



## ORDINARY MINUTES

**DATE:** Tuesday, 19 January 2010

**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**

2:50 pm The Presiding Member declared the meeting open.

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

Mr Fathers 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 Brett Bell	Councillor
Cr Sue Etherington JP	Councillor
Cr Andrus Budrikis	Councillor
Cr Jeff Moir	Councillor

Cr Simon Grylls            Councillor  
Cr Len Handasyde        Councillor

In Attendance:

Mr John Fathers            Acting Chief Executive Officer  
Mr Dominic Le Cerf        Manager Works and Services  
Ms Nicole Selesnew        Manager Community Services  
Mr Peter Duncan            Manager Development Services  
Ms Cobie MacLean         Administration Officer (Planning)  
Mrs Kaye Skinner          Executive Secretary

Apologies:

Cr G Messmer

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

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

Section 5.24 Local Government Act 1995

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

Mount Barker And Districts Agricultural Society – Mrs Gwen Wright

The Ladies Committee of the Mount Barker and Districts Agricultural Society, who wish to place a display cabinet in Frost Pavilion, on the South wall to the dining area.

A cabinet maker has been contacted and has agreed to make the cabinet of Australian Oak with a glass front.

The cabinet would be approximately six foot long by two foot in height and about 18 inches deep. There will be locks attached for safety. Several Trophies and Shields are being held to put in the cabinet and a notice placed in the Plantagenet News to publicise the fact that the Committee would like further items to add to the display. A couple of photos will be added and plaques placed to denote the donor of the trophies.

We wish to retain some of the history of Annual shows of past times. The Committee trust this project will receive approval of the Council.

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

Part 5 Division 6 Local Government Act 1995

Cr M Skinner declared a Financial Interest – Farming 400 head of Cattle – in Item 12.4.3.

Cr J Moir declared a Financial Interest – Cattle Farmer and Casual Employee of Elders – in Item 12.4.3.

Cr M Skinner declared a Financial Interest – Farming in the Oyster Harbour Catchment Area and having received funding for drainage and pasture renovation – in Item 12.5.1.

## **7 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Councillor Skinner requested leave of absence for 9 February 2010.

**Moved Cr Andrus Budrikis, seconded Cr Simon Grylls:**

**That Cr Michael Skinner be granted leave of absence for 9 February 2010.**

**CARRIED (8/0)**

**NO. 1/10**

## **8 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 15 December 2009 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 2/10**

## **9 COMMITTEE MINUTES**

**Moved Cr Michael Skinner, seconded Cr Brett Bell:**

**That the Minutes of:**

**[Minutes – 15 December 2009 – Audit Committee](#)**

**[Minutes – 25 November 2009 – RoadWise Steering Committee](#)**

**be received.**

**CARRIED (8/0)**

**NO. 3/10**

## **10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- Tuesday 15 December 2009 – Attended the Mount Barker Community College senior school presentations and graduation.

- Wednesday 16 December 2009 – In the morning, attended the Mount Barker Community College junior school presentations and graduation.
- Wednesday 16 December 2009 – In the evening, attended the Kendenup Primary School presentation and graduation.
- Thursday 17 December 2009 – Attended, with other Councillors and staff, the count for the Special Election and the following Swearing In Ceremony of newly elected Cr Gert Messmer.
- Monday 21 December 2009 – Attended, with other Councillors and staff, a Grants Commission meeting presented by Mr Ray Hadlow regarding Financial Assistance Grants (FAGS).
- Monday 21 December 2009 – With Cr Etherington attended a Recreation Advisory Committee Meeting.
- Thursday 14 January 2010 – Attended, with other Councillors and staff, a Grants Commission hearing.

## 11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

### Cr Sue Etherington JP

- 13 January 2010 – Tourist Bureau meeting.
- 14 January 2010 – Tourist Bureau meeting.
- 18 January 2010 – Tourist Bureau meeting.
- 21 January 2010 – Tourist Bureau meeting.

### Cr Brett Bell

- Wished to thank staff for their support and flowers during his wife's illness.

