 2009/2010 budget. However, the philosophical view is that waste management and collection should be charged in accordance with the 'user pays' principle and that income should match expenditure.

As a matter of interest, the following table indicates what other local governments in the region are doing in this regard:

	Waste Collection	Charge (2008/09)	Recycling	Separate Charge (2008/09) - If applicable
Albany	Contracted (Normal waste 120L bins plus monthly green waste bio-insert bin)	\$209.00	Contracted (Fortnightly)	
Boyup Brook	Contracted	\$150.00	Bags arranged by Lions Club	
Cranbrook	Contracted	\$100.00	Contracted	\$70.00
Denmark	Shire (120L bins)	\$227.00	Contracted (Fortnightly) in urban areas (240L bins)	\$89.00
Gnowangerup	Contracted	\$ 76.80	Contracted (Fortnightly)	\$45.75
Jerramungup	Contracted	\$157.50	Contracted (Fortnightly)	\$144.00
Katanning	Contracted	\$190.00	Contracted (Fortnightly)	
Kojonup	Contracted	\$260.00	Contracted (Fortnightly)	
Manjimup	Contracted	\$283.50 (240L), \$164.00 (120L)	No Recycling	

Tender Criteria

A draft tender document has been prepared by the Western Australian Local Government Association and has been attached for information. Some features of the tender criteria included the following:

- A weekly refuse service for the collection of 240 litre MGBs;
- A fortnightly recyclables collection service of 240 litre MGBs;
- Period of contract is three years with an option to extend the Contract for a further two (2) years at the sole discretion of the Shire;
- Annual review of contract price in line with CPI (All Groups Perth);
- Provision of a customer service centre operated by the tenderer;
- Provision within the tender documents for the possible minor extensions of the collection service as development and demand increases; and
- Provisions for the collection of recyclables from non-domestic sources and special events.

The suggested selection criteria are as follows:

1. Organisational capabilities.
2. Key Personnel.
3. Performance / operational requirements.
4. Strategy for collection services.
5. Refuse bins and recycling bins records keeping.
6. Plant and Equipment.
7. Customer service Centre.

Clearly an extensive advertising and awareness program should be implemented to ensure that residents are informed of the pending changes. This matter will be developed and presented to the Council in a further report when tenders have been received.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr D Nye-Chart, seconded Cr J Moir:

That tenders be called for the provision of a combined kerbside recycling and refuse collection service for domestic, commercial and Shire bins on the Council's current refuse collection route, to commence in the 2009/2010 financial year for a period of three years.

MOTION TO SUSPEND STANDING ORDERS

Moved Cr J Moir, seconded Cr M Skinner:

3.00pm That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (7/0)

NO. 32/09

MOTION TO RESUME STANDING ORDERS

Moved Cr J Moir, seconded Cr D Nye-Chart:

3.20pm That Standing Orders be resumed.

CARRIED (7/0)

NO. 33/09

COUNCIL DECISION

That tenders be called for the provision of a combined kerbside recycling and refuse collection service for domestic, commercial and Shire bins on the Council's current refuse collection route, to commence in the 2009/2010 financial year for a period of three years.

CARRIED (7/0)

NO. 34/09

12.3 COMMUNITY SERVICES REPORTS

12.3.1 POLICY REVIEW – MULTI USE REGIONAL EQUINE FACILITY

File No: PR/120/2
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Council Policy - CS/SC/1 Multi Use Regional Equine Facility.

BACKGROUND

Council Policy CS/SC/1 reads as follows:

‘That the Council will, with regard to the development of a Multi Use Regional Equine Facility in the Great Southern, endorse the concept of Frost Park (Reserve A1790) and Pt Location 81 being utilised for such development subject to:

1. The Council’s contribution being limited to land only.
2. Community opinion being in favour of such direction.’

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has taken place with Nicole Selesnew – Manager of Community Services.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

This policy review is presented to the Council as part of the ongoing Council Policy review cycle.

STRATEGIC IMPLICATIONS

The Council’s strategic Plan Key Area 1, (New Initiative) 1.4 provides the following:

‘Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*

- *Promote and provide access to policies, procedures, standards and legislations.'*

OFFICER COMMENT

The renewal of this policy is not necessary as the construction of the Multi Use Regional Equine Facility has been completed. The three user groups that established the facility, being the Great Southern Branch of the Australian Stock Horse Society, the Plantagenet Riding for the Disabled Association and the Woogenellup Polocrosse Club, work well together and utilise the facility regularly including training clinics and profile competitions.

The User Groups will all be involved in the upcoming Frost Park Precinct planning process which will identify further development, rationalisation and co-location opportunities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That Council Policy CS/SC/1 Multi Regional Equine Facility:

'That the Council will, with regard to the development of a Multi use Regional Facility in the Great Southern, endorse the concept of Frost Park (Reserve A1790) and Pt Location 81 being utilised for such development subject to:

- 1. The Council's contribution being limited to land only; and**
- 2. Community opinion being in favour of such direction.'**

be revoked.

CARRIED (7/0)

NO. 35/09

12.3.2 POLICY REVIEW - STREET STALLS

File No: CS/120/3
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Council Policy – RS/RC/1 Street Stalls.

BACKGROUND

Council Policy RS/RC/1 reads as follows:

‘That approval to conduct street stalls and or appeals in Mount Barker is not limited to more frequently than bi-weekly and that such appeals be restricted to charitable and religious organisations and such local sporting bodies as may be substantially constituted by junior membership.

THAT A STREET STALL OR APPEAL BE LIMITED TO ONCE ANNUALLY TO EACH ORGANISATION’.

CONSULTATION

Consultation has taken place with Eric Howard – Environmental Health Officer and Nicole Selesnew – Manager of Community Services.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy review is presented to the Council as part of the ongoing Council Policy review cycle.

STRATEGIC IMPLICATIONS

The Council's strategic Plan Key Area 1, (New Initiative 1.4) provides the following:

‘Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, procedures, standards and legislations.’*

OFFICER COMMENT

This policy was established when street stalls were occurring regularly in Mount Barker and ensured that organisations were given the opportunity to conduct a street stall or fundraising activity at least annually.

The construction of the Mount Barker Co-operative Limited foyer area has provided community groups with the opportunity to carry out street stalls in a sheltered, populated area and has reduced the number of street stalls occurring elsewhere in the townsite to a minimum.

Further, the Activities in Thoroughfares and Public Places and Trading Local Law 2008 provides guidance for management of stallholders and traders. The Charitable Collections Act 1946 provides a framework under which appeals may occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

That Council Policy RS/RC/1 Street Stalls:

‘That approval to conduct street stalls and or appeals in Mount Barker is not limited to more frequently than bi-weekly and that such appeals be restricted to charitable and religious organisations and such local sporting bodies as may be substantially constituted by junior membership.

