



## ORDINARY MINUTES

**DATE:** Tuesday, 23 February 2010

**TIME:** 2.45 pm

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

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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

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

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr S Etherington JP	Councillor
Cr A Budrikis	Councillor
Cr J Moir	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

In Attendance:

Mr J Fathers	Deputy Chief Executive Officer
Mr D Le Cerf	Manager Works and Services
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Ms C MacLean	Administration Officer (Planning)
Mrs K Skinner	Executive Secretary

Previously Approved Leave of Absence:

Nil

Apologies:

Mr R Stewart            Chief Executive Officer

There were 10 member(s) of the public in attendance.  
There were one member(s) of the media in attendance.

Working to Occupational Safety and Health Best Practices, Mr John Fathers – Deputy 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.'

### **3 PUBLIC QUESTION TIME**

#### **A) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **B) SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Mr Hall – Narrikup

Mr Hall asked the Council what is happening with the Narrikup Bypass. We are heading into the third winter with the road in a gravel state.

Mr Le Cerf responded that we are currently awaiting approval from Main Roads to clear the road reserve to join the bypass to Albany Highway. Clearing of the road reserve is to commence in two weeks. Works are to commence in three to four weeks. The Narrikup Bypass should be open by Easter.

Mr Hall asked why was Lowood Road given priority.

The Shire President responded that the Lowood Road project has been on the books since 1995 but the receipt of funding has been staggered and has taken a long time to be completely received.

Mr Hall asked why Yellanup Road received priority when it appeared to be a perfectly good road.

Mr Le Cerf responded that Yellanup Road was funded from the Timber Industry Roads Evaluation Study (TIRES) program.

Mr Hall also queried the grading schedules for Healy Road and Lake Barnes Road.

Mr Le Cerf responded that Lake Barnes Road had been recently completed, however he was unsure of the grading schedule for Healy Road.

Mr Hall mentioned that both roads are used by the school bus but due to the state of those roads, traffic often travels on the incorrect side of the road and that this could cause problems.

Mrs Diana Hanson – Narrikup

Mrs Hanson stated that local people are concerned as to where the Narrikup Bypass is entering Albany Highway on a large bend. Trucks are slow at turning and she raises concerns about this.

Also the road at Sleeman Creek, Narrikup is of third world standards with massive potholes. This is very dangerous as both school buses and logging trucks use this portion of the road. It needs to be looked at immediately. There will be further flooding if the Narrikup Bypass is not finished.

Mr Le Cerf responded that the design had been approved by Main Roads. The roads would be inspected and remedial action taken as appropriate.

Mrs Diana Fisher – Narrikup

Mrs Fisher asked when is it to be expected that the roadworks on Hay River Road will be completed.

Mr Le Cerf responded that the 6km of road widening is in the current 2009/2010 budget and it is expected that works will commence, weather permitting, in April.

Mrs Fisher commented, if the Sleeman Creek roadworks are not completed before winter there will be further flooding. This will create problems for people using this section of road. Local residents have pulled many cars through this section over the years.

The current piece of Spencer Road near the joining of the bypass is full of large potholes and often cars are on the wrong side of the road.

Local residents are living in anticipation of what and when things will happen at the Narrikup Bypass and Spencer Road.

#### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr S Etherington JP declared a Proximity Interest – Mother owns property nearby – in item 11.1.1.

Cr S Etherington JP declared a Financial Interest – Processes work through the ‘Scrap Shak’ – in item 11.5.2.

Cr L Handasyde declared a Financial Interest – Selling fruit – in item 11.5.2.

Cr M Skinner declared a Financial Interest – Tree farm with blue gum lease – in item 11.5.5.

Cr S Grylls declared a Financial and Impartial Interest – Tree grower – in item 11.5.5.

Cr L Handasyde declared a Financial Interest – Small plantation of 10ha – in item 11.5.5.

Cr J Moir declared a Financial Interest – Plantation on property – in item 11.5.5.

Cr J Moir declared a Financial Interest – Cattle farmer and casual employee of Elders at the Great Southern Regional Cattle Saleyards – in item 14.1.1.

Cr M Skinner declared a Financial Interest – Farming 400 head of cattle – in item 14.1.1.

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

## 7 CONFIRMATION OF MINUTES

**Moved Cr S Etherington JP, seconded Cr M Skinner:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 9 February 2010 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 28/10**

## 8 COMMITTEE MINUTES

Moved Cr S Etherington JP, seconded Cr L Handasyde:

That the Minutes of:

[Minutes – Great Southern Regional Cattle Saleyards Advisory Committee – 1 February 2010](#)

[Minutes – Bush Fire Advisory Committee - 3 February 2010](#)

[Minutes – Local Emergency Management Committee - 2 February 2010](#)

be received.

CARRIED (9/0)

NO. 29/10

## 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Tuesday 9 February 2010 – Attended the General Meeting of Electors and the presentation of the 2008/2009 Annual Report.
- Wednesday 10 February 2010 – Attended the presentation of the Mount Barker Wind Farm.
- Thursday 11 February 2010 – Cr Handasyde, Mr Le Cerf and I attended the Timber Industry Road Evaluation Strategy (TIRES) meeting.
- Tuesday 16 February 2010 – Attended the Mount Barker Community Centre Meeting.
- Friday 19 February 2010 – Crs Skinner and Handasyde, Mr Stewart and I attended a meeting of the Voluntary Regional Organisation of Councils (VROC) at Kojonup and met with representatives from the Department of Local Government to discuss the government's latest position on structural reform.
- Monday 22 February 2010 – Mr Le Cerf and I met with representatives from the City of Albany in relation to Regional Road Group arrangements.

## 10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

[Cr S Etherington JP](#)

- Tourist Bureau meetings.

[Cr B Bell](#)

- General Meeting of Electors.

[Cr S Grylls](#)



- General Meeting of Electors.

Cr G Messmer

- General Meeting of Electors.