### Cr Andrus Budrikis

- Grapes and Gallops – thank you from the community for Council support. There are some concerns of the condition of the gravel road to the wine tasting and food marquee.

### Cr Len Handasyde

- Monday 21 December 2009 – Attended a Grants Commission meeting presented by Mr Ray Hadlow regarding Financial Assistance Grants (FAGS).
- Thursday 14 January 2010 – Attended a Grants Commission hearing.

## **12 REPORTS OF COMMITTEES AND OFFICERS**

### **12.1 DEVELOPMENT SERVICES REPORTS**

#### **12.1.1 LOT 800 STONEY CREEK ROAD, PORONGURUP - RELOCATION OF BUILDING ENVELOPE**

<b>File No:</b>	<b>RV/182/4845</b>
<b>Attachments:</b>	<b>Locality Plan Plan of Subdivision Letter from applicant Site Plan – Existing location of building envelope Site Plan – Proposed new location of building envelope</b>
<b>Responsible Officer:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>19 January 2010</b>
<b>Applicant:</b>	<b>Brendon Flower</b>

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#### **PURPOSE**

The purpose of this report is to consider an application to relocate the building envelope at Lot 800 Stoney Creek Road, Porongurup.

#### **BACKGROUND**

Council records show the registered owners of Lot 800 Stoney Creek Road, Porongurup are BA and TL Flower.

The property location is within the recently developed Rangeview Park rural residential subdivision. Rangeview Park is located approximately 22km east of Mount Barker and 1.1km off Mount Barker-Porongurup Road on Stoney Creek Road. The rural residential subdivision consists of 26 lots with lot sizes varying in area from 2 ha to 10.4ha. Lot 800 is 2.17ha in area and located within the north-western part of the subdivision.

The applicant has submitted a letter (copy attached) requesting the relocation of the building envelope. The applicant explains that the existing building envelope location floods in winter and proposes relocating the building envelope to higher ground to the west. In addition the applicant was requested to consult with adjoining landowners and provide their written support. A letter raising no objection has been provided by those landowners.



## STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Rural Residential Zone No. 10.

– Special Provisions include:

*'7.5 Where building envelopes are shown on the Subdivision Guide Plan, building shall be confined to those envelopes.'*

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development. That power may only be exercised by the Council if it is satisfied that:

- '(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be departed thereby.'*

## EXTERNAL CONSULTATION

The Manager Development Services and the Manager Works and Services met the applicant on site to investigate possible alternatives to the building envelope on the Plan of Subdivision.

The applicant was requested to provide a letter of support from the adjoining landowners of Lot 801 Stoney Creek Road located to the south. The landowners of Lot 801 Stoney Creek Road in a letter received on 8 January 2010 raised no objection to this application.

## 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 800 is 2.17ha in area and located within the north-western part of the rural residential subdivision. The existing development at lot 800 consists of a dam and

two interceptor drains constructed by the subdivision developer to collect and hold surface run-off. The lot is partly covered in advanced vegetation.

The existing building envelope is rectangular in shape, 3,600m<sup>2</sup> in area and positioned within the south-eastern part of the lot. An inspection conducted confirmed the low lying location of the building envelope. The proposal is to maintain the current form and area of the building envelope and relocate it to higher ground to the west. The new building envelope position will be 15m from the west boundary. The original 5m and 20m setback to the south boundary is maintained.

The property most directly affected by this proposal is Lot 801 located to the south of the application site. Due to the 60m distance between building envelopes and the existing remnant vegetation on both lots, the proposed relocation of the building envelope in this instance is not likely to adversely affect privacy or amenity of the locality.