THAT A STREET STALL OR APPEAL BE LIMITED TO ONCE ANNUALLY TO EACH ORGANISATION’.

be revoked.

CARRIED (7/0)

NO. 36/09

12.3.3 POLICY REVIEW - SWIMMING CARNIVALS

File No: RM/34/9
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Policy CS/CP/1 – Swimming Carnivals.

BACKGROUND

Council Policy CS/SP/1 reads as follows:

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

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

STATUTORY ENVIRONMENT

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

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

CONSULTATION

Consultation has taken place with Nicole Selesnew – Manager of Community Services and Mark Bird – Swimming Pool Manager.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy review is presented to the Council as part of the ongoing Council Policy review cycle.

STRATEGIC IMPLICATIONS

The Council's strategic Plan Key Area 1, (New Initiative 1.4) provides the following:

‘Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.’

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, procedures, standards and legislations.'*

OFFICER COMMENT

The existing policy requires an amendment to prevent access to members of the public to both swimming pools (the main pool and the toddler pool) during Swimming Carnivals.

The water sources for both pools are linked and in the event of contamination in the toddler pool, both pools would need to be closed for a period of two (2) to six (6) hours while cleaning takes place, in line with health regulations.

The impact of a contamination event during a Swimming Carnival would be significant.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr A Budrikis:

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

'OBJECTIVE:

To assist the Pool Manager in making suitable arrangements during Swimming Carnivals.

POLICY:

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

- 1. The host organisation holding appropriate and adequate insurance for the event.**
- 2. The host organisation providing adequate supervision for the event.**
- 3. Exclusion of members of the public from all pools during such events.'**

be endorsed.

CARRIED (7/0)

NO. 37/09

**12.3.4 REGIONAL INFRASTRUCTURE PROGRAM FUNDING GRANT -
PLANTAGENET MEDICAL CENTRE**

File No: GS/125/11
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to seek authority to affix the common seal to a Financial Assistance Agreement with the Department of Local Government and Regional Development (the Department) for the Regional Infrastructure Funding Program grant.

BACKGROUND

In August 2007 the Shire applied for a Regional Infrastructure Funding Program (RIFP) Grant to assist with the construction of the Plantagenet Medical Centre. The Minister for Local Government and Regional Development advised that the Council had been successful in securing financial assistance of \$220,000.00 (including GST) subject to conditions. The Department subsequently advised of a number of conditions that needed to be satisfied.

Upon receipt of the appropriate documentation demonstrating that the Shire had met the funding conditions specified, the Department prepared a 'Financial Assistance Agreement'. Upon the signing of this agreement the first instalment of \$130,000.00 plus \$13,000.00 will be released within 21 days. The balance of the grant will be paid in two further instalments.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has taken place with John Fathers – Deputy Chief Executive Officer and Nicole Selesnew – Manager of Community Services.

FINANCIAL IMPLICATIONS

The RIFP grant of \$220,000.00 is acknowledged in the 2008 / 2009 budget. This report seeks to secure the grant income.

POLICY IMPLICATIONS

There are no policy implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart:

That authority be granted for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Financial Assistance Agreement with the Department of Local Government and Regional Development, in relation to the Regional infrastructure Funding Program Grant for \$220,000.00 (including GST) for the Plantagenet Medical Centre.

CARRIED (7/0)

NO. 38/09

12.3.5 CLEARING PERMIT CONSIDERATIONS - FIRE SAFETY

File No: ES/103/1
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to consider a recommendation from the Shire of Plantagenet Bush Fire Advisory Committee to lobby the Department of Environment and Conservation (DEC) for consideration of fire fighting operations when assessing clearing permits.

BACKGROUND

At the Bush Fire Advisory Committee meeting held on 5 November 2008 delegates expressed concern about the build up of vegetation along road verges, in particular:

- the difficulties in getting fire trucks and water tankers down roads that are overgrown and/or have overhanging limbs;
- reduced visibility in emergency situations;
- difficulties passing other vehicles on the road carriageway; and
- the lack of a 'fall back safety zone' when required.

Delegates were informed that the Shire has a road maintenance and construction standard which details road and shoulder widths, table drain widths and vertical clearing. Delegates were also advised that while the Shire follows the standard where possible, it may be required to amend the clearing widths if necessitated by clearing permit regulations or excessive public pressure.

The Advisory Committee requested that the Shire maintains the normal and accepted road construction and maintenance standards when working on roads, paying particular attention to vertical height clearances and some careful verge clearing, in order to minimise the build up of fire hazards and to maximise public and fire fighter safety in a fire emergency.

The Committee also requested the Council lobby the DEC, through the Western Australian Local Government Association, for greater consideration of fire fighting operations, public safety and fire fighter safety when considering clearing permits. The motion is as follows:

'That the Council be requested to lobby the Department of Environment and Conservation, through the Western Australian Local Government Association, for consideration of fire fighting operations, public safety and fire fighter safety during an emergency when considering requests for vegetation clearing permits. Particular issues to be highlighted include:

- *A building up of fire hazards, particularly along road verges, is resulting in roads that are too narrow and difficult to access with fire appliances. Vision is becoming obscured and passing is often impossible. The increase in fire hazards along roadsides is also resulting in a lack of safe options or any form of defence for fire fighting operations.*
- *All roads need to be maintained to a suitable standard to allow vehicular access and management during a fire emergency.'*

STATUTORY ENVIRONMENT

The Environmental Protection Act 1986 applies in relation to clearing vegetation.

CONSULTATION

Consultation has taken place with the Bush Fire Advisory Committee and Rob Stewart – Chief Executive Officer.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this report.

POLICY IMPLICATIONS

Policy Number I/R/16, Rural Road Hierarchy, applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan is silent on matters relating to Emergency Services however the Shire has prepared a Bush Fire Management Plan and a Bush Fire Response Plan.

OFFICER COMMENT

The concerns from the Bush Fire Advisory Committee have been raised by people who actively respond to fires, whether they are controlling the incident, managing resources or operating the fire trucks. Some delegates provided examples of where encroaching vegetation has damaged vehicles and equipment or created potentially life threatening situations.

When considering clearing permits (and appeals to clearing permits), the DEC does not appear to consider the ramifications of encroaching vegetation on safety during a fire emergency. Lobbying the Department may assist to broaden their scope when assessing permits for road verge clearing.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr S Grylls:

That the Western Australian Local Government Association be requested to lobby the Department of Environment and Conservation for consideration of fire fighting operations, public safety and fire fighter safety during an emergency, when assessing clearing permits.