Cr L Handasyde

- 9 February 2010 – General Meeting of Electors.
- 10 February 2010 – Presentation of the Mount Barker Windfarm.
- 11 February 2010 - Timber Industry Road Evaluation Strategy (TIRES) meeting.
- 19 February 2010 - (VROC) at Kojonup and met with representatives from the Department of Local Government to discuss the government's latest position on structural reform.

## 11 REPORTS OF COMMITTEES AND OFFICERS

### 11.1 DEVELOPMENT SERVICES REPORTS

#### 11.1.1 LOT 121 INGOLDBY STREET, MOUNT BARKER - RETAINING WALLS WITH REDUCED STREET AND SIDE BOUNDARY SETBACKS

A Proximity Interest was disclosed by Cr S Etherington JP.  
Nature and extent of interest: Mother owns a nearby property.

3:06pm Cr Etherington JP withdrew from the meeting.

**File No:** N14069  
**Attachments:** [Locality Plan](#)  
[Site Plan and Elevations](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 23 February 2010  
**Applicant:** Newman Concrete

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#### PURPOSE

The purpose of this report is to consider a proposal for retaining walls at Lot 121 Ingoldby Street, Mount Barker, with reduced street and side boundary setbacks.

#### BACKGROUND

Council records show the registered owner of Lot 121 Ingoldby Street, Mount Barker is Drika Gamble.

On 26 March 2009 the Council issued a building licence to Scott Park Homes to construct a new house at Lot 121 Ingoldby Street. The building licence did not include the construction of retaining walls due to the decision of the owners not to construct retaining walls at that stage.

On 8 October 2009 the applicant (Newman Concrete) submitted an application for a building licence to construct a new retaining wall at Lot 121 Ingoldby Street. That application proposed a tapered retaining wall 1.7m and 2m in height. The retaining wall was located on the side boundary with neighbouring Lot 122 Ingoldby Street and extended along the full length of the property boundary. This proposal was not in accordance with the acceptable development provisions of the Residential Design Codes (RCodes) and was likely to adversely affect the amenity of the locality. The retaining wall height and location was discussed with the applicant who was provided with relevant information on retaining walls and fencing for residential development in the RCodes.

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On 12 January 2010 the applicant submitted a revised proposal. This proposed the construction of two retaining walls consisting of two steps. The lower retaining wall was 1m in height and located on the property boundary with Lot 122 Ingoldby Street and extended along the full length of the property side boundary. The upper retaining wall was 1m in height and setback 1m from the lower retaining wall. This retaining wall extended 15m into the property and was partly located within the street boundary setback. That proposal was not in accordance with acceptable development provisions of the RCodes and was again likely to adversely affect the amenity of the locality.

The Planning Officer again advised the applicant of the relevant provisions of the RCodes and on 5 February 2010 the applicant submitted a further revised proposal.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – Zoned Residential (R12.5/20).

Building Code Australia (BCA) – The construction of a retaining wall requires a building licence.

Residential Design Codes (RCodes).

Discretion exists for the Council to vary standards at clause 2.5.2 as follows:

*‘Discretion shall be exercised having regard to the following considerations:*

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.’*

RCodes Part 6 Design Elements, Explanatory Guidelines read as follows:

*‘Retaining walls higher than 0.5m only meet the acceptable development provisions:*

- *the retaining wall is setback in accordance with the requirements for a major opening with a wall height of 2.4m in addition to the height of the retaining wall; or*
- *the retained area is screened to prevent views of neighbouring property and is set back in accordance with the requirements for a wall height of 1.8m without major openings in addition to the height of the retaining wall.’*

The proposed height of the retaining walls in this instance is in excess of 0.5m.

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RCodes Part 6 Design Elements 6.3.3 read as follows:

*‘Retaining walls setback from the common boundaries in accordance with the setback provisions of table 1, tables 2a and 2b, and figure 3.’*

The variations required here relate to 2.5.2(b) above as boundary setback requirements are in part 6 of the RCodes. The retaining walls are setback 1.2m from the street boundary where a 6m street boundary setback is required. The retaining walls are also setback at 1.0m intervals where 1.5m intervals from the side boundary setback are required.

### **EXTERNAL CONSULTATION**

The Planning Officer met the applicant on site to investigate possible alternatives to the retaining wall proposals.

The applicant was requested to provide a letter of support from the adjoining landowner of Lot 122 Ingoldby Street located to the east. The landowner of Lot 122 Ingoldby Street, Mr Nick Pagano – Director of Island Views Pty Ltd – in a comment received on 10 February 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**

The property location is within the Stirling Heights subdivision. Lot 121 Ingoldby Street is 700m<sup>2</sup> in area and the current development on the lot consists of a single house.

The latest proposal involves the construction of retaining walls consisting of two steps. The lower retaining wall is 1m in height and setback 1m from the property boundary with the adjoining Lot 122 Ingoldby Street. This wall is setback 1.2m from the street boundary and extends the full length of the property boundary. The upper retaining wall is 1m in height and setback 1m from the lower retaining wall. This retaining wall is also setback 1.2m from the street boundary and extends 14.46m into the property.

The proposed engineer certified retaining walls have a combined maximum height of no greater than 2m. The walls taper down to 1m towards the rear of the lot, minimising any impacts. The walls are manufactured with limestone look texture, are limestone in colour and have a random block pattern. The proposed walls will not cause privacy or overshadowing issues and are not considered to have any significant adverse effect on the amenity of the locality or neighbouring properties.

The applicant further intends to construct a 1.8m high screen fence on the property boundary with Lot 122 Ingoldby Street in an effort to minimise the impact of the retaining walls on neighbouring properties.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr L Handasyde, seconded Cr J Moir:

That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for retaining walls with reduced street and side boundary setbacks on the eastern side boundary at Lot 121 Ingoldby Street, Mount Barker be approved subject to:

1. Development being in accordance with the plan dated 5 February 2010.
2. A fence being constructed on the property boundary with Lot 122 Ingoldby Street, Mount Barker in accordance with the Residential Design Codes. That fence is to be a maximum of 1.2m high within the street setback area and 1.8m high for the remainder of the side boundary.

**CARRIED (8/0)**

**NO. 30/10**

3:10pm Cr Etherington JP returned to the meeting.