Fire emergency evacuation procedures are not likely to be adversely affected as the proposed new building envelope location is adjacent to the strategic fire break to the west. The proposed new building envelope location will also assist to alleviate possible flooding.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr Andrus Budrikis, seconded Cr Sue Etherington JP:**

**That in accordance with clauses 5.2 and 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application to relocate the building envelope at Lot 800 Stoney Creek Road, Porongurup be approved subject to:**

- 1. Development being in accordance with the plan dated 22 December 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. A Building Protection Zone being established in accordance with the Shire of Plantagenet's Annual Fire Break Notice.**

**CARRIED (8/0)**

**NO. 4/10**

## 12.2 WORKS AND SERVICES REPORTS

Nil

## 12.3 COMMUNITY SERVICES REPORTS

### 12.3.1 LOT 461 (25) OATLANDS ROAD, MOUNT BARKER - APPROVAL TO KEEP THREE DOGS IN A TOWNSITE

<b>File No:</b>	<b>N13683</b>
<b>Attachments:</b>	<b>Letter from Applicant Letters from Neighbours (3)</b>
<b>Responsible Officer:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Nicole Selesnew Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>19 January 2010</b>

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## PURPOSE

The purpose of this report is to consider a request to keep three dogs at a residential address (25 Oatlands Road, Mount Barker). The owner of the property is Mr J and Mrs U Lawrence of Albany and the resident at the property (and owner of the dogs) is Ms Barbara Kerr.

## BACKGROUND

Ms Kerr's request has been made following her move from a rural property in Denbarker to the Mount Barker townsite. Ms Kerr initially had four dogs but rehomed one dog before moving to Mount Barker. She now has three dogs, one of which is unwell and is not expected to live its full life expectancy. Ms Kerr approached the Shire seeking approval to keep the three dogs in the townsite until such time as the sick dog passes away. Once the dog has passed away it will not be replaced.

## STATUTORY ENVIRONMENT

Dog Act 1976

Shire of Plantagenet Dogs Local Law 2008

The Shire of Plantagenet Dogs Local Law 2008 states that the limit on the number of dogs which may be kept within a townsite is 2 dogs over the age of 3 months and the young of those dogs under that age.

Exemptions to this law apply if the property is licensed as an approved kennel establishment or the dog owner has been granted an exemption under section 26(3) of the Dog Act 1976.

Section 26(3) of the Dog Act 1976 allows for a local government to approve more dogs than the limited amount at a property provided that the approval is only applicable to the dogs at the property in question, that no more than six dogs are

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allowed at the property in total and that the approval may be varied or revoked at any time.

Section 26(3) of the Dog Act 1976 is more appropriate to this situation as none of the dogs to be kept at the address are breeding dogs.

### **EXTERNAL CONSULTATION**

Consultation has occurred with the property owners Mr and Mrs Lawrence, whom have provided their support, Ms Kerr and her adjoining neighbours. Letters supporting Ms Kerr's request have been provided by the neighbours and are attached.

### **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**

While living in a rural area Ms Kerr had four dogs at her property which complies with the allowable dog numbers in a rural area. The move to a residential area has seen her reduce her dog numbers from four to three, however this still does not comply with the townsite requirements for keeping dogs.

Ms Kerr claims that the eldest of the three dogs has a cist in its throat which has been supported by the Mount Barker Veterinary Hospital, and it is anticipated that the dog will not live its full life expectancy. She has agreed that the dog will not be replaced once it passes away.

The dogs at the property have never been the cause of any Ranger issues and letters from adjoining neighbours indicate that the dogs are not causing a nuisance.

It is recommended that Section 26(3) of the Dog Act 1976 be utilised to approve the presence of the three existing dogs at 25 Oatlands Road until such a time as one of the dogs passes away or the numbers reduce for any other reason. From this point the approval should be revoked and Ms Kerr comply with the requirements of the Shire's Dogs Local Law.

If the dogs at the property were to become a nuisance at any point then this approval should be reconsidered.

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

Moved Cr Sue Etherington JP, seconded Cr Simon Grylls:

That:

1. An exemption from the requirements of the Shire of Plantagenet Dogs Local Law 2008, section 3.21 'Limitations on the number of dogs' be granted to Ms Barbara Kerr of 25 Oatlands Road, Mount Barker, such that approval be given to keep three dogs at 25 Oatlands Road, Mount Barker, provided:
  - 1.1. once the dog numbers reduce to two by either the death of a dog or other means, that the exemption be withdrawn and the allowed number of dogs at the property be compliant with the Shire of Plantagenet Dogs Local Law 2008;
  - 1.2. the approval will be reconsidered if the dogs are found to be causing a nuisance; and
  - 1.3. no more than three dogs are kept at the premises at any one time.
2. Authority be delegated to the Chief Executive Officer to revoke the exemption in Clause 1 above.