CARRIED (7/0)

NO. 39/09

12.4 CORPORATE SERVICES REPORTS

12.4.1 BUDGET REVIEW - JANUARY 2009

File No: FM/103/3
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to adjust the adopted 2008/2009 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

BACKGROUND

The 2008/2009 annual budget was adopted by the Council at its meeting held 1 July 2008. The Council conducted a budget review at its meeting held on 25 November 2008, where it was reported that the overall effect on the budget was a saving of \$97,914.00, comprising operating savings of \$78,937.00 and capital savings of \$18,977.00.

STATUTORY ENVIRONMENT

Although no specific section of the Local Government Act 1995 deals with the re-allocation of funds, Section 6.2(1) of the Local Government (Financial 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 department managers.

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. The overall recommended effect on the budget is to bring it back to a near zero dollar impact.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A mid year budget review would also normally be undertaken on December balances. As January 2009 figures are available and more likely to enable a better analysis, the January figures have been used. It is not intended to adjust Public Works Overheads or Plant Operation budget items as these are allocated out to jobs anyway.

Operating income is 0.7% below budget and operating expenditure is currently 1.0% over (year to date) budget which is considered acceptable. There are some areas which would appear to be well outside budget predictions. A number of issues are worthy of a budget amendment and the following action is recommended:

- *General Rate GRV - Interim Rates and Adjustments (10000.0490, Budget \$16,000.00, Actual \$5,362.00 Cr) and General Rate UV - Interim Rates and Adjustments (10001.0490, Budget \$12,000.00, Actual \$30,356.00).* The GRV income has been negatively affected by a number of adjustments, including the write-off of nearly \$12,000 of unrecovered rates from the recently sold Westfield Road, Rocky Gully property. Greater than budget income in the UV category can be used to offset this.
- *Interest on Municipal Investments (10009.0067, Budget \$160,000.00, Actual \$77,113.00).* Interest on investment is unlikely to achieve the budget level due to lower interest rates and 1.5% Government guarantee charge. A reduction of \$40,000.00 is realistic.
- *Trade in Vehicle – Governance (40401.0106, Budget \$25,000.00, Actual \$14,545.00).* The trade in value on this vehicle did not achieve budget due to the downturn in this market.
- *Office Expenses – Telephone (20048.0144, Budget \$26,000.00, Actual \$25,326.00).* This relates to the cost of replacement mobile phones of approximately \$11,000.00, which is to be reimbursed by Telstra. Telstra have agreed to a credit, however we are in the process of trying to secure a cash reimbursement. A corresponding increase to Budget Item 'Reimbursements Other' is therefore sought.
- *Bush Fire Fines & Penalties (10043.0049, Budget \$1,000.00, Actual \$15,000.00).* Greater than expected income has been generated in this area. It is thought that an additional \$9,000.00 is realistic as some are in dispute and may be difficult to collect.
- *Wilson Park/Centenary Park Redevelopment (Toilets/Playground).* A grant application to the State Government under the Community Facilities Grants Program for playground equipment in Wilson Park has been approved to the value of \$23,000.00. This was in addition to other approved projects for this precinct. An increase to the approved expenditure and a new capital income account are sought.
- *Road Maintenance (20025.0126, Budget \$900,000.00, Actual \$872,978.00).* This budget item has been well over-expended due mostly to clean-up works associated with two major storm events. At this stage an extra \$240,000.00 is sought. It is thought that approximately \$100,000.00 can be claimed from the State Government for these events and a corresponding new income account will be established.

- *Building Licence Fees (10155.0009, Budget \$25,000.00, Actual \$19,414.00).* This account has generated more income than expected and it is estimated that an additional \$5,000.00 will be received by the end of the financial year.
- *Commission on Licensing Receipts (11330.0403, Budget \$90,000.00, Actual \$59,224.00).* This account has generated more income than expected and it is estimated that an additional \$10,000.00 will be received by the end of the financial year.
- *Private Works Jobs and Private Works Income (23150.0321, Budget 200,000.00, Actual \$125,060.00).* There are a number of major jobs being undertaken by Main Roads WA which the Council is co-ordinating the payments for. This will result in significant income for the Council. Increases of \$300,000.00 and \$360,000.00 in expenditure and income respectively are sought to cover this.
- *Diesel Rebate (11420.0405, Budget \$30,000.00, Actual \$23,595.00).* This account has generated more income than expected and it is estimated that an additional \$10,000.00 will be received by the end of the financial year.

The impact of the Council's application for Commonwealth Government funding of \$100,000.00 for the new Mount Barker cemetery (under the Regional and Local Community Infrastructure Program) has not been included in this review as the funding for that project has not been approved. Similarly the Royalties for Regions projects have not been included as the projects have not yet been formally approved. It is suggested that budget amendments be submitted for these items as and when approvals are received. This includes a formalisation of the funding of the consultant's brief to prepare precinct plans for Sounness Park, Frost Park and the Kendenup district, in line with the Council's decision at its meeting held on 16 December 2008.

The impact of the transfer of the Plantagenet Child Care Centre to Wanslea is also not included. It is hoped to deal with this at the next budget review when the final account balances will be certain.

The adjustments made in the September 2008 budget review resulted in operating savings of \$78,937.00 and capital savings of \$18,977.00, whereupon it was suggested that these be noted for further consideration towards the end of the financial year. The adjustments recommended in this review, together with these bring the budget back to a near zero dollar impact. This budget review does not deal with all of the accounts that are over budget, however operating expenditure is currently only 1% over YTD budget and the impact of the remaining items should be therefore be minimal.

As this is the main budget review of the year and in view of the legal requirements and audit comments, a more detailed analysis of the overall budget has been undertaken on this occasion. In particular a detailed cash flow analysis has been investigated from 31 January 2009 to 31 July 2009. This indicates that the Council will probably fall short of municipal cash funds by approximately \$800,000.00 as at that date. This assumes that the Council's restricted funds can be used to cover the shortfall, but that reserve funds, unspent loan funds and trust funds cannot be used. This date has been selected as from then onwards, rates and grant moneys will begin coming in.

Whilst this analysis makes some assumptions, a number of major factors contribute to this situation, as follows:

- The opening cash balance being relatively low (unrestricted cash \$57,237.00).
- Restricted cash, which has previously been able to bolster end of year cash balances being used this year (such as unspent road grants, unspent HACC grant and unspent saleyards loan funds of which \$143,000.00 has been redirected to the new medical centre project).
- The desire to pay creditors in a timely manner, whereas the Council is likely to have over \$100,000.00 outstanding in current year rates debtors.
- The likelihood of completing the majority of road construction projects. This assumes that all road jobs complete except perhaps Martigallup -Tenterden Road and Bevan Road.
- The timing of expenditure and grant income receipts for the new medical centre project being such that expenditure may outweigh grant income by an estimated \$50,000.00.