**11.1.2 LOT 23 (18) OATLANDS ROAD, MOUNT BARKER - TWO GROUPED DWELLINGS**

<b>File No:</b>	<b>N14057</b>
<b>Attachments:</b>	<a href="#">Locality Plan</a> <a href="#">Site Plan</a> <a href="#">Floor plans</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>23 February 2010</b>
<b>Applicants:</b>	<b>TR Homes WA</b>

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**PURPOSE**

The purpose of this report is to consider an application for two grouped dwellings at Lot 23 Oatlands Road, Mount Barker.

**BACKGROUND**

Council records show the registered owners of Lot 23 are J Bunker and G Wright. TR Homes WA is in process of buying the property.

The subject land is 1095m<sup>2</sup> in area and is currently vacant. The land is generally flat but slopes slightly down to the rear boundary with Lots 30 and 31 Hassel Street to the south-west. The proposed development consists of one two bedroom dwelling 179.95m<sup>2</sup> in area and one three bedroom dwelling 172m<sup>2</sup> in area. Both the proposed dwellings are single storey buildings.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential R12.5/20 – Grouped Dwelling is a discretionary ‘SA’ use under TPS3.

An ‘SA’ use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2. The application has been advertised in accordance with Clause 6.2 and no submissions have been received.

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.’*

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Residential Design Codes (RCodes).

Dividing Fences Act 1961

### **EXTERNAL CONSULTATION**

The proposal was advertised for comment for a 21 day period closing on 5 February 2010. Letters were sent to 8 adjoining and nearby land owners, notices were placed in the Albany Advertiser, the Council's noticeboard, and a sign placed on site. At the close of the advertising period no submissions had been received.

### **FINANCIAL IMPLICATIONS**

The application fee of \$1,704.00 and a bond of \$500.00 for advertising costs have been paid.

### **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.'*

### **OFFICER COMMENT**

The proposal meets the R20 requirements of the RCodes for grouped dwellings and is not likely to adversely affect the amenity of the locality. The proposed grouped dwellings will be connected to the reticulated sewer network.

No adverse comments have been received from adjoining or nearby land owners.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr J Moir, seconded Cr S Grylls:**

**That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for two grouped dwellings at Lot 23 Oatlands Road, Mount Barker be approved subject to:**

- 1. Development being in accordance with the plans dated 1 December 2009.**
- 2. Dwellings not being occupied until landscaping has been completed to the satisfaction of the Manager Development Services.**
- 3. Crossovers for both dwellings being constructed, sealed and drained to the satisfaction of the Manager Works and Services.**

4. All stormwater being disposed of to the satisfaction of the Manager Works and Services.
5. Both dwellings being connected to reticulated sewer and water.
6. One street tree being provided in accordance with the Mount Barker Townscape Review 2002 species list to the satisfaction of the Manager Development Services.

**CARRIED (9/0)**

**NO. 31/10**



## **11.2 WORKS AND SERVICES REPORTS**

Nil

## **11.3 COMMUNITY SERVICES REPORTS**

Nil

## **11.4 CORPORATE SERVICES REPORTS**

### **11.4.1 BUDGET REVIEW – JANUARY 2010**

**File No:** N13474  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Cherie Delmage  
Accountant  
**Proposed Meeting Date:** 23 February 2010

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### **PURPOSE**

The purpose of this report is to review and where appropriate, 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. This is the second quarterly review of the 2009/2010 Annual Budget. At its meeting held 24 November 2009, the 2009/2010 Annual Budget was reviewed as part of the Council's ongoing monitoring and review program of our financial process.

### **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 income and 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**

This is the main budget review of the year and in view of the legal requirements, a more detailed analysis of the overall budget has been undertaken. In particular a detailed cash flow analysis has been investigated from 31 January 2010 to 30 June 2010. This indicates that the Council may fall short of municipal cash funds by approximately \$500,000.00 as at that date, if most of the capital works projects are completed as per budget. This situation will need to be monitored as this prediction also relies on the receipt of grant funding. This end result is in line with budget predictions and the Council has a \$500,000.00 overdraft facility for such events.

In terms of operating result, operating income is currently in line with (year to date) budget and operating expenditure is 10% below (year to date) budget which is acceptable. Nevertheless, a number of issues are worthy of a budget amendment and the following action is recommended:

- 20049.0071 - Other Expenses - Legal Expenses has been higher than anticipated due to Sounness Park and Bush Fire Tree Farm Advice. An extra \$5,000.00 is sought. This will be offset by a proposed decrease in 20049.0273 Other Expenses - Professional Services of \$7,500.00.
- 20221.0397 – Other Expenses – Kendenup Kids Hub has been increased by \$1,500.00 due to funding being received to run the Program for another school term. This is offset by an increase of \$1,500.00 to 10126.0397 – Grant Revenue – Kendenup Kids Hub and has a nil effect on the budget.
- 20077.0276 - Fire Control and Hazard Reduction has been increased by \$3,000.00 due to the cost incurred by the Shire to install firebreaks or slash non-compliant properties. This is offset by an increase of \$3,000.00 to 10041.0225 – Reimbursements – Firebreaks due to the cost of hazard reduction being charged against the relevant land and has a nil effect on the budget.
- 20091.0278 – Other Expenses – State Emergency Services – Maintenance of Plant and Equipment has been increased by \$300.00. This is offset by a reduction of \$300.00 in 20091.0312 – Other Expenses – State Emergency Services – Other Operating Costs and has a nil effect on the budget.
- 20193.0011 – Building and Grounds – Halls and Civic – Building Operating has been increased by \$4,998.00. This is offset by a reduction of \$4,998.00 in 20193.0010 – Building and Grounds – Halls and Civic – Building Maintenance and has a nil effect on the budget.
- 20199.0010 - Building and Grounds – Swimming Pool – Building Maintenance has been increased by \$3,000.00. This is offset by a reduction of \$3,000.00 in 20199.0052 - Building and Grounds – Swimming Pool – Grounds Maintenance and has a nil effect on the budget.