**AMENDMENT**

Moved Cr Michael Skinner, seconded Cr Andrus Budrikis:

That a further part (3) be added to the motion as follows:

- '3. The Chief Executive Officer review this situation on an annual basis.'

CARRIED (7/1)

NO. 5/10

**COUNCIL DECISION**

That:

1. An exemption from the requirements of the Shire of Plantagenet Dogs Local Law 2008, section 3.21 'Limitations on the number of dogs' be granted to Ms Barbara Kerr of 25 Oatlands Road, Mount Barker, such that approval be given to keep three dogs at 25 Oatlands Road, Mount Barker, provided:
  - 1.1. once the dog numbers reduce to two by either the death of a dog or other means, that the exemption be withdrawn and the allowed number of dogs at the property be compliant with the Shire of Plantagenet Dogs Local Law 2008;
  - 1.2. the approval will be reconsidered if the dogs are found to be causing a nuisance; and

- 1.3. no more than three dogs are kept at the premises at any one time.
2. Authority be delegated to the Chief Executive Officer to revoke the exemption in Clause 1 above; and
3. The Chief Executive Officer review this situation on an annual basis.

**CARRIED (8/0)**

**NO. 6/10**

**12.3.2 INSTALLATION OF A DISPLAY CABINET - FROST PAVILION**

**File No:** N13684  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 19 January 2009

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**PURPOSE**

The purpose of this report is to seek the Council's approval for the Ladies Committee of the Mount Barker and Districts Agricultural Society to install a display cabinet on the southern end wall of the dining area at Frost Pavilion, Mount Barker, to display memorabilia.

**BACKGROUND**

The Mount Barker and Districts Agricultural Society has not held an all encompassing Agricultural Show for many years due to financial and resource constraints. The Society hosts an annual horse show, however the range of displays such as cattle showing, art exhibitions, machinery displays and shearing demonstrations to name a few are no longer occurring.

The Ladies Committee of the Agricultural Society has approached the Shire seeking approval to install a display cabinet to display their memorabilia including cups, shields etc to retain the history of the Agricultural Society events from the past years.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**EXTERNAL CONSULTATION**

Consultation has occurred with Mrs Irene Taylor from the Ladies Committee, Mr Grant Lubcke of the Mount Barker Football Club and Mrs Vivian Taylor of the Mount Barker Turf Club.

**FINANCIAL IMPLICATIONS**

The Ladies Committee will provide the display cabinet to be installed at Frost Pavilion. Once installed, the cabinet would become a part of the Frost Pavilion fixture. All of the memorabilia to be housed in the cabinet will remain the property of the Mount Barker and Districts Agricultural Society.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Plan 2003 identifies the following aim for the provision of Community Services:

*'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.'*

#### **OFFICER COMMENT**

The Ladies Committee has arranged for a display cabinet 182cm long by 60cm high to be built. The cabinet will be made of wood with a glass front. The cabinet will be lockable and secure.

The Committee has requested that the cabinet be placed on the southern wall of Frost Pavilion, by the dining room and kitchen server area. After consultation with both the Football Club and the Turf Club, both groups are very supportive of the concept and the proposed location. When Frost Pavilion was first planned the southern wall area was identified as the area for Agricultural Society displays and there is some memorabilia displayed there presently.

