



# ORDINARY MINUTES

**DATE:** Tuesday, 24 November 2009

**TIME:** 2.45 pm

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

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE....	1
3	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	DISCLOSURE OF INTEREST .....	2
7	APPLICATIONS FOR LEAVE OF ABSENCE .....	3
	APPLICANT: CR MICHAEL SKINNER .....	3
8	CONFIRMATION OF MINUTES.....	3
9	COMMITTEE MINUTES.....	3
10	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	4
11	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION .....	4
12	REPORTS OF COMMITTEES AND OFFICERS.....	5
12.1	DEVELOPMENT SERVICES REPORTS.....	5
12.1.1	LOT 101 STRATA LOT 2 ALBANY HIGHWAY, MOUNT BARKER - EFFLUENT DISPOSAL SYSTEM - RECONSIDERATION.....	5
12.1.2	LOT 24 WANSBROUGH WALK, PORONGURUP - EFFLUENT DISPOSAL SYSTEM - RECONSIDERATION .....	8
12.2	WORKS AND SERVICES REPORTS.....	11
12.3	COMMUNITY SERVICES REPORTS .....	11
12.4	CORPORATE SERVICES REPORTS .....	11
12.4.1	LIST OF ACCOUNTS - OCTOBER 2009 .....	11
12.4.2	FINANCIAL STATEMENTS - OCTOBER 2009 .....	13
12.4.3	BUDGET REVIEW - SEPTEMBER 2009 .....	15

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12.4.4	LOC 6889 (326) KNIGHTS ROAD, PORONGURUP - EXEMPTION FROM RATES – FRIENDS OF THE PORONGURUP RANGES INC. ....	23
12.4.5	POLICY - ELIGIBILITY OF NON-RESIDENT RATEPAYERS TO BE INCLUDED ON THE OWNER/OCCUPIER ROLL .....	26
12.4.6	POLICY REVIEW - FINANCIAL ASSISTANCE (OPERATING) TO ORGANISATIONS, CLUBS AND INDIVIDUALS.....	29
12.4.7	POLICY REVIEW - RECOGNITION OF COUNCILLORS AND STAFF .....	34
<b>12.5</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>39</b>
12.5.1	EXTENDED TRADING HOURS - DISTRICT OF THE SHIRE OF PLANTAGENET .....	39
<b>13</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>42</b>
13.1	CR JEFF MOIR - COUNCILLOR BRIEFING SESSIONS.....	42
<b>14</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>44</b>
<b>15</b>	<b>CONFIDENTIAL.....</b>	<b>44</b>
<b>16</b>	<b>CLOSURE OF MEETING.....</b>	<b>44</b>

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

## 2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr Ken Clements      Shire President  
Cr Michael Skinner    Deputy Shire President  
Cr Sue Etherington JP  
Cr Andrus Budrikis  
Cr Jeff Moir  
Cr Simon Grylls

Cr Len Handasyde

There were two (2) member(s) of the public in attendance.  
There were nil (0) member(s) of the media in attendance.

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mrs Kaye Skinner	Executive Secretary

Previously Approved Leave of Absence:

Cr B Bell 24 November 2009.

#### **4 PUBLIC QUESTION TIME**

Section 5.24 Local Government Act 1995

Nil

#### **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

#### **6 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr S Etherington declared a Financial Interest – Business All Print n Photos uses Mount Barker Scrap Shak as Agent – in Item 12.5.1.

Cr L Handasyde declared a Voluntary Disclosure – might trade on a Sunday – in Item 12.5.1.

Cr K Clements declared a Financial Interest – Director of the Mount Barker Co-operative – in Item 12.4.6.

Cr S Etherington declared a Financial Interest – Director of Community Bank – in Item 12.4.6.

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

**APPLICANT: CR MICHAEL SKINNER**

Cr Michael Skinner requested Leave of Absence for 15 December 2009.

**Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:**

**That Cr Michael Skinner be granted Leave of Absence for 15 December 2009.**

**CARRIED (7/0)**

**NO. 362/09**

## 8 CONFIRMATION OF MINUTES

**Moved Cr Michael Skinner, seconded Cr Sue Etherington JP:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 10 November 2009 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (7/0)**

**NO. 363/09**

## 9 COMMITTEE MINUTES

**Moved Cr Sue Etherington JP, seconded Cr Jeff Moir:**

**That the Minutes of:**

[Minutes – 3 November 2009 – Local Emergency Management Committee](#)

[Minutes – 4 November 2009 – Bush Fire Advisory Committee](#)

**be received.**

**CARRIED (7/0)**

**NO. 364/09**

**10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- Wednesday 11 November 2009 - Attended the RSL Remembrance Day Ceremony and presented the Shire Wreath, and later attended the luncheon for the 90<sup>th</sup> Anniversary of the RSL. Cr Moir also attended.
- Friday 13 November 2009 - Along with Mr Stewart and a number of Councillors, attended the Wind and Solar display at Bouverie (Tony Smith).
- Thursday 20 November 2009 - Cr Etherington, Ms Selesnew and I attended the Great Southern Recreation Advisory Group Meeting at Denmark. Sounness Park, Frost Park and Kendenup plans were discussed and we have been asked to do a presentation at the next meeting on 10 February 2010.
- Friday 21 November 2009 along with Cr Skinner attended the President/Mayor/Deputy President/Deputy Mayor forum at City of Canning.

**11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION**Cr Jeff Moir

- 11 November 2009 - Attended the RSL Remembrance Day Ceremony and Lunch.
- Friday 13 November 2009 - Attended the Wind and Solar display at Bouverie (Tony Smith).

Cr Len Handasyde

- Friday 13 November 2009 - Attended the Wind and Solar display at Bouverie (Tony Smith).
- Sunday 22 November 2009 - Attended Forest Hill - Denbarker Hall Committee Meeting.

## 12 REPORTS OF COMMITTEES AND OFFICERS

### 12.1 DEVELOPMENT SERVICES REPORTS

#### 12.1.1 LOT 101 STRATA LOT 2 ALBANY HIGHWAY, MOUNT BARKER - EFFLUENT DISPOSAL SYSTEM - RECONSIDERATION

<b>File No:</b>	<b>N13290</b>
<b>Attachments:</b>	<b>Locality Plan Supporting Letter from applicant Strata Subdivision Plan Site Plan Floor Plan</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Vincent Jenkins Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 November 2009</b>
<b>Applicant:</b>	<b>Monica Schmid</b>

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#### **PURPOSE**

The purpose of this report is to reconsider a development condition for a dwelling at Strata Lot 2 of Lot 101 Albany Highway/Muir's Highway, Mount Barker so that a conventional septic system may be installed in lieu of an Aerobic Treatment Unit (ATU).

#### **BACKGROUND**

Council records show the registered owner of Strata Lot 2 of Lot 101 is MM Schmid.

The Council at its meeting held on 13 October 2009 resolved at Resolution No. 279/09:

*'That planning consent be granted for a grouped dwelling at Strata Lot 2 of Lot 101 Albany Highway Mount Barker subject to:*

- 1. The development being in accordance with the plans dated 28 July 2009 and 2 August 2009.*
  - 2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.*
  - 3. The position of the crossover being to the satisfaction of the Manager Works and Services.*
  - 4. Forty native trees/shrubs being provided and maintained on the lot in accordance with the species list and specifications set out in the Mount Barker Townscape Review and no trees being located within the Building Protection Zone.*
-



5. *The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.'*

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R13.  
– Special Provisions include:

*'(c)(2)(i) No grouped dwelling shall be constructed unless...an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.'*

*'(c)(2)(iii) The Council shall require that a prospective purchaser of a strata lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.'*

Clause 6.3.2 of TPS3 states:

*'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'*

## **EXTERNAL CONSULTATION**

The proponent has submitted a letter providing additional information in support of the installation of a conventional effluent disposal system (septic tank and leach drain) in lieu of an ATU.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

*'Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.'*

Draft Local Planning Strategy (LPS) – shows the parent lot as possible residential – any future rezoning of this overall strata subdivision to a Residential Zone will need to be initiated by all of the landowners of the total property.