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- 20513.0064 – Other Expenses – Bush Fire Brigades – Insurances has been increased by \$363.00. This is offset by a reduction of \$363.00 in 20513.0085 – Other Expenses – Bush Fire Brigades – Minor Furniture and Equipment Purchases and has a nil effect on the budget.
  - 21111.0011 – Building and Grounds – Other Culture – Building Operating has increased by \$1,000.00. This is offset by a reduction of \$1,000.00 in 21111.0010 – Building and Grounds – Other Culture – Building Maintenance and has a nil effect on the budget.
  - 41002.0200 – Grant – Zero Waste – Tip Shop Shed at O’Neill Road has been increased by \$30,000.00 due to a successful grant application from the Waste Authority. Grant money of \$6,000.00 from Zero Waste is also proposed to be allocated to this project. These grants are offset by an increase of \$36,000.00 in 51008.0252 – Zero Waste – Tip Shop Shed at O’Neill Road for the purchase of a shed to be utilised as a ‘tip shop’ at the Mount Barker Refuse Facility and has a nil effect on the budget.
  - 20159.0286 - Other Expenses - Zero Waste - Recycling has been increased by a sum of \$18,000.00 to reflect expenditure related to additional grant moneys for Phase two of the ‘Towards Zero Waste by 2020’ initiative of which two-thirds will need to be disbursed to the Shire’s partners in this initiative, the City of Albany and the Shire of Denmark. Income Item 10093.0384 Grant Revenue - Zero Waste/Recycling has been increased by \$24,000.00 (\$6,000.00 allocated to Tip Shop project) and this item has a nil effect on the budget.
  - 51133.0252 – Mitchell House – Replace Roof has been increased by \$700.00 as the cost of roof replacement was slightly higher than budgeted for. This has been offset by a reduction in 21111.0010 – Building and Grounds – Other Culture and has a nil effect on the budget.
  - 51270.0250 – Spencer Road Bypass (Albany Highway Slip Lanes) has been increased by \$7,400.00. This is offset by a reduction of \$7,400.00 in 51289.0250 – RTR – Barrow Road 1km as the project has been completed and came in under budget. Officers would like Council approval to transfer the Roads to Recovery funding from the Barrow Road Project to the Spencer Road Bypass (Albany Highway Slip Lanes) Project to enable some additional clearing works to be undertaken and has a nil effect on the budget.
  - 51293.0250 – RTR – New Budget Item Stirling School Road SLK4.50 to SLK8.72 has been allocated \$76,422.00. This is offset by a reduction of \$89,309.00 in 51290.0250 – RTR – Stirling School Road SLK0 to SLK4.50 as the project has been completed and came in under budget. Officers would like Council approval to continue the Stirling School Road Project from SLK4.50 to SLK8.72. In addition, Budget Item Other Road Contributions will not achieve the full \$93,000.00 budgeted. This relates to flood damage funding assistance applications for the November and December 2008 flood events, which the State Advisory Committee of Main Roads has approved a sum of \$80,113.26. This has a nil effect on the budget.
  - 21305.0307 – Other Expenses – Rural Services – Vehicle Lease – Community Agricultural Centre has been increased by \$3,031.00 due to costs associated with a replacement vehicle. This has been offset by an increase of \$3,031.00 in 11306.0228 – Reimbursements – Rural Services - Vehicle Lease and has a nil effect on the budget.
-

- 51146.0251 – Frost Park – Replacement of Sewage Pumps and Valves has been increased by \$9,000.00 due to the need to replace two pumps recently. This is offset by a reduction in 20211.0010 – Park and Rec Grounds Maintenance and has a nil effect on the budget.
- 50509.0006 – Fire Truck (Forest Hill) – Non-Cash has been increased by \$104,599.00 as the vehicle provided has a higher value than budgeted. This is offset by an increase of \$104,599.00 in 10511.0500 – Grant Income Non-Cash – Fire Truck Grant and has a nil effect on the budget.
- 51216.0250 - Martagallup Tenterden Road - Full Length has been increased by \$50,000.00 as the job requires more work than initially budgeted for. This is offset by a decrease of \$50,000.00 in 51226.0250 - Martagallup Tenterden Road – Upgrade and Re-Sheet and has a nil effect on the budget. Both of these budget items are fully Council funded jobs.
- 41123.0202 – Incentive Grant – Office of Crime Prevention (OCP) – Mount Barker Youth Space and Skate Park has been increased by \$20,000.00 as the Shire was successful in receiving a grant from the Office of Crime Prevention as part of its Incentive Grant Program. This is offset by an increase of \$20,000.00 in Capital Expense Account – 51141.0251 - Skate Park - Either Mount Barker or Kendenup.
- 10039.0159 – Grant Income – Bushfire Mitigation Grant has been increased by \$2,500.00 and relates to a partially unclaimed grant from last financial year. This grant is to be used for the development of fire evacuation plans through an increase in 20515.0279 - Security & Vandalism – LEMC and therefore has a nil effect on the budget.
- 10072.0230 – Other Income – Preventative Services Other – Lease Rental has been increased by \$5,200.00 due to the medical centre lease commencing a month earlier than anticipated. This increases budgeted income by \$5,200.00.
- 20009.0255 – Other Expenses – Rates – Donations has been increased by \$749.00 due mainly to the Friends of Porongurup receiving a refund on their rates as a donation. This has increased budgeted expenditure by \$749.00.
- 20024.0003 – Office Expenses – Elections – Advertising has been increased by \$263.00 due to the additional advertising required to hold an extraordinary election. This has increased budgeted expenditure by \$263.00.
- 20051.0078 – Non Cash Expenses – Administration – Loss on Sale of Assets has been increased by \$96.00 due to a higher than expected loss on the trade-in of the Deputy Chief Executive Officer's vehicle. This has increased budgeted expenditure by \$96.00.
- 20086.0376 – Other Expenses – Other Law and Order – Community Safety and Crime Prevention has been decreased by \$1,200.00 due to the funding allocated for this being used for administration purposes as required. This has reduced budgeted expenditure by \$1,200.00.
- 20131.0011 – Building and Grounds – Pre-School – Building Operating has been increased by \$200.00 and increases budgeted expenditure by \$200.00.