Arrangements will be made with the Bendigo Community Bank to increase the Council's overdraft facility accordingly.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr M Skinner:

That:

1. The adopted 2008/2009 Annual Budget be amended as follows:

Account	Description	Original Budget	New Budget	Net Amount
10000.0490	General Rate GRV - Interim Rates and Adjustments	\$16,000.00	\$1,000.00	(\$15,000.00)
10001.0490	General Rate UV - Interim Rates and Adjustments	\$12,000.00	\$27,000.00	\$15,000.00
10009.0067	Interest on Municipal Investments	\$160,000.00	\$120,000.00	(\$40,000.00)
40401.0105	Trade In Vehicle - Governance	\$25,000.00	\$14,545.00	(\$10,455.00)
20048.0144	Office Expenses - Telephone	(\$26,000.00)	(\$37,000.00)	(\$11,000.00)
10016.0229	Reimbursements - Other	\$30,000.00	\$41,000.00	\$11,000.00
10043.0049	Other Revenue - Fines & Penalties	\$1,000.00	\$10,000.00	\$9,000.00
51124.0252	Wilson Park/Centenary Park Redevelopment (Toilets / Playground)	(\$100,000.00)	(\$123,000.00)	(\$23,000.00)
41120.0487	Community Facilities Grant Program	\$0.00	\$23,000.00	\$23,000.00
20225.0126	Road Maintenance	(\$900,000.00)	(\$1,140,000.00)	(\$240,000.00)
New	State Contribution to Storm Damage	\$0.00	\$100,000.00	\$100,000.00
10155.0009	Building Licence Fees	\$25,000.00	\$30,000.00	\$5,000.00
11330.0403	Commission on Licensing Receipts	\$90,000.00	\$100,000.00	\$10,000.00
21350.0321	Private Works Jobs	(\$200,000.00)	(\$500,000.00)	(\$300,000.00)

10159.0104	Private Works Income	\$240,000.00	\$600,000.00	\$360,000.00
11420.0405	Diesel Rebate	\$30,000.00	\$40,000.00	\$10,000.00

2. Authority be granted to the Shire President and the Chief Executive Officer to execute and affix the Common Seal of the Council to the documentation required by the Bendigo Bank Limited to increase its overdraft facility.

AMENDMENT

Moved Cr M Skinner, seconded Cr D Nye-Chart:

That in part (2) of the motion, the words 'up to \$800,000.00' be included after the word 'facility'.

CARRIED (7/0)

NO. 40/09

COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That:

1. The adopted 2008/2009 Annual Budget be amended as follows:

Account	Description	Original Budget	New Budget	Net Amount
10000.0490	General Rate GRV - Interim Rates and Adjustments	\$16,000.00	\$1,000.00	(\$15,000.00)
10001.0490	General Rate UV - Interim Rates and Adjustments	\$12,000.00	\$27,000.00	\$15,000.00
10009.0067	Interest on Municipal Investments	\$160,000.00	\$120,000.00	(\$40,000.00)
40401.0105	Trade In Vehicle - Governance	\$25,000.00	\$14,545.00	(\$10,455.00)
20048.0144	Office Expenses - Telephone	(\$26,000.00)	(\$37,000.00)	(\$11,000.00)
10016.0229	Reimbursements - Other	\$30,000.00	\$41,000.00	\$11,000.00
10043.0049	Other Revenue - Fines & Penalties	\$1,000.00	\$10,000.00	\$9,000.00
51124.0252	Wilson Park/Centenary Park Redevelopment (Toilets / Playground)	(\$100,000.00)	(\$123,000.00)	(\$23,000.00)
41120.0487	Community Facilities Grant Program	\$0.00	\$23,000.00	\$23,000.00
20225.0126	Road Maintenance	(\$900,000.00)	(\$1,140,000.00)	(\$240,000.00)
New	State Contribution to Storm Damage	\$0.00	\$100,000.00	\$100,000.00
10155.0009	Building Licence Fees	\$25,000.00	\$30,000.00	\$5,000.00
11330.0403	Commission on Licensing Receipts	\$90,000.00	\$100,000.00	\$10,000.00
21350.0321	Private Works Jobs	(\$200,000.00)	(\$500,000.00)	(\$300,000.00)
10159.0104	Private Works Income	\$240,000.00	\$600,000.00	\$360,000.00
11420.0405	Diesel Rebate	\$30,000.00	\$40,000.00	\$10,000.00

2. Authority be granted to the Shire President and the Chief Executive Officer to execute and affix the Common Seal of the Council to the documentation required by the Bendigo Bank Limited to increase its overdraft facility up to \$800,000.00.

CARRIED (7/0)

(Absolute Majority)

NO. 41/09

12.4.2 FINANCIAL STATEMENTS - JANUARY 2009

File No:	FM/65/1
Attachments:	Financial Statements – January 2009
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	24 February 2009

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 January 2009.

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 (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 RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr J Moir:

That the financial statements for the period ending 31 January 2009 be received.

CARRIED (7/0)

NO. 42/09

12.4.3 POLICY REVIEW – FINANCIAL ASSISTANCE (CAPITAL) TO ORGANISATIONS AND CLUBS

File No: GS/120/2
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Council Policy CS/DG/1 – Financial Assistance (Capital) to Organisations and Clubs.

BACKGROUND

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

‘That amended Council Policy CS/DG/1, as follows:

OBJECTIVE:

To assist clubs and organisations in improving Community based facilities.

POLICY:

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

(1) Funding Contributions

- (a) *As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three way, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost.*
- (b) *In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and/or that third party funding as in (a) above was not available.*

- (c) *Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.*

(2) *Pre-requisites of Financial Assistance*

- (a) *Requests for financial assistance should be received before the closing date (as advertised in local newspapers each February).*
- (b) *Funding will not be provided for retrospective works.*
- (c) *Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable).*
- (d) *The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project.*
- (e) *Funds will only be released after documentary proof of expenditure is submitted.*

(3) *Prioritising Applications*

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- (a) *When the Council believes that the proposal for funding is not a high priority;*
- (b) *When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;*
- (c) *When the proposal will lead to an unacceptable ongoing financial commitment by the Council;*
- (d) *When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;*
- (e) *When the legal and / or financial status of the organisation or clubs is in doubt;*
- (f) *Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and/or to specify accurately materials and services required for the project.*

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.'