**OFFICER COMMENT**

Strata Lot 2 of Lot 101 is located within the strata subdivision known as Valley View Tree Farm that is zoned Special Site R13. In accordance with the special provisions regulating development in this zone an ATU is not a requirement of this subdivision.

ATUs are only required to be installed in environmental sensitive areas that are not suitable for conventional septic systems. The Valley View Tree Farm subdivision has not been identified as an environmentally sensitive area and in the opinion of the Council's Environmental Health Officer the subject lot is suitable to support the installation of a conventional septic system.

The installation cost of an ATU for a dwelling is in the order of \$11,000.00 to \$12,000.00. The ATU is further subject to quarterly inspection by a licenced service provider at a maintenance cost of approximately \$100.00 per inspection. The installation cost of an equivalent conventional septic system is in the order of \$4,000.00 to \$6,000.00 and does not require any further inspections or operational costs.

If the Council in this instance decides not to accept the officer's recommendation the proponent would need to approach the State Administrative Tribunal (SAT).

The use of a conventional septic system on the lot is not likely to adversely affect the environment given the locality is not located in close proximity to a water course or environmentally sensitive areas.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr Sue Etherington JP, seconded Cr Michael Skinner:**

**That notwithstanding that at its meeting held on 13 October 2009 the Council granted consent for the development of a dwelling at Strata Lot 2 of Lot 101 Albany Highway, Mount Barker (Resolution 279/09) subject to, among other conditions:**

- '5. The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.'**

**condition five is now deleted.**

**CARRIED (7/0)**

**NO. 365/09**

**12.1.2 LOT 24 WANSBROUGH WALK, PORONGURUP - EFFLUENT DISPOSAL SYSTEM - RECONSIDERATION**

<b>File No:</b>	<b>N13291</b>
<b>Attachments:</b>	<b>Locality Plan Supporting Letter from applicant Site Plan Floor Plan</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Vincent Jenkins Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 November 2009</b>
<b>Applicant:</b>	<b>John Macneall and Karine David</b>

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**PURPOSE**

The purpose of this report is to reconsider a development condition for an approved oversized and over height outbuilding at Lot 24 Wansbrough Walk, Porongurup so that a conventional septic system may be installed in lieu of an Aerobic Treatment Unit (ATU).

**BACKGROUND**

Council records show the registered owners of Lot 24 are J Macneall and K David.

The Council at its meeting held on 27 October 2009 resolved at Resolution No. 341/09:

*'That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the outbuilding situated at Lot 24 Wansbrough Walk, Porongurup be approved with a floor area of 180m<sup>2</sup> and wall height of 5m subject to:*

- 1. The development being in accordance with the plans dated 2 October 2009.*
- 2. A crossover being constructed and drained to the satisfaction of the Manager Works and Services.*
- 3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.*
- 4. The outbuilding is not being occupied as a residence.*
- 5. The effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional disposal system consisting of septic tanks and leach drains.*
- 6. A Building Protection Zone being established in accordance with the Shire of Plantagenet's Annual Fire Break Notice.'*

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural Residential 2

**EXTERNAL CONSULTATION**

The proponent has submitted a letter providing additional information in support of the installation of a conventional effluent disposal system (septic tank and leach drain) in lieu of an Aerobic Treatment Unit (ATU).

**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.

**OFFICER COMMENT**

Lot 24 is located within the subdivision known as the Mira Flores Estate that is zoned Rural Residential 2. In accordance with the special provisions regulating development in this zone an ATU is not a requirement of this subdivision.

ATUs are only required to be installed in environmental sensitive areas that are not suitable for conventional septic systems. The Mira Flores Estate subdivision has not been identified as an environmentally sensitive area and in the opinion of the Council's Environmental Health Officer the subject lot is suitable to support the installation of a conventional septic system.

The installation cost of an ATU for a dwelling is in the order of \$11,000.00 to \$12,000.00. The ATU is further subject to quarterly inspection by a licenced service provider at a maintenance cost of approximately \$100.00 per inspection. The installation cost of an equivalent conventional septic system is in the order of \$4,000.00 to \$6,000.00 and does not require any further inspections or operational costs.

If the Council in this instance decides not to accept the officers' recommendation the proponent will be able to approach the State Administrative Tribunal (SAT).

The use of a conventional septic system on the lot is not likely to adversely affect the environment given the locality is not located in close proximity to a water course or environmentally sensitive areas.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr Sue Etherington JP, seconded Cr Michael Skinner:**

**That notwithstanding that at its meeting held on 27 October 2009 the Council granted consent for the development of a dwelling at Lot 24 Wansbrough Walk, Porongurup (Resolution 341/09) subject to, among other conditions:**

- '5. The effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional disposal system consisting of septic tanks and leach drains.'**

**condition five is now deleted.**

**CARRIED (7/0)**

**NO. 366/09**

**12.2 WORKS AND SERVICES REPORTS**

Nil

**12.3 COMMUNITY SERVICES REPORTS**

Nil

**12.4 CORPORATE SERVICES REPORTS****12.4.1 LIST OF ACCOUNTS - OCTOBER 2009**

<b>File No:</b>	<b>N13251</b>
<b>Attachment:</b>	<b>List of Accounts – October 2009</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Jo Fawcett Debtors/Creditors Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 November 2009</b>

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of October 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 Jeff Moir, seconded Cr Sue Etherington JP:**

**That:**

- 1. The payment of accounts for the month of October 2009 covering the following:**
    - a) Electronic Payments and Direct Debits totalling \$381,623.23;**
-

b) **Municipal Cheques 40432 – 40467, 40469 - 40492 and 40494 - 40506 totalling \$80,637.04.**

**be approved.**

**2. Cancelled Municipal Cheques 40468 and 40493 be noted.**

**CARRIED (7/0)**

**NO. 367/09**

**12.4.2 FINANCIAL STATEMENTS - OCTOBER 2009**

<b>File No:</b>	<b>N13259</b>
<b>Attachment:</b>	<b>Financial Statements (separate attachment)</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Cherie Delmage Accountant</b>
<b>Proposed Meeting Date:</b>	<b>24 November 2009</b>

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**PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 October 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 (i.e.: surplus/(deficit) position).

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr Jeff Moir, seconded Cr Andrus Budrikis:**

**That the Financial Statement for the period ending 31 October 2009 be received.**

**CARRIED (7/0)**

**NO. 368/09**

**12.4.3 BUDGET REVIEW - SEPTEMBER 2009**

**File No:** N13189  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Cherie Delmage  
Accountant  
**Proposed Meeting Date:** 24 November 2009

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**PURPOSE**

The purpose of this report is to adjust the adopted 2009/2010 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 2009/2010 annual budget was adopted by the Council at its meeting on 14 July 2009.