- 20270.0036 – Non Cash Expenses – Depreciation – Plant, Machinery and Equipment has been increased by \$48,000.00 due to purchase of some new larger plant items that increases our depreciation expense. As this is a non-cash item, it has a nil effect on the budget.
- 20411.0052 – Building and Grounds – Staff Housing – Grounds Maintenance has been increased by \$492.00 due to higher than anticipated expenditure. This increases budgeted expenditure by \$492.00.
- 20411.0011 – Building and Grounds – Staff Housing – Building Operating has been increased by \$980.00 due to higher than anticipated expenditure. This increases budgeted expenditure by \$980.00.
- 20811.0011 - Building and Grounds – Playgroup – Building Operating has been increased by \$100.00 to cover higher than anticipated expenditure. This increases budgeted expenditure by \$100.00.
- 20812.0011 - Building and Grounds – Child Care Centre – Building Operating has been increased by \$600.00 to cover higher than anticipated expenditure. This increases budgeted expenditure by \$600.00.
- 21014.0182 – Vehicle Running Costs – Town Planning – Motor Vehicle Allocations has been increased by \$1,504.00 to cover higher than anticipated expenditure, due in part to the operating costs for the Planning Officer's vehicle which was not fully budgeted for. This increases budgeted expenditure by \$1,504.00.
- 21104.0010 - Building and Grounds – Recreation Centre - Building Maintenance has been increased by \$1,000.00 to cover higher than anticipated expenditure. This increases budgeted expenditure by \$1,000.00.
- 21102.0295 - Recreation Centre – Kiosk Supplies has been increased by \$8,000.00 to cover higher than anticipated expenditure. This is offset by an increase of \$9,000.00 in 11101.0238 – Recreation Centre – Kiosk Sales and has a nil effect on the budget.
- 50821.0252 – HACC Facilities Upgrade has been reduced by \$1,763.00 as this was a carried forward amount, however no further expenditure on the facility upgrade is required. This reduces budgeted expenditure by \$1,763.00.
- 51183.0252 – Recreation Centre – Install Security Door to Gym has been increased by \$83.00 due to higher than anticipated expenditure. This increases budgeted expenditure by \$83.00.
- 51340.0358 – Standpipe Controllers has been increased by \$1,105.00 as further work was required on the Standpipes to ensure accuracy with data collection and increase the amount of cards on the system. This has increased budgeted expenditure by \$1,105.00.
- 20009.0156 – Other Expenses – Rates – Valuation Expenses has been increased by \$4,471.00 due to anticipated accounts for Unimproved Valuation charges towards the end of this financial year. This increases budgeted expenditure by \$4,471.00.

The total cash effect of all these changes on the 2009/2010 Annual Budget is nil.

Whilst some of these amounts may seem insignificant to bring to the Council for consideration, it is important for two reasons:

- (1) It shows the Council that the budget is being monitored regularly and thoroughly; and
- (2) Ensures that the Council is being kept fully informed.

It must be noted that as of 31 January 2010, the Council is owed \$290,169.00 by the Great Southern group of timber companies. Whilst it is anticipated that these funds will eventually be recovered, the impact on the Council's cash flow and loss of interest must be considered.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr S Etherington JP, seconded Cr L Handasyde:**

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

Account	Description	Original / Amended Budget (\$)	New Budget (\$)	Net Cash Amount (\$)
20049.0071	Other Expenses - Legal Expenses	(30,000)	(35,000)	(5,000)
20049.0258	Other Expenses - Professional Services	(30,000)	(22,500)	7,500
10126.0397	Grant Revenue - Kendenup Kids Hub	(0)	1,500	1,500
20221.0397	Other Expenses - Kendenup Kids Hub	(0)	(1,500)	(1,500)
10041.0225	Reimbursements - Firebreaks	(0)	3,000	3,000
20077.0276	Fire Control and Hazard Reduction - Hazard Reduction	(22,000)	(25,000)	(3,000)
20091.0278	Other Expenses - State Emergency Services - Maintenance Of Plant and Equipment	(1,200)	(1,500)	(300)
20091.0312	Other Expenses - State Emergency Services - Other Operating Costs	(5,000)	(4,704)	296
20193.0010	Building and Grounds - Halls and Civic - Building Maintenance	(30,000)	(25,012)	4,988
20193.0011	Building and Grounds - Halls and Civic - Building Operating	(35,000)	(40,000)	(5,000)
20199.0010	Building and Grounds - Swimming Pool - Building Maintenance	(4,000)	(7,000)	(3,000)
20199.0052	Building and Grounds - Swimming Pool - Grounds Maintenance	(3,500)	(504)	2,996
20513.0064	Other Expenses - Bush Fire Brigades - Insurances	(26,060)	(26,423)	(363)
20513.0085	Other Expenses - Bush Fire Brigades - Minor Furniture and Equipment Purchase	(10,000)	(9,637)	363
21111.0010	Building and Grounds - Other Culture - Building Maintenance	(10,000)	(8,300)	1,700
21111.0011	Building and Grounds - Other Culture - Building Operating	(8,000)	(9,000)	(1,000)
41002.0200	Grant - Zero Waste - Tip Shop Shed At O'Neill Road	(0)	30,000	30,000
51008.0252	Zero Waste - Tip Shop Shed At O'Neill Road	(0)	(36,000)	(36,000)
20159.0286	Other Expenses - Zero Waste - Recycling	(18,000)	(36,000)	(18,000)
10093.0384	Grant Revenue - Zero Waste / Recycling	0	24,000	24,000
51133.0252	Mitchell House - Replace Roof	(10,000)	(10,700)	(700)
51270.0250	Spencer Road Bypass (Albany Highway slip lanes)	(122,755)	(130,155)	(7,400)
51289.0250	RTR - Barrow Road 1km	(35,000)	(27,600)	7,400
51290.0250	RTR - Stirling School Road SLK0 to SLK4.50	(162,089)	(72,780)	89,309
51293.0250	RTR - Stirling School Road SLK4.50 to SLK8.72	(0)	(76,422)	(76,422)
10134.0200	Contributions - Other Roadworks Contributions	93,000	80,113	(12,887)
21305.0307	Other Expenses - Rural Services - Vehicle Leases - Community Agricultural Centre	(17,000)	(20,035)	(3,035)
11306.0228	Reimbursements - Rural Services - Vehicle Lease	17,000	20,035	3,035
20211.0010	Park and Rec Grounds - Building Maintenance	(20,000)	(11,000)	9,000
51146.0251	Frost Park - Replacement Of Sewage Pumps and Valves	(0)	(9,000)	(9,000)