The policy was last reviewed by the Council at its meeting held on 14 November 2006.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred between Mr John Fathers – Deputy Chief Executive Officer and Ms Cherie Delmage - Accountant.

POLICY IMPLICATIONS

This Policy is presented to the Council as part of its ongoing policy review cycle.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report. Council Policy CS/DG/1 forms part of the annual budget process.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

At its meeting held 12 February 2002, this policy was adopted by the Council to assist applicants when preparing submissions for financial assistance for a capital project as well as to assist Councillors and financial staff when considering applications as part of the annual budget process.

The policy has worked well since first adopted in 2002 and users have noted that it provides assistance and guidelines for applicants as well as Councillors and staff.

The policy has been amended slightly for grammatical consistency and / or typographical errors.

To ensure consistency between this policy and the Council's other financial assistance grant policy (CS/DG/2 'Financial Assistance (Operating) To Organisations, Clubs & Individuals'), the following final paragraph has been added to the recommendation:

'Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That amended Council Policy CS/DG/1, as follows:

OBJECTIVE:

To assist clubs and organisations in improving community based facilities.

POLICY:

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

1. Funding Contributions

- a) As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three way, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost;
- b) In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and/or that third party funding as in (a) above was not available; and
- c) Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.

2. Pre-requisites of Financial Assistance

- a) Requests for financial assistance should be received before the closing date (as advertised in local newspapers each February);
- b) Funding will not be provided for retrospective works;
- c) Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable);
- d) The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project; and
- e) Funds will only be released after documentary proof of expenditure is submitted.

3. Prioritising Applications

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- a) When the Council believes that the proposal for funding is not a high priority;
- b) When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;
- c) When the proposal will lead to an unacceptable ongoing financial commitment by the Council;
- d) When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;
- e) When the legal and / or financial status of the organisation or clubs is in doubt;
- f) Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and/or to specify accurately materials and services required for the project.

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.

Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget'.

be endorsed.

CARRIED (6/1)

NO. 43/09

12.4.4 POLICY REVIEW – FINANCIAL ASSISTANCE (OPERATING) TO ORGANISATIONS, CLUBS AND INDIVIDUALS

File No: GS/120/3
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Council Policy No. CS/DG/2 – Financial Assistance (Operating) to Organisations, Clubs and Individuals.

BACKGROUND

At its meeting held 12 February 2002 the Council resolved:

That amended Council Policy No. CS/CG/2 as follows:

OBJECTIVE:

To assist clubs, organisations and individuals in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Generally, preference will be given to applications for funding from organisations or clubs which meet as many of the following criteria as possible:

- (1) Based in the Shire of Plantagenet, or benefit residents within the Shire;*
- (2) Can clearly identify the group(s) who will benefit from the funding;*
- (3) Be actively operating and meeting on a regular basis; and*
- (4) Can demonstrate that the funding from the Council will improve their ongoing financial viability and financial independence and/or the promotion of the district.*

Requests for financial assistance should be received before the closing date (as advertised in local newspapers each February). Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.'

The policy was last reviewed by the Council at its meeting held on 14 November 2006.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred between Mr John Fathers – Deputy Chief Executive Officer and Ms Cherie Delmage - Accountant.

POLICY IMPLICATIONS

This Policy is presented to the Council as part of its ongoing policy review cycle.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report. Council Policy CS/DG/2 forms part of the annual budget process.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Since its adoption in 2002, this policy has been well utilised in the annual budget adoption process and it is considered that the criteria contained within the policy is general enough to capture the wide range of requests received whilst ensuring Council's scarce financial resources are directed towards improving the quality of life for all residents within the Shire of Plantagenet.

The policy has been amended slightly for grammatical consistency and / or typographical errors.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart:

That amended Council Policy No. CS/CG/2 as follows:

OBJECTIVE:

To assist clubs, organisations and individuals in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

1. The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Generally, preference will be given to applications for funding from organisations or clubs which meet as many of the following criteria as possible:
 - a) Based in the Shire of Plantagenet, or benefit residents within the Shire;
 - b) Can clearly identify the group(s) who will benefit from the funding;
 - c) Be actively operating and meeting on a regular basis; and
 - d) Can demonstrate that the funding from the Council will improve their ongoing financial viability and financial independence; and / or the promotion of the district.

2. Requests for financial assistance should be received before the closing date (as advertised in local newspapers each January / February).
3. The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.
4. Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.

CARRIED (7/0)

NO. 44/09

12.4.5 LIST OF ACCOUNTS - JANUARY 2009

File No: FM/65/3
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo Fawcett
Debtors/Creditors Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of January 2009.

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 D Nye-Chart, seconded Cr M Skinner:

That:

- 1. The payment of accounts for the month of January 2009 covering the following:**
 - a) Electronic Payments and direct debits totalling \$718,648.50;**
 - b) Municipal Cheques 39679 – 39731 and 39741 - 39777 totalling \$133,604.35; and**
 - c) Trust Cheques 253 – 254 totalling \$5,241.00;**
- be approved.**

2. Spoiled Municipal Cheques 39732 – 39740 be noted.

CARRIED (7/0)

NO. 45/09

12.4.6 COMPLIANCE AUDIT RETURN 2008

File No:	CM/19/1
Attachments:	Compliance Return
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Rayona Evans Administration Officer (Relief)
Proposed Meeting Date:	24 February 2009

PURPOSE

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

BACKGROUND

A Compliance Audit is required to be completed once in each calendar year. The 2008 Compliance Audit revealed some areas of non-compliance. Those areas have been reviewed and process changes implemented to ensure full compliance in the 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 was 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 the appropriate Council officers.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Compliance Report helps to ensure that appropriate organisation practices are provided in financial management, administration, information technology and trading undertakings (Key Result Area 1).

OFFICER COMMENT

The completed Compliance Audit return is attached to this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Clements:

That the Compliance Audit Return for the calendar year 1 January 2008 to 31 December 2008 be adopted and submitted to the Director General of the Department of Local Government and Regional Development.

CARRIED (7/0)

NO. 46/09

12.4.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS - ASSIGNMENT OF LEASE OF CANTEEN

A Proximity Interest was disclosed by Cr Hollingworth

A Financial Interest was disclosed by Cr Skinner

A Financial Interest was disclosed by Cr Nye-Chart

A Financial Interest was disclosed by Cr Moir

Authority to participate pursuant to Section 5.69 (3) (a) and (b) of the Local Government Act 1995

The Acting Chief Executive Officer advised that pursuant to a letter dated 14 November 2008 (a copy of which is attached to these minutes) the Manager of Compliance and Advice of the Department of Local Government and Regional Development had approved the Shire's application, under section 5.69 of the *Local Government Act 1995*, to allow disclosing members Cr K Forbes, Cr M Skinner, Cr B Hollingworth, Cr J Moir and Cr D Nye-Chart to fully participate in the discussion and decision making process and for Cr Forbes to chair the meeting in relation to matters concerning the Great Southern Cattle Saleyards.