**STATUTORY ENVIRONMENT**

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

**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 nil.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Operating income is currently on budget and operating expenditure is 90% of (year to date) budget which is acceptable. Nevertheless, a number of issues are worthy of a budget amendment and the following action is recommended:

## OPERATING INCOME

- The final surplus carried forward figure for 2008/2009 was \$321,452.00 which is \$39,977.00 more than the \$281,475.00 (\$1,697,965.00 less restricted funds of \$1,416,490.00) provided for in the 2009/2010 budget.
- 10043.0219 – Other Revenue – FESA – Reimbursable Salary and Oncosts has been increased by \$48,360.00. This relates to the salary and related costs for the new Community Emergency Services Manager, the costs for which will be reimbursed by FESA. This has a nil effect on the budget.
- 10094.0406 – Other Revenue – Domestic Refuse Collection – Sale Of Surplus Materials and Scrap was budgeted much lower than in previous years due to the recent global financial crisis that saw the demand and price of scrap metal drop dramatically. We have sold more than anticipated and are \$2,996.00 over budget.
- 10103.0231 – Reimbursements – Town Planning - Rental Staff Housing has been increased to cover actual income but has a nil effect on the budget.
- 10173.0407 – Revenue – Members – WALGA State Councillor Receipts has been increased to cover actual income but has a nil effect on the budget.
- 10161.0219 – Public Works Overheads – Reimbursements – Salaries had a zero budget but has received \$10,000.00 – additional \$10,000.00 effect on the budget. This relates to reimbursements of workers' compensation payments.
- 10161.0229 – Public Works Overheads – Reimbursements – Other had a zero budget but has received \$1,250.00 to date. Revised estimate is \$2,000.00 – additional \$2,000.00 effect on the budget. This relates to a reimbursement of apprenticeship wages.
- 10103.0219 - Reimbursements – Town Planning – Salaries had an original budget of \$23,496.00 but this has been reduced to \$2,651.00. The budget anticipated that the Shire would be able to contract out some professional services to other local governments in the region. This has not been taken up at all to date and is unlikely to happen to any great extent.
- 10511.0505 - Grant Income – New – Denbarker BFB Fire Truck (Non-Cash) was not originally budgeted for but has now been approved of by FESA. This is a non-cash item \$242,000.00 (in/out transaction) and has a nil effect on the budget.
- 10511.0514 - Grant Income – New – Narpyn BFB Fire Truck (Non-Cash) was not originally budgeted for but has now been approved of by FESA. This is a non-cash item of \$242,000.00 (in/out transaction) and has a nil effect on the budget.

- 10511.0533 - Grant Income – New – Perillup BFB Fire Truck (Non-Cash) was not originally budgeted for but has now been approved of by FESA. This is a non-cash item of \$58,000.00 (in/out transaction) and has a nil effect on the budget.
- 11101.0232 – Other Income – Recreation Centre – Other Operating Income – has been increased by \$500.00 but has a nil effect on the budget as the School Holiday Programs Expenditure account has been increased by \$500.00.

#### OPERATING EXPENDITURE

- 20009.0256 – Other Expenses – Rates – FESA Levy – has increased by \$1,115.00 to account for Emergency Services Levy raised on Shire properties.
- 20025.0030 – Other Expenses – Elections – Professional Services has been increased by \$15,000.00 to cover the cost of holding a special election in December 2009 due to the resignation of former Councillor Nye-Chart.
- 20026.0031 – Other Operating Expenses – Members – Councillors Incidental Expenses has been increased by \$2,500.00 to cover the cost of paying this to new councillors.
- 20049.0071 – Other Expenses – Administration – Legal Expenses has been increased by \$15,000.00 as a significant proportion of the budget has been spent and more expenditure is expected throughout the remainder of the financial year.
- 20071.0182 – Vehicle Running Costs – Fire Control – Motor Vehicle Allocations has been increased by \$2,000.00 to cover the cost of running the new vehicle provided to the Community Emergency Services Manager (CESM).
- 20072.0296 – Employee Costs – CESM – Reimbursable Salaries has been increased by \$37,200.00 to cover the cost of the new Community Emergency Services Manager. This expense is to be reimbursed by FESA and will have a nil effect on the budget.
- 20072.0297 – Employee Costs – CESM – Reimbursable Oncosts has been increased by \$11,160.00 to cover the cost of the new Community Emergency Services Manager. This expense is to be reimbursed by FESA and will have a nil effect on the budget.
- 20091.0064 – Other Expenses – Insurance has been reduced by \$200.00 as the final insurance for this account has occurred and is less than budgeted. This is part of FESA State Emergency Funding and has a nil effect in combination with the following account.
- 20091.0278 – Other Expenses – Maintenance Of Plant and Equipment has been increased by \$200.00 with higher than anticipated costs. This is part of FESA State Emergency Funding and has a nil effect in combination with the previous account.

- 20173.0323 - Reimbursements - Town Planning - Rental Staff Housing has been increased to cover actual expenditure but has a nil effect on the budget due to the increase in income.
- 20026.0332 – Other Operating Expenses – Members – WALGA State Councillor Payments has increased by \$1,296.00 but is reimbursable and has a nil effect on the budget.
- 20273.0165 – Other Expenses – Unclassified – Stocktake Adjustments has been increased by \$440.00.
- 20281.0175 – Operating Costs – Plant Operation Costs – Insurance has been reduced by \$4,420.00 as the budgeted cost was higher than the actual final payment.
- 20281.0176 – Operating Costs – Plant Operation Costs – Registration has increased by \$354.00, in line with actual costs.
- 20512.0171 – Vehicle Running Costs (PC) – Repairs and Maintenance has been reduced by \$1,060.00. This is part of FESA State Emergency Funding and has a nil effect in combination with the following account.
- 20513.0064 – Other Expenses (PC) – Insurances has been increased by \$1,060.00. This is part of FESA State Emergency Funding and has a nil effect in combination with the previous account.
- 20812.0011 – Building Grounds (PC) – Child Care Centre – Building Operating has increased by \$350.00 due mainly to insurance costs.
- 20711.0182 – Vehicle Running Costs – Admin/Inspection – Motor Vehicle Allocations has increased by \$3,362.00 due to an incorrect calculation on fuel usage occurring during the budgeting process.
- 21102.0299 – Other Expenses – Recreation Centre – School Holiday Programs has increased by \$551.00 but has a nil effect on the budget due to an increase in income.
- 21111.0011 – Other Recreation and Culture – Building Operating has been increased by \$2,000.00 due mainly to increased insurance costs.
- 21322.0285 – Other Expenses – Cattle Saleyards – Water Monitoring has increased by \$1,154.00 due to higher than anticipated expenditure.
- 21340.0130 – Employee Costs – Vehicle Licensing – Salaries –has been reduced by \$7,606.00 due to a staff member being on leave without pay and her absence being covered by existing staff.

## CAPITAL INCOME

- 40418.0105 – Trade In Vehicle – Manager Community Services was incorrectly recorded in Resolution No. 256/09 at the Council meeting held 8 September 2009, when the Council agreed not to purchase this vehicle, in lieu of the purchase of a vehicle for the new Community Emergency Services Manager. The amount of the trade-in should have been \$20,000.00. This has an additional \$4,500.00 effect on budget.
- 40417.0105 – Trade In Vehicle – Deputy CEO was originally budgeted at \$12,000.00, but the actual trade-in was \$13,182.00. This matches a minor over-expenditure on the vehicle.
- 40419.0451 – Shed To House New Fire Truck – Rocky Gully BFB – has been increased by \$22,238.00 due to the approval of a grant by FESA.
- 41145.0489 – Lotterywest Grant – Mount Barker Community Centre has been increased by \$750,000.00 but will have a nil effect on the budget due to a corresponding increase in expenditure.
- 41201.0207 – State Road Project Grants – The RRG funding has not been successful for Woogenellup Road (SLK 29.04 – 31.5) and therefore Capital Income will be reduced by \$77,000.