50509.0006	Fire Truck - Forest Hill (Non Cash)	(65,000)	(169,599)	(0)
10511.0500	Grant Income (Non Cash) - Fire Truck Grant	65,000	169,599	(0)
51216.0250	Martagallup Tenterden Road - Full Length	(167,412)	(217,412)	(50,000)
51226.0250	Martagallup Tenterden Road - Upgrade and Resheet	(50,000)	0	50,000
10039.0159	Grant Income - Bushfire Mitigation Grant	(0)	2,500	2,500
20515.0279	Security & Vandalism - LEMC	(1,000)	(3,500)	(2,500)
10072.0230	Other Income - Preventative Services Other - Lease Rental	31,200	36,400	5,200
20009.0255	Other Expenses - Rates - Donations	(800)	(1,549)	(749)
20024.0003	Office Expenses - Elections - Advertising	(1,000)	(1,259)	(259)
20051.0078	Non Cash Expenses - Administration - Loss On Sale Of Assets	(2,100)	(2,196)	(96)
20086.0376	Other Expenses - Other Law and Order - Community Safety and Crime Prevention	(1,200)	(0)	1,200
20131.0011	Building and Grounds - Pre-school - Building Operating	(1,000)	(1,200)	(200)
41123.0202	Incentive Grant - OCP - Mount Barker Youth Space and Skate Park	0	20,000	20,000
51141.0251	Skate Park - Either Mount Barker or Kendenup	(100,000)	(120,000)	(20,000)
20270.0036	Non Cash Expenses - Depreciation - Plant, Machinery and Equip	(358,837)	(406,837)	(0)
20411.0052	Building and Grounds - Staff Housing - Grounds Maintenance	(2,500)	(3,000)	(500)
20411.0011	Building and Grounds - Staff Housing - Building Operating	(3,000)	(3,980)	(980)
20811.0011	Building and Grounds - Playgroup - Building Operating	(700)	(800)	(100)
20812.0011	Building and Grounds - Child Care Centre - Building Operating	(1,200)	(1,800)	(600)
21014.0182	Vehicle Running Costs - Town Planning - Motor Vehicle Allocations	(5,500)	(7,000)	(1,500)
21104.0010	Building and Grounds - Recreation Centre - Building Maintenance	(9,000)	(10,000)	(1,000)
21102.0295	Recreation Centre - Kiosk Supplies	(9,000)	(17,000)	(8,000)
11101.0238	Recreation Centre - Kiosk Sales	11,500	20,500	9,000
50821.0252	HACC Facilities Upgrade	(1,763)	(0)	1,763
51138.0252	Rec Centre - Install Security Door To Gym	(6,500)	(6,583)	(83)
51340.0358	Standpipe Controllers	(0)	(1,105)	(1,105)
20009.0156	Other Expenses - Rates - Valuation Expenses	(18,000)	(22,471)	(4,471)

**CARRIED (9/0)**

**(Absolute Majority)**

**NO. 32/10**

**11.4.2 FINANCIAL STATEMENTS – JANUARY 2010**

<b>File No:</b>	<b>N13957</b>
<b>Attachment:</b>	<a href="#"><u>Financial Statements (separate attachment)</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Cherie Delmage</b> <b>Accountant</b>
<b>Proposed Meeting Date:</b>	<b>23 February 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 January 2010.

**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 B Bell, seconded Cr J Moir:**

**That the Financial Statement for the period ending 31 January 2010 be received.**

**CARRIED (9/0)**

**NO. 33/10**

**11.4.3 LIST OF ACCOUNTS - JANUARY 2010**

**File No:** N13963  
**Attachment:** [List of Accounts – January 2010](#)  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** Emma Gardner  
Debtors/Creditors Officer  
**Proposed Meeting Date:** 23 February 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 January 2010.

**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 S Etherington JP, seconded Cr S Grylls:

That:

1. The payment of accounts for the month of January 2010 covering the following:
    - a) Electronic Payments and Direct Debits totalling \$604,012.96;
    - b) Municipal Cheques 40713 - 40770 and 40776 – 40788 totalling \$61,416.27; and
    - c) Trust Cheques 288 - 293 totalling \$643.04.
- be approved.

2. **Cancelled Municipal Cheques 40771 - 40775 be noted.**

**CARRIED (9/0)**

**NO. 34/10**

**11.4.4 COMPLIANCE AUDIT RETURN 2009**

<b>File No:</b>	<b>CM/19/1</b>
<b>Attachments:</b>	<a href="#"><u>Compliance Return</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>23 February 2010</b>

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**PURPOSE**

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

**BACKGROUND**

A Compliance Audit is required to be completed once in each calendar year.

**STATUTORY ENVIRONMENT**

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995. Further, the Local Government (Audit) Regulations 1996 provide that the Compliance Audit is to be:

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

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

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

**CONSULTATION**

Consultation has occurred with the appropriate Council officers.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

**OFFICER COMMENT**

The completed Compliance Audit return is attached to this report. The 2009 Compliance Audit revealed no areas of non-compliance.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington JP, seconded Cr M Skinner:**

**That the Compliance Audit Return for the calendar year 1 January 2009 to 31 December 2009 be adopted and submitted to the Director General of the Department of Local Government.**

**CARRIED (9/0)**

**NO. 35/10**

**11.4.5 COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES**

**File No:** N14081  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 23 February 2010

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**PURPOSE**

The purpose of this report is to consider a new Policy F/FM/10 - Payment of Councillors' Attendance Fees and Allowances, together with a minor amendment to Policy F/FM/4 - Telecommunications – Councillors and Staff. This report will also review and recommend adoption of the elected member expenses and allowances for the 2010/2011 financial year.