This approval is subject to the following conditions:

1. the approval is only valid for ordinary and special meetings of the Council to be held from 11 November 2008 until the next local government elections held in October 2009 and the approval does not permit a disclosing member to participate in the discussion and decision making procedures if there is a substantial change in the nature and extent of the disclosing Councillors' interests. However, if there is a significant change in the nature and extent of the interest of any Councillor and the Councillor believes that he/she should be allowed to participate, the Council should seek a further approval and provide reasons for the request;
2. the approval is not valid for any decision of Council that may lead to expenditure from general revenue in excess of that advertised in the Annual Budget. However, if the Council considers that the declaring Councillors should be allowed to participate and vote in decisions that may lead to expenditures in excess of those indicated in the Annual Budget, the Council should seek a further approval and provide reasons for the request;
3. the disclosing members are to declare the nature and extent of their interest at the Council meeting when this matter is considered together with the approval provided;
4. the CEO is to provide a copy of the Department's letter advising of the approval to the declaring members; and
5. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of each meeting when the matter is discussed.

File No: CP/83/3
Attachments: [Deed of Assignment of Lease - Saleyard Canteen.](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to seek approval from the Council for the assignment of the Great Southern Regional Cattle Saleyards canteen from Classicz Pty Ltd (Plantagenet Hotel) to Wendy Marie Swainson.

Please note that this matter will be discussed at the Great Southern Regional Cattle Saleyards Advisory Committee prior to consideration by the Council.

BACKGROUND

At its meeting held on 9 October 2007, the Council resolved *“that the tender from the Plantagenet Hotel for the lease of the Canteen at the Great Southern Regional Cattle Saleyards at a rate of \$60 per sale day (inc GST), be accepted.”*

STATUTORY ENVIRONMENT

Pursuant to Section 3.58 of the Local Government Act (1995) a local authority, when disposing of property, shall comply with the provisions of that section.

CONSULTATION

Consultation has taken place with the Chief Executive Officer, Rob Stewart, the current lessees and the prospective lessee regarding this matter.

FINANCIAL IMPLICATIONS

There are no policy implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The management of the saleyards canteen to a high standard is very important in the overall marketing and presentation of the saleyards. The provision of quality foodstuffs in a clean and friendly environment is a critical factor to retaining and encouraging repeat business. This is consistent with Key Result Area 4 - Marketing of the Great Southern Regional Cattle Saleyards Strategic Plan as adopted by the Saleyards Advisory Committee.

OFFICER COMMENT

There are no impediments for the granting of authority for the assignment of this lease. The prospective lessee has submitted information in line with that sought in

the tender process, which would indicate she is capable of providing the necessary service.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr M Skinner:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Seal of the Shire of Plantagenet to the deed of assignment of lease between the Shire of Plantagenet, Classicz Pty Ltd and Wendy Marie Swainson relating to Portion of Lot 3 on Plan 19319 for the purposes of a Canteen.

CARRIED (7/0)

NO. 47/09

12.4.8 POLICY REVIEW – COUNCIL OWNED BUILDINGS - CEILING INTERFERENCE

File No: CP/120/5
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Council Policy A/PA/2 – Council Owned Buildings – Ceiling Interference.

BACKGROUND

Council Policy A/PA/2 reads as follows:

‘OBJECTIVE: To clarify access restrictions to ceiling and roof spaces in Council owned buildings.

POLICY: That access to the ceiling / roof space in any of the buildings under Council’s care and control be restricted to authorised repair contractors and staff only and that any entry by other persons is subject to:

- (1) The approval by the Chief Executive Officer; and*
- (2) The parties having appropriate public liability insurance to cover any event, which indemnifies Council against any claim.*

NOTE: All necessary documentation relating to the hire or use of the Council buildings will be subject to the applicant having necessary public liability insurance to indemnify the Council against any claim from the set up and function, through to the clean up afterwards.’

This policy was last reviewed by the Council at its meeting held on 14 November 2006.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has taken place with John Fathers – Deputy Chief Executive Officer and Peter Duncan – Manager of Development Services.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy review is presented to the Council as part of the ongoing Council Policy review cycle.

STRATEGIC IMPLICATIONS

The Council's strategic Plan Key Result Area, (New Initiative) 1.4 provides the following:

'Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, procedures, standards and legislation.'*

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed, subject to minor grammatical changes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That amended Council Policy A/PA/2 – Council Owned Buildings – Ceiling Interference, as follows:

'OBJECTIVE: To clarify access restrictions to ceiling and roof spaces in Council owned buildings.

POLICY:

1. That access to the ceiling / roof space in any of the buildings under the Council's care and control be restricted to authorised repair contractors and staff only and that any entry by other persons is subject to:
 - a) The approval by the Chief Executive Officer; and
 - b) The parties having appropriate public liability insurance to cover any event, which indemnifies the Council against any claim.
2. All necessary documentation relating to the hire or use of Council buildings will be subject to the applicant having necessary public liability insurance to indemnify the Council against any claim from the set up and function, through to the clean up afterwards.'

be endorsed.

CARRIED (7/0)

NO. 48/09

12.4.9 POLICY REVIEW - INSURANCE

File No: RM/120/2
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to review Council Policy A/I/1 – Insurance.

BACKGROUND

Council Policy A/I/1 – Insurance reads as follows:

‘That it be Council policy not to accept responsibility for the cost of insurance of building erected by other organisations on land under Council control except on prior arrangement.’

This policy was adopted on 27 September 2005 and last reviewed by the Council on 10 October 2006.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has taken place with John Fathers – Deputy Chief Executive Officer.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy review is presented to the Council as part of the Council's ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 1, (New Initiative 1.4) provides the following:

‘Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.’

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, procedures, standards and legislation.’*

OFFICER COMMENT

It is generally considered to be standard practice for organisations to keep their own insurance for buildings on property under the control of the local government. It is appropriate that the Council maintain a policy to clarify this position, although there is and may be exceptions to the policy from time to time. One such example relates to fire sheds whereby the Fire and Emergency Services Authority provides funding to the Council to build, insure and maintain such structures, which may or may not be on Council property. There may be there exceptions, however these can be dealt with on a case by case basis and the policy provides for this.