## CAPITAL EXPENDITURE

- 50417.0006 – Purchase Vehicle – DCEO has increased by \$1,097.00. The slightly increased cost was made up by an increased trade-in on the old vehicle.
- 50514.0006 – Fire Truck – New – Denbarker BFB (Non-Cash) has been increased by \$242,000.00 due to approval by FESA. This is a non-cash item (in/out transaction) and has a nil effect on the budget.
- 50517.0006 – Fire Truck – New – Narpyn BFB (Non-Cash) has been increased by \$242,000.00 due to approval by FESA. This is a non-cash item (in/out transaction) and has a nil effect on the budget.
- 50518.0006 – Fire Truck – New – Denbarker BFB (Non-Cash) has been increased by \$58,000.00 due to approval by FESA. This is a non-cash item (in/out transaction) and has a nil effect on the budget.
- 50519.0006 – Shed To House New Fire Truck – Rocky Gully BFB – has been increased by \$25,000.00 to cover expenditure. This is slightly higher than the grant approved of by FESA due to site works.
- 50520.0006 – Purchase Vehicle – Community Emergency Services Manager (CESM) – has been increased by \$29,000.00 as part of an agreement between the Council and FESA to employ a CESM. FESA will be responsible for the payment of wages etc but the Council is required to contribute a vehicle and associated costs. To help meet these costs, the Manager Community Services

vehicle will be kept for a further year, in accordance with Council resolution 256/09. The original intention was for the Saleyards Manager's current vehicle to be given to the new CESM, however it is considered appropriate for safety reasons to purchase a new diesel vehicle for the CESM and to hold onto the current petrol model at the saleyards for one more year.

- 51015.0252 – RLCIP – Cemetery Land Design/Development – has been reduced by \$300,000.00 to accurately reflect the distinction between Royalties For Regions and RLCIP funding. This has been separated for clearer accounting but has a nil effect on the budget.
- 51020.0252 – Royalties For Regions – Cemetery Land Design/Development – has been increased by \$300,000.00 to accurately reflect the distinction between Royalties For Regions and RLCIP funding. This has been separated for clearer accounting but has a nil effect on the budget.
- 51145.0252 – Mount Barker Community Centre has been increased by \$750,000.00 but will have a nil effect on the budget due to a corresponding increase in income. The Council has agreed to act as the funding conduit for this project, however the original budget did not reflect these in and out cash flows.
- 51245.0250 – Woogenellup Road (RRG) – The original budget included a sum of \$115,000.00 for the widening and resealing of SLK 29.04 – 31.5. The RRG funding has not been successful and therefore Capital Income will be reduced by \$77,000.00 (two thirds MRWA) and the Council's contribution of \$38,000.00 can be re-allocated. It is preferable that this sum be spent in the roadworks area. The Manager Works and Services has requested that this amount be directed to the Porongurup Road project which will require additional funds to maintain the current scope of works.
- 51322.0253 – Environmental Grant Expenses (RIFP) – has been increased by \$1,792.00 due to higher than anticipated expenditure on the Saleyards water re-use scheme.
- 51323.0006 – Purchase Vehicle – Saleyards Manager – has been reduced by \$35,000.00 as the vehicle is no longer being purchased during 2009/2010 to help meet the cost of purchasing a vehicle for the new Community Emergency Services Manager.
- 51422.0254 – Decontaminate Old Depot Site – This budget item was originally allocated \$46,000.00, to be funded from the Land Rehabilitation Reserve. A sum of \$42,457.00 has already been spent this year, with a total of \$50,671.00 spent or committed. The process to decontaminate this site is complicated and involves two main consultants (Environmental Engineers and an Environmental Auditor), who in turn contract out soil and water testing services. The process basically involves the environmental engineers reviewing previous reports on the site and gradually locating, assessing and testing contamination 'hotspots' on the site. The length of time taken and ongoing cost depends on the time taken and degree of difficulty in locating a boundary of containment. The site is sampled to a point where no further contamination is detected. Following this a

report will be prepared containing a remediation action plan. The process undertaken by the consultant is to be reviewed by an independent auditor.

This project has been progressing for a number of years, however it is considered to be nearing completion. Whilst the ongoing cost can not be predicted with too much confidence, it would seem to be a shame to get to this point and stop due to lack of funds. As this site can be subdivided and sold off at the conclusion of this process, it is considered appropriate to allocate an additional sum of \$20,000.00 from the Shire Development Reserve to continue the decontamination assessment, with the intention of returning this sum to that reserve fund at a future time.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr Sue Etherington JP, seconded Cr Len Handasyde:**

**That the adopted 2009/2010 Annual Budget be amended as follows:**

Account	Description	Original / Amended Budget	New Budget	Net Amount
10043.0219	Other Revenue - FESA - CESM Reimbursable Salary & Oncost	0	48,360	48,360
10094.0406	Other Revenue - Domestic Refuse Collection - Sale Of Surplus Materials & Scrap	5,004	8,000	2,996
10103.0219	Reimbursements - Town Planning - Salaries	23,496	2,651	(20,845)
10103.0231	Reimbursements - Town Planning - Rental Staff Housing	6,996	17,160	10,164
10161.0219	Public Works Overhead - Reimbursements - Salaries	0	10,000	10,000
10161.0229	Public Works Overhead - Reimbursements - Other	0	2,000	2,000
10173.0407	Other Revenue - Members - WALGA State Councillor Receipts	204	1,500	1,296
10511.0505	Grant Income - New - Denbarker BFB Fire Truck (Non Cash)	0	242,000	242,000
10511.0514	Grant Income - New - Narpyn BFB Fire Truck (Non Cash)	0	242,000	242,000
10511.0533	Grant Income - Refurbished - Perillup BFB Fire Truck (Non Cash)	0	58,000	58,000
11101.0232	Other Income - Recreation Centre - Other Operating Income	504	1,055	551
20009.0256	Other Expenses - Rates - FESA Levy	(625)	(1,740)	(1,115)
20025.0030	Other Expenses - Elections - Professional Services	0	(15,000)	(15,000)
20026.0031	Other Operating Expenses - Members - Councillors' Incidental Expenses	(10,000)	(12,500)	(2,500)
20026.0332	Other Operating Expenses - Members - WALGA State Councillor Payments	(204)	(1,500)	(1,296)
20049.0071	Other Expenses - Administration - Legal Expenses	(15,000)	(30,000)	(15,000)
20071.0182	Vehicle Running Costs - Fire Control - Motor Vehicle Allocations	(3,204)	(5,204)	(2,000)
20072.0296	Employee Costs - CESM - Reimbursable Salaries	0	(37,200)	(37,200)
20072.0297	Employee Costs - CESM - Reimbursable On Costs	0	(11,160)	(11,160)
20091.0064	Other Expenses - Insurances	(900)	(700)	200
20091.0278	Other Expenses - Maintenance Of Plant & Equipment	(1,000)	(1,200)	(200)
20173.0323	Reimbursements - Town Planning - Rental Staff Housing	(6,996)	(17,160)	(10,164)
20273.0165	Other Expenses - Unclassified - Stocktake Adjustments	(996)	(1,436)	(440)
20281.0175	Operating Costs - Plant Operation Costs - Insurance	(27,000)	(22,580)	4,420
20281.0176	Operating Costs - Plant Operation Costs - Registration	(8,500)	(8,854)	(354)
20512.0171	Vehicle Running Costs (PC) - Repairs & Maintenance	(31,600)	(30,540)	1,060
20513.0064	Other Expenses (PC) - Insurances	(25,000)	(26,060)	(1,060)