**BACKGROUND**

The Shire of Plantagenet currently pays elected members the following attendance fees and allowances:

- Annual attendance fee (Shire President) \$14,000.00
- Annual attendance fees (Councillor) \$7,000.00
- Shire President's Annual Allowance \$4,480.00
- Deputy Shire President's Annual Allowance \$1,120.00

Payments for Councillors' Annual Attendance Fees and the Shire President's and Deputy Shire President's Allowances have generally been paid in July and February since the change to the month for holding local government elections was changed to October in 2007.

At its meeting held on 26 February 2008, the Council resolved:

*'That the Western Australian Local Government Association be advised that the Shire of Plantagenet is of the opinion that sitting fees for Council Members and fees for Mayors, Presidents, Deputy Mayors and Deputy Presidents no longer adequately compensate elected members for their responsibility and time in undertaking the increasingly onerous role of Councillor in local government and consider that all fees and sitting fees for elected members should be increased in the order of 100 percent.'*

WALGA subsequently advised in April 2008 that *'In October 2006, the WALGA State Council considered this matter in the light of the 2006 Local Government Advisory Board on Structural Reform which included a recommendation on Councillor remuneration and adopted the following resolution:*

1. *That recommendation 1.35 of the Local Government Advisory Board report be supported and that the State Government be requested to amend the Local Government Act 1995 accordingly to achieve the following outcome:*

*“That the Western Australian Salaries and Allowances Tribunal be given responsibility for establishing the range of fees and allowances for elected members, with each local government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis.”*

2. *That the State Government be requested to amend the Local Government Act accordingly;*
3. *In the event that the Local Government Act 1995 is amended as per the Association’s advocacy:*
  - *That the question of the quantum and extent of Councillor Fees and Allowances be sought from other states with a view to presenting this to the Western Australian Salaries and Allowances Tribunal to support any Association submission on this subject; and*
  - *That targeted research be undertaken on Councillor responsibilities, level of control and work values, so that these can be extrapolated as industry averages and provided to the Tribunal in further support of any Association submission.’*

This advice was circulated in the Councillor Information Bulletin June 2008 - No.1.

The Council’s Policy F/FM/4 - Telecommunications – Councillors and Staff states:

‘OBJECTIVE:

*To ensure that councillors and staff who are required to be contactable twenty-four hours a day are reimbursed adequately for their availability.*

POLICY:

Elected Members

- (1) *Elected members shall be paid an annual telecommunications allowance of \$1,000.00.*
- (2) *The annual allowance is to be paid on the 1 March each year and relates to the period commencing 1 November and ending 31 October each year.*
- (3) *Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.*
- (4) *The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.*
- (5) *That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.*

Staff

- (1) *The Council will accept responsibility for the reimbursement of telephone costs as detailed below:*
  - *Works Supervisor All Service and Equipment Rental Charges.*
  - *Ranger All Service and Equipment Rental Charges.*
- (2) *Rental charges incurred by a designated staff member in relation to one (1) telephone at his or her place of residence shall be reimbursed on submission of receipts.*
- (3) *The Chief Executive Officer may include telephone allowances and / or provision of mobile phones in employment contracts with senior staff.’*

It will be recommended that Clause 2 of this policy be amended.

### **STATUTORY ENVIRONMENT**

The Local Government Act 1995 (section 5.98 to 5.102) and Local Government (Administration) Regulations 30 to 34 legislate the payment of expenses and allowances to elected members. This legislation defines minimum and maximum allowances as follows:

- Annual attendance fee (Shire President) – Minimum \$6,000.00; Maximum \$14,000.00.
- Annual attendance fees (Councillor) - Minimum \$2,400.00; Maximum \$7,000.00.
- Shire President's Annual Allowance - Minimum \$600; Maximum:
  - \$12 000.00; or
  - 0.002 of the local government's operating revenue, whichever is the greater amount (this currently equates to \$16,019.00 for the Shire of Plantagenet); but in any case no more than \$60,000.00.
- Deputy President's Annual Allowance - minimum \$125.00, Maximum 25% of the Shire President's allowance.

### **FINANCIAL IMPLICATIONS**

An allocation of \$75,600.00 has been made in the 2009/2010 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2010/2011 draft budget.

### **POLICY IMPLICATIONS**

This report recommends policy changes.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

Elected member attendance fees are currently set at the maximum permitted amount. The Shire President's and Deputy President's Annual Allowances have not been increased since 2005/2006. If those allowances had been increased in line with the rates increases since then, they would be \$5,610.00 and \$1,402.50 respectively. It will be recommended that such an increase be made, to ensure that they keep pace with other budget items.

Attendance fees and allowances have traditionally been paid in two tranches, around the beginning of the financial year and then again in January/February. Given the timing of local government elections in October, and also in the case of extraordinary elections, the amounts paid may not necessarily represent payment for time served in the position of Shire President, Deputy Shire President and Councillor. It is considered that a more equitable system would be to make such payments on a pro-rata basis, based on time served in the position. It will therefore be recommended that a policy be put in place for Councillors' fees and allowances to be paid monthly in arrears.



The Council's Policy F/FM/4 - Telecommunications – Councillors and Staff is considered to be adequate, but in view of the changes outlined above, it is also recommended that clause 2 be amended such that '*The annual allowance be paid monthly in arrears*'.

### **VOTING REQUIREMENTS**

Absolute Majority

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

Moved Cr L Handasyde, seconded Cr S Etherington JP:

That:

1. Elected member expenses and allowances for the 2010/2011 financial year be set as follows:
  - a) Annual attendance fee (Shire President) \$14,000.00.
  - b) Annual attendance fees (Councillor) \$ 7,000.00.
  - c) Shire President's Annual Allowance \$ 5,610.00.
  - d) Deputy President's Annual Allowance \$1,402.50.
2. Council Policy F/FM/10 - Payment of Councillors' Attendance Fees and Allowances, as follows:

**OBJECTIVE:**

To put in place an equitable system for payment of Councillors' attendance fees and the Shire President's and Deputy Shire President's allowances.