The retention of the local Agricultural Society memorabilia and history is very important given the show is no longer running in its original format. The display of the memorabilia at Frost Pavilion is symbolic given Frost Park was the site for the Agricultural Society shows and the Society has contributed to the facilities at Frost.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr Jeff Moir, seconded Cr Len Handasyde:**

**That approval be given to the Ladies Committee of the Mount Barker and Districts Agricultural Society to install a display cabinet on the southern wall of Frost Pavilion, Frost Park, for the purpose of housing Agricultural Society memorabilia.**

**CARRIED (8/0)**

**NO. 7/10**



### **12.3.3 KENDENUP AGRICULTURAL GROUNDS - CRICKET CLUB TRAINING NETS**

<b>File No:</b>	<b>N13685</b>
<b>Attachment:</b>	<b>Site plan</b>
<b>Responsible Officer:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Nicole Selesnew Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>19 January 2010</b>

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#### **PURPOSE**

The purpose of this report is to seek the Council's approval for the Kendenup Cricket Club (KCC) to develop cricket training nets at the Kendenup Agricultural Grounds.

The Kendenup Agricultural Grounds is owned freehold by the Shire of Plantagenet.

#### **BACKGROUND**

The Kendenup Cricket Club fields both an A Grade and C Grade team with approximately 35 playing members. The Club uses the Kendenup Primary School cricket training nets for training purposes but is looking to establish a permanent training site at the Kendenup Agricultural Grounds.

An area of 25m long by 7m wide is required for the concrete pitches and covering nets with a 'run up' area immediately in front of the nets.

The KCC has liaised with the Kendenup Agricultural Ground Committee to identify a suitable site around the oval that will not impede on the existing oval users. An area on the north western side of the oval (as shown on the attached map) was marked out and checked by members of the Agricultural Grounds Committee, Stirling Sheep Dog Trial Club and local environmental enthusiasts. All were supportive of the proposed site. Letters of support have been provided by the Agricultural Grounds Committee and Stirling Sheep Dog Trial Club.

The KCC is fundraising to cover the cost of the concrete pitch and synthetic covering and has approached the Mount Barker Cricket Club and Mount Barker and Districts Cricket Association to relocate the cricket training nets from Sounness Park to Kendenup. Both Mount Barker cricket clubs have given their support for the nets from Sounness Park to be removed as neither club has used the nets for many years and the facility has fallen into a state of disrepair.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

Consultation has occurred with members of the Kendenup Cricket Club, Mount Barker and Districts Cricket Association, Mount Barker Cricket Club and several Kendenup local people that had expressed concern about clearing activities

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associated with the construction of the cricket training nets at the Agricultural Grounds.

Once it became apparent that no existing substantial trees would be removed and only light pruning and the removal of a non-native scrubby tree was going to occur, all clearing concerns were alleviated.

### **FINANCIAL IMPLICATIONS**

The KCC will fund the construction of the cricket training nets and is prepared to maintain the facility once installed.

As the facility is being installed on Shire property, the Shire will become the owner of the asset and as such, is responsible for insuring the asset, although it will be recommended that future maintenance costs be met by the KCC.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan 2003 identifies a key Community Service aim is 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.

To achieve this, the Council will evaluate different options for providing community services and facilities.

### **OFFICER COMMENT**

The KCC approached the Shire regarding the installation of cricket nets on Shire property as they were concerned about their future access to the cricket training nets at the Kendenup Primary School.

The group has fundraised \$3,000 of the \$5,000 required to undertake the development with in-kind contributions including the supply of concrete, synthetic grass and earthworks. The Club is also seeking the relocation of the cricket training net frames from Sounness Park to Kendenup which has been supported by the Mount Barker and Districts Cricket Association and the Mount Barker Junior Cricket Club.

The cricket training nets at Sounness Park have been in place for many years. The Shire contributed money to the construction of the nets and the Mount Barker and Districts Cricket Association built and maintained them. Over time the maintenance requirements were not met and the Mount Barker cricket clubs moved their training activities to the Mount Barker Community College site. The nets have not been used for many years and would require considerable work to bring them back to a useable standard.

The Frost and Sounness Park Sport and Recreation Precinct Development Plan, adopted by the Council on 13 October 2009, identifies the need for cricket training nets but in a different location within Sounness Park to where they are presently situated.