20812.0011	Building & Grounds (PC) - Child Care Centre - Building Operating	(850)	(1,200)	(350)
20711.0182	Vehicle Running Costs - Admin/Inspection - Motor Vehicle Allocations	(3,504)	(6,866)	(3,362)
21102.0299	Other Expenses - Recreation Centre - School Holiday Programs	(2,796)	(3,347)	(551)
21111.0011	Other Recreation & Culture - Building Operating	(6,000)	(8,000)	(2,000)
21322.0285	Other Expenses - Cattle Saleyards - Water Monitoring	(10,000)	(11,154)	(1,154)
21340.0130	Employee Costs - Vehicle Licensing - Salaries	(47,126)	(39,520)	7,606
40417.0105	Trade In Vehicle - DCEO	12,000	13,182	1,182
40418.0105	Trade In Vehicle - Mgr Community Services	4,500	0	(4,500)
40419.0451	Grant Income - Rocky Gully BFB Shed To House Fire Truck	0	22,328	22,328
41145.0489	Lotterywest Grant - Mount Barker Community Centre	0	750,000	750,000
41201.0207	Direct Road Grants - State Road Project Grants	431,667	354,667	(77,000)
50417.0006	Purchase Vehicle - DCEO	(37,000)	(38,097)	(1,097)
50514.0006	Fire Truck - New - Denbarker BFB (Non Cash)	0	(242,000)	(242,000)
50517.0006	Fire Truck - New - Narpyn BFB (Non Cash)	0	(242,000)	(242,000)
50518.0006	Fire Truck - Refurbished - Perillup BFB (Non Cash)	0	(58,000)	(58,000)
50519.0006	Shed To House New Fire Truck - Rocky Gully BFB	0	(25,000)	(25,000)
50520.0006	Purchase Vehicle - Community Emergency Services Manager	0	(29,000)	(29,000)
51015.0252	RLCIP - Cemetery Land Design / Development	(324,276)	(24,276)	300,000
51020.0252	Royalties For Regions - Cemetery Land Design / Development	0	(300,000)	(300,000)
51145.0252	Mount Barker Community Centre	0	(750,000)	(750,000)
51322.0253	Environmental Grant Expenses (RIFP)	(10,000)	(11,792)	(1,792)
51245.0250	Woogenellup Road SLK 29.04 – 31.5 (RRG)	(115,000)	0	115,000
51246.0250	Mount Barker Porongurup Road (SLK 17.67 to SLK 20.67)	(364,792)	(402,792)	(38,000)
51323.0006	Purchase Vehicle - Saleyards Manager	(35,000)	0	35,000
51422.0254	Decontaminate Old Depot Site	(46,000)	(66,000)	(20,000)
41401.0486	Transfers from Reserve Fund - Decontaminate Old Depot Site Surplus C/Fwd	46,000	66,000	20,000
		1,697,965	1,737,942	39,977

**CARRIED (7/0)**

**(Absolute Majority)**

**NO. 369/09**

**12.4.4 LOC 6889 (326) KNIGHTS ROAD, PORONGURUP - EXEMPTION FROM RATES – FRIENDS OF THE PORONGURUP RANGES INC.**

**File No:** N13187  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 24 November 2009

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**PURPOSE**

The purpose of this report is to seek approval to grant the Friends of the Porongurup Ranges Inc an exemption from rates for the property situated at 326 Knights Road, Porongurup.

**BACKGROUND**

The property in question is the Twin Creeks Conservation Reserve situated at Loc 6889 (326) Knights Road Porongurup. This property was purchased by the Friends of the Porongurup Ranges Inc in 2003 for the purpose of restoring the land's natural vegetation and making it available to the general public as an educational resource. The Friends of the Porongurup Ranges Inc is a not-for-profit organisation that was incorporated in 1991.

**STATUTORY ENVIRONMENT**

Section 6.26(2)(g) of the Local Government Act 1995 states that '*Land used exclusively for charitable purposes*' is not rateable land.

The Western Australian Department of Consumer and Employment Protection guide for Incorporated Associations lists '*Conservation Groups – not for political aim*' as an example of a charity for taxation purposes. Using this, the Friends of the Porongurup Ranges Inc has argued for a rates exemption for the property on Knights Road.

**FINANCIAL IMPLICATIONS**

The Friends of the Porongurup Ranges Inc paid an amount of \$1,265.90 in the 2009/2010 financial year. If granted exemption status this amount will need to be refunded.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The constitution of Friends of the Porongurup Ranges Inc states:

- ‘1. *The primary objects of the Association is to conserve the natural environment of the area whilst fostering knowledge and respect of its uniqueness. Other specific objects are:*
- (a) to promote communication and interaction with those responsible for policy formation and management operations related to the Porongurup Range, reserves, Road reserves and Crown land in he environs of the range;*
  - (b) to develop through research an understanding and inventory to the natural resources of the Porongurup Range;*
  - (c) to assist and encourage rehabilitation of areas of environmental degradation within the Porongurup range;*
  - (d) to participate in identification, control and monitoring of noxious weeds, feral animals, erosion, mining, dieback and fire within the Porongurup National Park;*
  - (e) to address the Draft Management Plan for the Porongurup Range and remain aware of any proposed management plan or future changes to management plans;*
  - (f) to protect area of Aboriginal cultural significance within the park and record the history of European settlements;*
  - (g) to foster goodwill between members of this association by mutual enjoyment of the Porongurup Range;*
  - (h) to establish and maintain a public fund to be called the “Porongurup Conservation Fund Public Fund” for the specific purpose of supporting the environment objects/purposes of the Friends of the Porongurup Range Inc. The fund is established to receive all gifts of money and property for this purpose and any money received because of such gifts must be credited to its bank account. The Fund must not receive any other money or property into its account and it must comply with subdivision 30-E of the Income Tax Assessment Act 1997.*

*The property and income of the Association shall be applied solely towards to the promotion of the objects of the Association and no part of that property or income may be paid to otherwise distributed, directly or indirectly to members, except in good faith in the promotion of those objects.’*

The Friends of the Porongurup Ranges Inc is considered to be a charity organisation as its purpose for this property is a conservation reserve which is used exclusively for the enjoyment of the public through recreation and education.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Section 6.26(2)(g) of the Local Government Act 1995, the Friends of the Porongurup Ranges Inc be granted an exemption from rates on the property situated at Loc 6889 (326) Knights Road Porongurup as at 1 July 2009.

**COUNCIL DECISION**

**Moved Cr Michael Skinner, seconded Cr Len Handasyde:**

**That:**

- 1. An ex-gratia payment of \$1,265.90, equivalent to the 2009/2010 rates on the property situated at Loc 6889 (326) Knights Road Porongurup, be made to the Friends of the Porongurup Ranges Inc.**
- 2. That organisation be encouraged to make application each year for a similar payment as part of the Council's annual Financial Assistance Grants program.**

Reason for Change

The Council became aware of issues before the State Administrative Tribunal relating to the definition of 'Charitable' which may affect the Council's point of view regarding this matter.