It is therefore recommended that the policy be endorsed, subject to the addition of an objective and minor grammatical changes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr S Grylls:

That amended Council Policy A/I/1 – Insurance, as follows:

OBJECTIVE:

To clarify the Council's position on the responsibility for insurance costs of buildings erected on Shire land.

POLICY:

The Council will not accept responsibility for the cost of insurance of buildings erected by other organisations on land under Council control except on prior arrangement.'

be endorsed.

CARRIED (7/0)

NO. 49/09

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 FROST PARK - INSTALLATION OF TEMPORARY LIGHTING

File No: RV/182/2256
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to advise the Council that the Mount Barker Football Club seeks permission from the Council to install temporary lighting at Frost Park.

BACKGROUND

Councillors will be aware that some lighting exists at Frost Park at present but the Mount Barker Football Club contends that this is insufficient for training purposes as one third of the oval is not visible.

It should be noted that the Football Club does not lease the ground from the Council but rather rents it on a seasonal basis.

CONSULTATION

The Council's Manager Community Services has discussed the proposal with the Club's President Mr Grant Lubcke.

FINANCIAL IMPLICATIONS

The Football Club is suggesting that the lights be erected at the Club's own expense and has not provided to the Council any cost indicators. Marginal increases in electricity consumption would be expected.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 3 (Community Services) notes that an aim of Community Services is to:

'Deliver or facilitate the delivery of a range of services which respond to and reflect the physical, social and cultural wellbeing of the community.'

OFFICER COMMENT

Frost Park is at present subject to a precinct study soon to be undertaken by an external consultant. Nevertheless, the initiative of the Mount Barker Football Club should be applauded.

Given the recent Royalties for Regions program there is a reasonable probability that redevelopment work at Frost and Sounness may be undertaken during the next two

to three years. Under these circumstances the installation of temporary lighting makes sense.

It is recommended that permission to the Club to erect temporary lighting be forthcoming so that the Club will have an opportunity of assessing its needs. This may also assist the precinct planning.

This is a no cost option for the Council. Sufficient power is available at Frost Park for such a connection. As the lighting is considered temporary it is not a fixture and ownership will remain with the Club.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir:

That the Mount Barker Football Club be advised that no objections are raised for the erection of a temporary lighting tower at Frost Park, subject to specifications being agreed to by the Council's Principal Building Surveyor.

CARRIED (7/0)

NO. 50/09

12.5.2 INDIGENOUS FLAG

File No: GR/97/3
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to seek direction from the Council regarding the flying of the Indigenous Flag from Council masts.

BACKGROUND

In 2002, a request to fly the Indigenous Flag from a Council Flag pole during NAIDOC (National Aborigines and Islanders Day Observance Committee) week was informally refused on the grounds that the Australian Flag represents all Australians.

Although this position has never been formalised, any subsequent request to fly the Indigenous Flag has been refused.

By letter dated 12 February 2009 a request was received from the Protocol Branch of the Department of Premier and Cabinet for Councils to fly the Indigenous Flag on 13 February 2008 being the first anniversary of the apology by the Australian Parliament to members of the Stolen Generations.

The correspondence was not received in time to action the request one way or the other however, what in the past was simply a local choice is obviously attaining an increasingly formal presence. Accordingly, it may be preferable for the Council to have a formal position of its own.

CONSULTATION

No consultation has occurred in regard to this matter with any other group.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The Council's Policy Manual is silent with regard to flag flying although Federal and State Protocols do exist. These particularly relate to the Australian Flag. For example, with regard to the flying of the Indigenous Flag it should never displace the Australian Flag and where there is only one flag pole available the Indigenous Flag shall not be flown.

STRATEGIC IMPLICATIONS

One of the Shire's values, adopted in its Strategic Plan is:

'We will show respect for each other regardless of individual benefits, age, race, gender, religion or lifestyle.'

OFFICER COMMENT

This matter is brought before the Council due to the increasing recognition of the Indigenous Flag by State and Federal Government Protocols. Nevertheless, the Council's existing informal position with regard to the Indigenous Flag is a perfectly valid and legal response.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr S Grylls:

That Council Policy No. CS/S/PA/15 Australian Flag, be included in the Council's Policy Manual.

,

AUSTRALIAN FLAG

Division	Business Unit	Responsibility Area
Corporate Services	Administration	Property Administration

OBJECTIVE:

Give guidance with the flying of official flags.

POLICY:

The Council acknowledges that the Australian Flag represents all Australians and shall be flown from the Council official masts along with either the Western Australian Flag or the Shire of Plantagenet Flag.'

be adopted.

LOST (2/5)

FURTHER MOTION

Moved Cr J Moir, seconded Cr D Nye-Chart:

That a further report be presented to the Council with a draft policy enabling the flying of the Indigenous Flag on specific occasion or occasions along with the Australian Flag.

CARRIED (5/2)

NO. 51/09

12.5.3 LEASE - MITCHELL HOUSE - PLANTAGENET ARTS COUNCIL

File No: RO/103/9
Attachments: [Lease](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to recommend to the Council the entering into of a lease for Mitchell House situated on Albany Highway to the Plantagenet Arts Council.

BACKGROUND

The Plantagenet Arts Council occupies a Council owned building on Albany Highway Mount Barker known as Mitchell House. The building is situated on Lot 10 Albany Highway Mount Barker.

There is no lease between the Arts Council and the Shire, however a search has uncovered a letter from the then Shire Clerk to the Secretary of the Arts Council in November 1986 advising that the Arts Council could occupy the building at payment of an annual rental of \$500.00 for the first two years and increasing to \$1,000.00 subsequently, subject to the Arts Council being responsible for payment of all outgoing expenses related to water and electricity and that the Arts Council be responsible for building maintenance.

This agreement through exchange of letters has been continuing ever since.

STATUTORY ENVIRONMENT

The leasing of Council owned or vested property is classified as a disposition of property pursuant to section 3.58 of the Local Government Act 1995.

CONSULTATION

When the lack of lease was discovered during normal reviews of processes and procedures a letter was sent to the Arts Council indicating that a lease would be necessary. This matter hasn't been given high priority but the Arts Council would now like it to be finalised.

FINANCIAL IMPLICATIONS

Rental received from the Arts Council at present is \$1,215.00 per annum.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan in Key Result Area 3 (Community Services) notes the Council's aim to:

'Deliver or facilitate the delivery of a range of services which respond to and reflect the physical, social and cultural well being of the community.'

The Strategic Plan also notes an initiative to:

'Sponsor and display local art works.'

OFFICER COMMENT

No objections are raised to the continuing occupation by the Arts Council of Mitchell House.

Although minimal rent is received by the Council and maintenance of the building of a Capital nature is ongoing, the organisation provides a valuable community service and generally gets on with its business efficiently and effectively.