The relocation of the existing cricket nets (principally the frames) to Kendenup would result in the KCC becoming a principal user group at the Agricultural Grounds site. This will support the Shire's focus on collocation and resource sharing of facilities. The existing user groups have both provided their support for the development including the Sheep Dog Trial club and the Agricultural Grounds Committee.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr Len Handasyde, seconded Cr Andrus Budrikis:**

**That:**

- 1. The cricket training net development on the north western side of the Kendenup Agricultural Grounds oval, proposed by the Kendenup Cricket Club, be supported, subject to the Kendenup Cricket Club being responsible for all costs associated with the construction and ongoing maintenance of the cricket training nets.**
- 2. The relocation of the cricket training nets from Sounness Park to the Kendenup Agricultural Grounds for the purpose of constructing new cricket training nets at the Kendenup Agricultural Grounds be supported.**

**CARRIED (8/0)**

**NO. 8/10**

## 12.4 CORPORATE SERVICES REPORTS

### 12.4.1 FINANCIAL STATEMENTS - DECEMBER 2009

<b>File No:</b>	<b>N13656</b>
<b>Attachment:</b>	<a href="#"><u>Financial Statements (separate attachment)</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Cherie Delmage</b> <b>Accountant</b>
<b>Proposed Meeting Date:</b>	<b>19 January 2010</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 December 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 Michael Skinner, seconded Cr Brett Bell:**

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

**CARRIED (8/0)**

**NO. 9/10**

**12.4.2 LIST OF ACCOUNTS - DECEMBER 2009**

**File No:** N13663  
**Attachment:** [List of Accounts – December 2009](#)  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** Emma Gardner  
Debtors/Creditors Officer  
**Proposed Meeting Date:** 19 January 2010

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**PURPOSE**

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

**That:**

1. **The payment of accounts for the month of December 2009 covering the following:**
  - a) **Electronic Payments and Direct Debits totalling \$733,786.59;**
  - b) **Municipal Cheques 40603 – 40688 and 40690 – 40712 totalling \$128,627.49; and**
  - c) **Trust Cheques 280 – 285 and 287 totalling \$15,580.00.****be approved.**

2. **Cancelled Municipal Cheque 40689 and Trust Cheque 286 be noted.**

**CARRIED (8/0)**

**NO. 10/10**

### **12.4.3 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS ADVISORY COMMITTEE - MEMBER APPOINTMENTS**

A Financial Interest was disclosed by Cr M Skinner. Cr Skinner indicated the nature and extent of his interest is farming 400 head of cattle.

A Financial Interest was disclosed by Cr J Moir. Cr Moir indicated the nature and extent of his interest is cattle farmer and casual employ of Elders.

#### **Authority to participate pursuant to Section 5.69(3)(b) of the Local Government Act 1995.**

Approval has been received from the Department of Local Government via letter dated 17 December 2009, giving permission for Cr M Skinner and Cr J Moir to fully participate in the discussion and decision making procedures relating to the Great Southern Regional Cattle Saleyards.

Mr John Fathers – Acting Chief Executive Officer, read aloud the letter which is attached to these minutes.

**File No:** N13667  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** John Fathers  
Acting Chief Executive Officer  
**Proposed Meeting Date:** 19 January 2010

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#### **PURPOSE**

The purpose of this report is to appoint Committee Members to the Great Southern Regional Cattle Saleyards Advisory Committee.

#### **BACKGROUND**

At the Special Meeting of the Council held on 20 October 2009, the Council resolved as follows in relation to the appointment of representatives on the Great Southern Regional Cattle Saleyards Advisory Committee:

*‘That the question be adjourned until advice has been received from the Director General Local Government Department relating to disclosures of interest due to lack of a quorum.’*

A request for an exemption for Councillors Skinner, Bell and Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards was forwarded to the Director General of the Department of Local Government and a response has now been received.

#### **STATUTORY ENVIRONMENT**

Sections 5.9(2)(c), 5.68 and 5.69 of the Local Government Act 1995.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Approval has been received from the Department of Local Government via letter dated 17 December 2009, giving permission for Cr M Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards until December 2010.