**CARRIED (5/2)**

**NO. 370/09**

**12.4.5 POLICY - ELIGIBILITY OF NON-RESIDENT RATEPAYERS TO BE INCLUDED ON THE OWNER/OCCUPIER ROLL**

**File No:** N13188  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 24 November 2009

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**PURPOSE**

The purpose of this report is to endorse a policy that provides timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll (the Roll).

**BACKGROUND**

At its meeting held on 27 October 2009, the Council resolved:

*'That a report be prepared for the Ordinary Meeting of the Council to be held on 24 November 2009 to address the circumstances relating to the eligibility to non-resident ratepayers to be included on the Shire of Plantagenet electoral roll.'*

Some candidates had received comments from absentee landowners that they had attempted to vote in the 2009 ordinary election, however had not been able to as they were not included on the Roll.

**STATUTORY ENVIRONMENT**

The Roll is a record of all landowners who own land within a local government area but reside elsewhere and is required of all local governments under the Local Government Act 1995.

Section 4.30 (1) of the Local Government Act 1995 states:

- '(1) A person is eligible to be enrolled to vote at elections for a district or ward ("the electorate") if the person -*
- (a) is enrolled as an elector for the Legislative Assembly or the House of Representatives in respect of a residence outside the electorate;*
  - (b) owns or occupies rateable property within the electorate; and*
  - (c) has made an enrolment eligibility claim which has been accepted under section 4.32 and still has effect under section 4.33.'*

Section 4.32 of the Local Government Act 1995 details how to claim eligibility to enrol under section 4.30. Essentially, landowners who wish to participate in local elections but reside outside the Shire, must make an application to the Chief Executive Officer using an 'Enrolment Eligibility Claim' form. Claims are made and assessed in accordance with Local Government (Elections) Regulations 1997.

Once an eligibility claim has been accepted, an owner remains on the roll until they cease to own the property. A claim made by an occupier or nominee generally expires six months after the holding of the second ordinary elections after the claim is accepted.

Section 4.39 of the Local Government Act 1995 states:

- '(1) In order to be included on the electoral roll for the election a person must be an elector of the district or ward, as the case requires, as at 5 p.m. on the 50th day before election day (the "close of enrolments").*
- (2) On or after the 70th day, but not later than on the 56th day, before election day the CEO is to give Statewide public notice of the time and date of the close of enrolments.'*

### **FINANCIAL IMPLICATIONS**

If the Council endorses the recommendation, the mail out and printing costs would be approximately \$1,000.00 in each ordinary election year.

### **POLICY IMPLICATIONS**

This report recommends the adoption of a new policy.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The Council currently has 31 persons on its Owner/Occupier Roll, all of which are absentee owners (none are occupiers or company nominees). The Council's property records indicate that there are approximately 1,300 properties which are owned by absentee landowners.

In view of the comments received during the recent election, it appears that at least some absentee land owners (probably most) are unaware of the requirement to make application to be on the owner/occupier roll. The Council may wish to consider the merits of lobbying (perhaps through WALGA) for changes to the legislation due to the perceived inequity of this system.

In the meantime, consideration has been given to implementing a policy to notify affected landowners of this situation and to encourage them to make application to enrol.

Past practice has been to leave it up to individuals to take the initiative and submit an eligibility claim. It is now proposed that these forms be automatically sent to landowners who reside outside the Shire to ensure each eligible person is given the opportunity of going on the Roll and participating in local elections.

In addition, it is suggested that this information also be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held. This will remind those people that have not made a claim

already, providing them with sufficient advice in time for the close of the roll 50 days before the election day (late August).

It must be noted that sending out these forms is no guarantee that elector participation will increase. However, it will provide some notification to absentee landowners who do wish to vote that that they must go through this process in order to do so.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Sue Etherington JP, seconded Cr Jeff Moir:

**That new Council Policy No. A/PA/16 – Notification to Absentee Landowners – Electoral Roll, as follows:**

#### **‘OBJECTIVE:**

**To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.**

#### **POLICY:**

**That an ‘Enrolment Eligibility Claim Form’ together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:**

- 1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.**
- 2. Be issued to all new absentee landowners as part of the ‘New Resident Pack’ process.’**

**be adopted.**

**CARRIED (7/0)**

**NO. 371/09**

### 12.4.6 POLICY REVIEW - FINANCIAL ASSISTANCE (OPERATING) TO ORGANISATIONS, CLUBS AND INDIVIDUALS

A Financial Interest was disclosed by Crs Ken Clements.

*Nature of Interest:* Director of the Mount Barker Cooperative.

A Financial Interest was disclosed by Cr Sue Etherington JP.

*Nature of Interest:* Director of Community Bank.

3:16pm Crs Clements and Etherington withdrew from the meeting.

Cr Skinner assumed the Chair.

**File No:** N13289  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Cherie Delmage  
Accountant  
**Proposed Meeting Date:** 24 November 2009

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#### 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 on 24 February 2009, 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:

- (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.'*

At its meeting held on 27 October 2009, the Council resolved:

*'That the question be adjourned until the Ordinary Meeting of the Council to be held on 24 November 2009 to further consider:*

- a) donations under \$200.00;*
- b) minimum \$500.00 grants for sporting equipment;*
- c) user groups to be responsible for their own running costs; and*
- d) rate rebates for community organisations.'*

## **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

## **FINANCIAL IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

This Policy is presented to the Council as a result of concerns raised following the 2009/2010 deliberations on financial assistance grants.

## **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. During the recent 2009/2010 financial assistance grant deliberations, it was thought that the criteria were too broad and did not provide sufficient direction.

It was agreed that clearer guidelines would benefit applicants as well as Council and staff members. Proposed changes/guidelines are:

1. The Council's key purpose and intent is to provide adequate and appropriate infrastructure facilities whilst supporting community groups and that a financial assistance grant is not for administration or general operational purposes.

2. To provide consistency and equality to groups, that a maximum of \$500.00 be provided to junior sporting groups for the purpose of purchasing equipment.
3. No approved grant funding will be provided until proof of purchase is provided to the Council.
4. That applicants must be an incorporated body, able to produce a Certificate of Incorporation upon request.
5. That the word 'operating' be removed from the policy and application to ensure that applicants are not confused between 'operating' and 'administration'.
6. That the word 'incorporated' be included in the policy and application to ensure that applicants are representing an incorporated body.
7. That the word 'individuals' be removed from the policy and application as the financial assistance grant is intended for community groups and clubs.
8. That it be made very clear that applications must be made in full with appropriate supporting documentation e.g.: current profit and loss (income and expenditure) statements to be considered.
9. That applications must be received by the due date to be considered. Every year, some organisations receive grants without applying which is not equitable on those who do.

Further, Councillors have expressed concern that applicants are seeking funding from multiple agencies (especially Mount Barker Co-operative and Community Bank) and possibly 'double' or 'triple' dipping.

The Chief Executive Officer has met with each of the respective managers and all have agreed to compare applicant lists prior to forming recommendations to Council/boards.

Following the decision of the Council at its meeting held on 27 October 2009, further draft amendments to the policy have been made. These changes provide as follows:

- Applications for donations to a maximum of \$200.00 may be submitted at any time throughout the year. Such applications will be referred to the Chief Executive Officer for consideration under delegated authority, for which a budget allocation not exceeding \$3,000.00 will be made.
- The Council will deal with all other applications only as part of its annual budget process.
- The proposed \$500.00 maximum for category 3 applications has been removed.
- The Council may decide to reimburse all or part of an organisation's annual rates and charges in lieu of a donation.