It is also proper for the structure to be in the ownership of the Council. It is listed as place No. 27 in the Council's Municipal Heritage Inventory being the former Post Office and quarters for post masters and their families. It was constructed in 1892/3. It was used as the post masters residence and telephone exchange until 1958.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr A Budrikis:

That 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 10 Albany Highway Mount Barker to the Plantagenet Arts Council with the following provisions:

- a) **Rental to be set at \$1,215.00 per annum;**
- b) **The term of the lease be five (5) years;**
- c) **The Lessee be permitted to hire the building for community purposes; and**
- d) **The lessee be responsible for public liability insurance, contents insurance, minor building maintenance, garden maintenance, water usage and electricity charges.**

CARRIED (7/0)

NO. 52/09

12.5.4 STAFF ESTABLISHMENT - PROPOSED AMENDMENTS

File No: CM/60/1
Attachments: [Fesa - MOU](#)
[Fesa - Business Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 24 February 2009

PURPOSE

The purpose of this report is to recommend amendments to the existing staff establishment to reflect recent movements relating to the Child Care Centre and to recommend the inclusion of a Community Emergency Services Manager.

BACKGROUND

At its meeting held on 24 April 2007 the Council resolved:

'THAT:

- (1) The Staff Establishment of the Shire of Plantagenet be increased by the addition of a 1.0 Full Time Equivalent being Customer Service Officer - Corporate Services.*
- (2) Full time equivalent (FTE) staffing levels be set at 62.75.'*

At its meeting held on 12 August 2008 the Council resolved as follows:

'That:

- 1. The management of the Plantagenet Day Care Centre be transferred from the Shire of Plantagenet to Wanslea Family Services Incorporated on 1 January 2009...'*

The Council at its meeting held on 11 November 2008 resolved as follows:

'That consideration be given, during consideration of the 2009 / 2010 budget for an allocation of \$70,000.00 for the shared engagement with the Fire and Emergency Services Authority (FESA) of a Community Emergency Services Manager subject to the Council's organisational chart being amended in due course by Council resolution and subject also to a satisfactory Memorandum of Understanding being entered into with FESA also subject to Council resolution and that a further report be presented to the Council addressing financial and ratepayer benefits and changes of staff duties.'

STATUTORY ENVIRONMENT

Pursuant to Section 5.36 of the Local Government Act 1995 a Local Government is to employ (other than a Chief Executive Officer):

- '...such other persons as the Council believes are necessary to enable the functions of the Local Government and the functions of the Council to be performed.'

Further, Section 5.41 of the Act provides that the Chief Executive Officer's functions are to (among other things):

- '...be responsible for the employment, management, supervision, direction and dismissal of other employees'.

Therefore, once the Council has amended the Staff Establishment, the Chief Executive Officer becomes responsible for all other matters relating to those employees.

FINANCIAL IMPLICATIONS

To employ the Community Emergency Services Manager on a shared basis with FESA would involve the Council in approximately \$70,000.00 of expenditure per annum. This will be addressed in the 2009/2010 budget. This includes contribution for salary, vehicle, mobile telephone and uniform. Other costs for the Council would involve the provision of office space. The Council's adopted Strategic Plan is silent with regard to Bush Fire and Emergency Service response. This is no doubt due to the Council's very specific responsibilities pursuant to the applicable legislation mentioned earlier.

A draft Memorandum of Understanding (MOU) and Business Plan are attached.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

Child Care

The Council's adopted staff establishment shows a total of 3.7 full time equivalents (FTE) in Child Care.

With the recent handing over of Child Care Services it is competent for the Council to reduce Child Care Services from 3.7 FTE to 0 FTE.

Community Emergency Services Manager (Compliance Officer)

This matter was considered by the Council at its meeting held on 11 November 2008. At that meeting the Council resolved:

'That consideration be given, during consideration of the 2009 / 2010 budget for an allocation of \$70,000.00 for the shared engagement with the Fire and Emergency Services Authority (FESA) of a Community Emergency Services Manager subject to the Council's organisational chart being amended in due course by Council resolution and subject also to a satisfactory Memorandum of Understanding being entered into with FESA also subject to Council resolution and that a further report be presented to the Council addressing financial and ratepayer benefits and changes of staff duties.'

It is advised that the creation of such a position was endorsed by the Council at its meeting held on 11 November 2008 it would allow the Council to provide specialist bush fire and emergency service within the district. Specific duties would involve Fire Prevention Planning, Awareness Programs, School Education Programs, Cause of accidental and suspicious fires, Strategic firebreak network, Unallocated Crown land and unmanaged reserves program, Fire Protection Standards, assessing Subdivision Fire Management Plans for the Shire, Pre-season fire forum, Training for Bush Fire Brigades, Shire Emergency Services Directory, Brigade Memberships, Evacuation Centres, Bush Fire Advisory Committee, Bush Fire Brigade Administration, Evaluation of Incident Reports, Exercise planning, Emergency Water Supplies, Risk to Resource Model, Incident Recovery and Local Emergency Management Committee (LEMC) Plans and Meetings.

The MOU and Business Plan further relate to these issues.

As advised at the 11 November 2008 meeting the Council contribution for the appointment would be in the vicinity of \$70,000.00 per annum. When previously endorsed on the Council's staff establishment (11 September 2007) it was not funded.

It is recommended that the Council's staff establishment be amended by amending the existing Compliance Officer position to that of Community Emergency Services Manager.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr M Skinner:

- 1. That the Council's Staff establishment be altered by deleting the 1.0FTE position of Child Care Coordinator and 2.7FTE Child Care assistants.**
- 2. Amending the existing 1.0FTE position of Compliance Officer to Community Emergency Services Manager.**
- 3. The Council's total staff establishment be decreased by 3.7FTE.**

CARRIED (7/0)

NO. 53/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The following business was introduced to the meeting by the Presiding Member under Section 3.8 of Standing Orders.

- Usage of Water from Government Dam to the Mount Barker Caravan Park.

14.1.1 USE OF WATER FROM GOVERNMENT DAM BY THE MOUNT BARKER CARAVAN PARK**COUNCIL DECISION**

Moved Cr K Clements, seconded Cr D Nye-Chart:

That a report be presented to the Council covering the following matters:

- a) A proposal for a fair and equitable payment for water sourced from the Government Dam after 30 August 2011 for use by the Mount Barker Caravan Park;
- b) Clarification as to responsibility for maintenance of the pump and hose and pumping operations; and
- c) Advice on the capacity of the dam and the Council's water use requirements for Frost and Sounness Parks.

CARRIED (7/0)

NO. 54/09

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

4.10pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____