The argument for seeking an exemption for Councillors has been that the experience and expertise of councillors in the cattle industry and saleyards in particular is invaluable to the Chief Executive Officer and ultimately the ratepayers of the Shire. As Cr Bell only has a small herd of between four to seven head of cattle, the Department of Local Government has advised that it would need to be provided with firm evidence as to what expertise Cr Bell would provide before allowing him to participate.

Alternatively, the Department advised that the Council may wish to consider that Cr Bell's interest is trivial or insignificant and allow him to participate in accordance with Section 5.68 of the Local Government Act 1995. In order for Cr Bell to be an effective member of the Committee, this suggestion would require the Committee to make a determination at each meeting that Cr Bell's interest is trivial or insignificant together with the extent of any participation allowed by the Committee. This could be problematic in regard to the need for a quorum if any Councillors are absent from a meeting.

There has been a suggestion that it would be appropriate to appoint a larger Committee, incorporating councillors with business experience. There is also the option of appointing an external person with expertise in the cattle industry, such as an agent representative. Such an appointment would require the usual disclosure and exemption request process to be undertaken, unless that person was co-opted by the Committee in an advisory capacity (non-member).

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr Andrus Budrikis, seconded Cr Sue Etherington JP:**

**That Cr B Bell, Cr L Handasyde, Cr M Skinner and Cr S Grylls be appointed as members of the Great Southern Regional Cattle Saleyards Advisory Committee.**

**CARRIED (8/0)**

**(Absolute Majority)**

**NO. 11/10**

**COUNCIL DECISION**

**That no objections be raised to the Great Southern Regional Cattle Saleyards Advisory Committee co-opting an advisor(s) to the Committee with no voting rights.**

**CARRIED (8/0)**

**NO. 12/10**

## 12.5 EXECUTIVE SERVICES REPORTS

### 12.5.1 OYSTER HARBOUR CATCHMENT GROUP INC – COUNCIL REPRESENTATIVE

A Financial Interest was disclosed by Cr M Skinner. Cr Skinner indicated the nature and extent of his interest is farming in the Oyster Harbour Catchment Area and having received funding for drainage and pasture renovation.

3:56 pm Cr Michael Skinner withdrew from the meeting.

**File No:** N13666  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 19 January 2010

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#### PURPOSE

The purpose of this report is to present a request from the Oyster Harbour Catchment Group Inc (OHCG) for an elected representative or suitably qualified staff member from the Shire of Plantagenet to become a member of that organisation.

#### BACKGROUND

The OHCP advised that at their recent Annual General Meeting, former Councillor Bill Hollingworth resigned from the group. Mr Hollingworth had been appointed to the group in his own right and as he was a councillor, there was previously no need for the Council to nominate a representative.

The group advises that it finds it valuable to have a representative from the Shire to call on when the need arises. Whilst this does not happen often, it is very helpful having a contact person to consult with who is aware of their activities.

The OHCG has recently secured Caring for our Country funding for two projects, as follows:

1. Environmental Weed Control surrounding the Porongurup National Park, which follows on from their very successful post fire weed control in the Porongurup National Park project.
2. Increasing Knowledge and Skills in Sustainable Farm Practices in the Oyster Harbour Catchment, which includes the employment of a NRM Implementation Officer.

The group has advised that it also manages the very successful Ranges Link Project, which involves fencing off and protecting native bushland and revegetation work to provide a corridor for wildlife between the Stirling and Porongurup Ranges, connecting with the Gondwana Link.

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**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**

The Committee meets on the third Tuesday of each month at the Community Agricultural Centre. The meetings commence at 9.00am and conclude at approximately 11.30am. It is not essential that the representative attends every meeting.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr Len Handasyde, seconded Cr Andrus Budrikis:**

**That Cr M Skinner be nominated as the Council's representative on the Oyster Harbour Catchment Group Inc.**

**CARRIED (7/0)**

**NO. 13/10**

3:57 pm Cr Michael Skinner returned to the meeting.

**13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**15 CONFIDENTIAL**

Nil

**16 CLOSURE OF MEETING**

4:00 pm The Presiding Member declared the meeting closed.

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