- The Shire provides and maintains facilities such as the swimming pool, recreation centre, halls buildings and ovals. Modest fees are charged for the use of these facilities. The general presumption is that each user group will be responsible for operational costs such as equipment, uniforms, administration, membership, umpires, coaching etc.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr Jeff Moir, seconded Cr Andrus Budrikis:**

**That amended Council Policy No. CS/CG/2 – Financial Assistance to Incorporated Organisations and Clubs as follows:**

### **‘OBJECTIVE:**

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

### **POLICY:**

- 1. Applications for donations to a maximum of \$200.00 may be submitted at any time throughout the year. Such applications will be referred to the Chief Executive Officer for consideration under delegated authority, for which a budget allocation not exceeding \$3,000.00 will be made.**
- 2. The Council will deal with all other applications only as part of its annual budget process. Such applications will be prioritised based on what the Council believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Applicants will be categorised as follows in order to assist in determining priority of funding:**
  - a) Category 1 - Groups which can show that they are expending resources in maintaining or overseeing Shire facilities or equipment. Grant amount will consider savings to the Council as a result of the Group’s activities;**
  - b) Category 2 – Groups which undertake tourism and economic development activities which have a positive economic benefit to the Shire. Grant amounts will consider the scope of economic benefits provided; and**
  - c) Category 3 - All other applications, which should focus on provision of equipment; not administration or general operational costs.**
- 3. With regard to Category 3 applications, the Shire provides and maintains facilities such as the swimming pool, recreation centre, halls buildings and ovals. Modest fees are charged for the use of these facilities. The general presumption is that each user group will be responsible for operational costs such as equipment, uniforms, administration, membership, umpires, coaching etc.**

4. Notwithstanding the categories listed above, the Council may decide to reimburse all or part of an organisation's annual rates and charges in lieu of a donation.
5. Applications from incorporated organisations or clubs must meet the following criteria to be considered:
  - a) The group is to be based in the Shire of Plantagenet, or benefit residents within the Shire;
  - b) Applications should clearly identify the Shire of Plantagenet group(s) who will benefit from the funding;
  - c) The group should be actively operating and meeting on a regular basis;
  - d) Applications must include a current profit and loss (income and expenditure) statement;
  - e) Applications must be made in full with supporting documentation and must be received by the due date. Applications not received by the advertised deadline will not be considered;
  - f) Applications must state the reason for funding and amount required. Category 3 applications for administration or general operational costs will not be considered; and
  - g) Applicants must show that they are actively seeking assistance from other funding bodies. Applicants must also disclose if they are seeking grant funding from other donors for this application.
6. Approved grants will not be disbursed until the organisation's GST status has been determined and proof of expenditure/purchase of approved grant has been provided, where applicable.
7. 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.
8. 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 (5/0)**

**NO. 372/09**

3:17 pm Crs Clements and Etherington returned to the meeting.

Cr Clements assumed the Chair.

**12.4.7 POLICY REVIEW - RECOGNITION OF COUNCILLORS AND STAFF**

**File No:** N13105  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Rayona Evans  
Administration Officer (Relief)  
**Proposed Meeting Date:** 24 November 2009

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**PURPOSE**

The purpose of this report is to review Council Policy OP/HRP/1 – Recognition of Councillors and Staff.

**BACKGROUND**

Council Policy OP/HRP/1 – Recognition of Councillors and Staff reads:

*'OBJECTIVE: To provide guidelines for the approval and procedures for the recognition of service provided to the community by councillors and staff.*

*POLICY: The Council will make the following payments / presentations to sitting and or retiring councillors and staff for continuous periods of service:*

*1.0 Councillors – Upon Retirement*

*1.1 Up to and including four (4) years of office:*

*A Certificate of Appreciation*

*1.2 Greater than four (4) years and up to and including eight (8) years of office:*

*A Certificate of Service and gift up to the value of \$200.00*

*1.3 Greater than eight (8) years and up to and including twelve (12) years of office:*

*A Certificate of Service and gift to the value of \$300.00*

*1.4 Greater than twelve (12) years of office:*

*A Certificate of Service and gift to a maximum value of \$400.00*

*In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:*

- (a) grant the title of "Honorary Freeman of the Municipality"; or*
- (b) nominate the Councillor for any awards (where applicable) associated with the:*
  - (i) Queen's Birthday Honours;*
  - (ii) Australia Day Honours; and / or*
  - (iii) Local Government Association Honours.*

2.0 *Staff – Upon Retirement*

2.1 *Less than four (4) years of service:*

*Certificate of Appreciation*

2.2 *Greater than four (4) years but less than ten (10) years of service:*

*A Certificate of Service and a gift up to the value of \$200.00*

2.3 *Greater than ten (10) years of service:*

*A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.*

*The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.*

3.0 *Councillors and Staff – During Office / Service*

3.1 *Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.*

(i) *During their tenth year of office / service:*

*Certificate of Recognition*

(ii) *During their twentieth year of office / service:*

*A Plaque of Recognition*

(iii) *During their thirtieth year of office / service:*

*A Gift of Recognition valued between \$50.00 and \$150.00*

*The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.*

3.2 *Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that councillor's or staff member's service to the community and / or Council.*

*This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'*

This policy was last reviewed on 12 June 2007.

## STATUTORY ENVIRONMENT

It is a requirement under Section 5.50 (1) of the Local Government Act 1995 (the Act) that:

- (1) *A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, - setting out-*
- (a) *the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
  - (b) *the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.'*

The Department of Local Government has advised that local governments should restrict the value of payments under such policies to \$500.00.

## FINANCIAL IMPLICATIONS

There are minimal financial implications for this report in the way of certificates, plaques and gifts.

## POLICY IMPLICATIONS

The review of this policy is presented to Council as part of its ongoing policy review cycle.

## STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

## OFFICER COMMENT

It is considered that this policy is sufficient and should be endorsed subject to some minor formatting and numbering changes.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr Len Handasyde, seconded Cr Michael Skinner:**

**That amended Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:**

### **OBJECTIVE:**

**To provide guidelines for the approval and procedures for the recognition of service provided to the community by Councillors and staff.**

### **POLICY:**

**The Council will make the following payments/presentations to sitting and or retiring Councillors and staff for continuous periods of service:**

#### **1.0 Councillors – Upon Retirement**

##### **1.1 Up to and including four years of office:**

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**A Certificate of Appreciation.**

- 1.2 Greater than four years and up to and including eight years of office:**

**A Certificate of Service and gift up to the value of \$200.00.**

- 1.3 Greater than eight years and up to and including 12 years of office:**

**A Certificate of Service and gift to the value of \$300.00.**

- 1.4 Greater than 12 years of office:**

**A Certificate of Service and gift to a maximum value of \$400.00.**

**In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:**

- a) grant the title of 'Honorary Freeman of the Municipality'; or**
- b) nominate the Councillor for any awards (where applicable) associated with the:**
  - (i) Queen's Birthday Honours;**
  - (ii) Australia Day Honours; and/or**
  - (iii) Local Government Association Honours.**

**2.0 Staff – Upon Retirement**

- 2.1 Less than four years of service:**

**Certificate of Appreciation.**

- 2.2 Greater than four years but less than 10 years of service:**

**A Certificate of Service and a gift up to the value of \$200.00.**

- 2.3 Greater than 10 years of service:**

**A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.**

**The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.**

**3.0 Councillors and Staff – During Office/Service**

- 3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.**

- (i) During their 10th year of office/service:**

**Certificate of Recognition;**
- (ii) During their 20th year of office/service:**

**A Plaque of Recognition; and**



(iii) During their 30th year of office/service:

A Gift of Recognition valued between \$50.00 and \$150.00.

The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.

3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of the Council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that Councillor's or staff member's service to the community and/or the Council.

This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'

be endorsed.

CARRIED (7/0)

NO. 373/09

## 12.5 EXECUTIVE SERVICES REPORTS

### 12.5.1 EXTENDED TRADING HOURS - DISTRICT OF THE SHIRE OF PLANTAGENET

A Financial Interest was disclosed by Cr Sue Etherington JP.

*Nature of Interest:* Business All Print & Photos uses Mount Barker Scrap Shack as Agent.

A Voluntary Disclosure was disclosed by Cr Len Handasyde.

*Nature of Interest:* May trade on a Sunday.

3:21pm Crs Etherington and Handasyde withdrew from the meeting.

**File No:** N13247  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 24 November 2009

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#### PURPOSE

The purpose of this report is to advise that an approach by the Porongurup Promotions Association Inc has been received seeking an extension of trading hours for retail establishments across the Shire to include Sundays.

#### BACKGROUND

Retail trading hours beyond those stipulated in the Retail Trading Hours Act 1987 must be endorsed by the appropriate local authority prior to consideration by the Department of Commerce.

#### STATUTORY ENVIRONMENT

Retail Trading Hours Act 1987

#### CONSULTATION

Prior to placing any request before the Department a local government is required to canvas widely the proposed extension of hours, including retail and tourism interests affected as well as all local politicians.

#### FINANCIAL IMPLICATIONS

Advertising costs will be incurred as well as administrative costs should the Council resolve to undertake the necessary consultation.

#### POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes one of the Council's aims is to:

*'attract and retain small to medium sized enterprises to Plantagenet.'*

Further at Key Result Area 4 (Development Services) an aim is to:

*'retain local business and encourage new businesses that will create long term sustainable local employment.'*

## OFFICER COMMENT

The Porongurup Promotions Association Inc notes in its letter that the Porongurup area especially is a Tourism and Recreational destination and that Sunday is the busiest day of the week in this regard.

The letter further notes that markets and festivals have been running in the area for over 18 years and that the township of Narrikup has been holding markets for over 23 years. The Association notes that the Department of Commerce classifies stall holders as shops within the terms of the appropriate legislation and therefore each and every stall holder, whenever a market is held, must have approval from the Department of Commerce.

The Chief Executive Officer has confirmed this advice with an employee from the Department of Commerce.

The process to extend trading hours begins with authority from the Council to commence the canvassing to seek feedback regarding the adjustment to trading hours.

At the conclusion of this canvassing a further report needs to be presented to the Council.

It should also be noted that as a matter of policy the National Party opposes extensions to trading hours.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

**Moved Cr Michael Skinner, seconded Cr Andrus Budrikis:**

**That:**

- 1. The Porongurup Promotions Association Inc be advised that the Shire of Plantagenet is pleased to authorise the commencement of canvassing within the Plantagenet district to seek feedback regarding an adjustment to retail trading hours to include Sundays.**
- 2. A further report be presented to the Council at the conclusion of advertising and, in any case, no later than the Council Meeting to be held on 23 March 2010.**

**MOTION TO ADJOURN QUESTION**

Moved Cr Jeff Moir, seconded:

That the question be adjourned pending further consultation with Hon. Terry Redman MLA.

**MOTION LAPSED FOR WANT OF A SECONDER****AMENDMENT:**

Moved Cr Andrus Budrikis, seconded Cr Jeff Moir:

That a Part 3 be added to the motion as follows:

- ‘3. The Chief Executive Officer be requested to write to the Premier, Minister for Commerce and Hon. Terry Redman MLA, advising that the Porongurup markets have been in existence for many years and it is the belief of the Council that it is a waste of resources to be required to seek exemptions from the provision of the Retail Trading Hours Act 1997 to ensure the continuation of the markets.’

**CARRIED (5/0)**

**NO. 374/09**

**COUNCIL DECISION:**

That:

1. The Porongurup Promotions Association Inc be advised that the Shire of Plantagenet is pleased to authorise the commencement of canvassing within the Plantagenet district to seek feedback regarding an adjustment to retail trading hours to include Sundays.
2. A further report be presented to the Council at the conclusion of advertising and, in any case, no later than the Council Meeting to be held on 23 March 2010.
3. The Chief Executive Officer be requested to write to the Premier, Minister for Commerce and Hon. Terry Redman MLA, advising that the Porongurup markets have been in existence for many years and it is the belief of the Council that it is a waste of resources to be required to seek exemptions from the provision of the Retail Trading Hours Act 1997 to ensure the continuation of the markets.

**CARRIED (5/0)**

**NO. 375/09**

3:41 pm Crs Etherington JP and Handasyde returned to the meeting.

## 13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 13.1 CR JEFF MOIR - COUNCILLOR BRIEFING SESSIONS

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

'That at least two weeks prior to a complex matter coming before the Council for decision, the Chief Executive Officer be requested to organise a briefing session for Councillors such that the complex matter can be discussed by all Councillors so that the Chief Executive Officer may be advised as to any further information that may be required for effective decision making. In this instance 'complex' should include but is not limited to major town planning issues, major legal issues, major staffing issues and the acquisition or disposal of land or equipment at a value greater than \$100,000.00.'

#### Comment

##### Councillor Briefing Sessions

I have been concerned for some time now that complex issues may come before the Council before we as Councillors have had sufficient time to study the issues and ask appropriate questions of our Senior Staff.

At our recent training session, the presenter indicated that the Council for which he used to be the Chief Executive Officer undertook briefing sessions for Councillors. I am convinced that some type of briefing session would be beneficial for Councillors but they do not have to be undertaken with any great formality but still need to be handled with respect. For example I know that some Councils have briefing sessions which are fully blown Council meetings at which decisions can't be made. At the other end of the spectrum possibly lies Plantagenet where we have workshops from time to time but the workshop is generally arranged by a senior staff member and therefore only relating to the issues that the staff member thinks worthwhile.

I think that we should give more guidance to the staff in this area so that questions and issues can be raised at least two weeks before the Council Meeting at which the item is to be considered.

In this way for example issues such as the Community Centre Lease, which was a long and complex document, could have been discussed prior to the matter coming before the Council.

The Presiding Member invited Cr Moir to move the motion.

#### **Moved Cr Jeff Moir, seconded Cr Sue Etherington JP:**

**That at least two weeks prior to a complex matter coming before the Council for decision, the Chief Executive Officer be requested to organise a briefing session for Councillors such that the complex matter can be discussed by all Councillors so that the Chief Executive Officer may be advised as to any further information that may be required for effective decision making. In this instance 'complex' should include but is not limited to major town planning issues, major legal issues, major**

staffing issues and the acquisition or disposal of land or equipment at a value greater than \$100,000.00.

**MOTION TO ADJOURN THE QUESTION**

**Moved Cr Michael Skinner, seconded Cr Andrus Budrikis:**

**That the question be adjourned to enable the Chief Executive Officer to prepare a further report regarding the introduction of briefing sessions to the Council including the type of issues that would be discussed at such briefing sessions be presented to the next meeting of the Council to be held on 15 December 2009.**

**CARRIED (5/2)**

**NO. 376/09**

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

Nil

**15 CONFIDENTIAL**

Nil

**16 CLOSURE OF MEETING**

3:55pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON \_\_\_\_\_ DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_**