**POLICY:**

1. Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position.
  2. Fees and allowances are to be paid monthly in arrears.'
- be adopted.
3. Clause 2 of the Council's Policy F/FM/4 - Telecommunications – Councillors and Staff be amended to read as follows:

'(2) The annual allowance is to be paid monthly in arrears.'

**CARRIED (9/0)**

**(Absolute Majority)**

**NO. 36/10**

## 11.5 EXECUTIVE SERVICES REPORTS

### 11.5.1 COUNCIL MEETING DATES - FREQUENCY

**File No:** N14080  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 23 February 2010

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#### PURPOSE

The purpose of this report is to recommend to the Council that the frequency of Council meeting dates be changed from the second and fourth Tuesdays of each month except for December and January when the Council meets on either the second or third Tuesdays of those months, to a three weekly cycle on Tuesdays.

#### BACKGROUND

At its meeting held on 13 October 2009 the Council resolved:

*'That consideration of the creation of Standing Committees be deferred until March 2010 and a further report be presented to the Council Meeting to be held on 23 February 2010 and a workshop relating to possible committee creation be held on 9 February 2010.'*

This issue was workshopped by the Council prior to the Council meeting held on 9 February 2010.

During that discussion a majority of Councillors indicated that they would like to see a report addressing the possibility of Council meetings being held every three weeks on Tuesdays.

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

*'That:*

1. *Ordinary Meetings of the Council for 2010 be held as follows commencing at 2.45pm.*

*19 January  
9 and 23 February  
9 and 23 March  
13 and 27 April  
11 and 25 May  
8 and 22 June  
13 and 27 July  
10 and 24 August  
14 and 28 September  
12 and 26 October  
9 and 23 November*

14 December

2. *All Council meetings be held in the Council Chambers, Lowood Road, Mount Barker.*
3. *All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.'*

### **STATUTORY ENVIRONMENT**

Section 5.3 of the Local Government Act 1995 provides that a Council is to hold ordinary meetings and may hold special meetings. That section also provides that ordinary meetings are to be held not more than three months apart.

Section 5.5 of the Act requires the CEO to convene ordinary meetings by giving each Council member at least 72 hours notice of a date, time and place of a meeting and an agenda for the meeting.

Regulation 12 of the Local Government (Administration) Regulations 1996 requires that ordinary council meetings to be held in the next twelve months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

### **CONSULTATION**

Although there is not need for public consultation regarding this matter as mentioned above statutory advertising (local public notice) is necessary.

### **FINANCIAL IMPLICATIONS**

There will be some impact on catering costs if fewer Council meetings are held.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan at Key Result Area 1 – Corporate Services notes:

*'Processes to ensure appropriate organisational practices are provided to effectively deliver services. It also notes that our success will be measured by Councillor satisfaction with government administrative support.'*

### **OFFICER COMMENT**

The matter of the frequency of Council meetings has been discussed by Councillors in the past. As noted above under Statutory Environment, a Council is required to resolve when it is to meet over the coming twelve months. Every year the Council has resolved to meet on the second and fourth Tuesdays of each month (excepting January and December).

Nevertheless, discussions have been held in the past regarding frequency of Council meetings including the investigation of one Council meeting per month, one Council meeting per month plus committee meetings or the most recent discussions relating to three weekly meetings.

In the past the issue of continuing with meetings twice monthly has revolved around timely decision making, although this is somewhat ameliorated as we have been reporting to the Council on key service areas (such as Community Services, Works and Services and Development Services) on a monthly basis in any case. This reporting frequency was changed some years ago to ensure that Managers were not in constant 'agenda mode'.

The move to three weekly Council meetings is timely. Although Tuesdays of Council meetings are generally busy due to workshops and meetings, the actual length of Council meetings has been decreasing for some time with the Council recognising its statutory obligations to move away from operational matters and concentrated more on strategic matters and those that are unable to be delegated to officers.

Holding Council meetings each three weeks will mean a 25% reduction in the number of Council Meetings.

Provided that Councillors are happy to resolve accordingly, the decision needs to be advertised and implemented.

It would be best to commence in April to allow time for advertising and to ensure that arrangements already made for meetings can be respected.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr M Skinner:**

**That:**

- 1. Notwithstanding the Council resolution 351/09 which resolved, among other things the dates or ordinary meetings for 2010, Council Meetings for the months April to December 2010 shall be held on a three weekly cycle commencing on 13 April 2010 and then:**

**4 May  
25 May  
15 June  
6 July  
27 July  
17 August  
7 September  
28 September  
19 October  
9 November  
30 November  
14 December.**

2. The first ordinary meeting of the Council to be held in 2011 shall be held on 18 January 2011 and the three weekly cycle commencing from that date.
3. All Council Meetings to be held in the Council Chambers, Lowood Road, Mount Barker, commencing at 2.45pm.
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

**CARRIED (8/1)**

**NO. 37/10**

**11.5.2 EXTENDED TRADING HOURS - WHOLE OF SHIRE OF PLANTAGENET**

A Financial Interest was disclosed by Cr S Etherington JP.  
Nature and extent of interest: Processing work through the Scrap Shak.

A Financial Interest was disclosed by Cr L Handasyde.  
Nature and extent of interest: Selling fruit.

4:03pm Crs Etherington and Handasyde withdrew from the meeting.

**File No:** N14025  
**Attachments:** [Extended Trading Hours](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 23 February 2010

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**PURPOSE**

The purpose of this report is to present to the Council the result of canvassing in the whole of the Shire of Plantagenet regarding a proposed adjustment to trading hours in the district.

**BACKGROUND**

At its meeting held on 24 November 2009 the Council resolved:

*'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.'*

**STATUTORY ENVIRONMENT**

Retail Trading Hours Act 1987

## **EXTERNAL 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 have been incurred as well as administrative costs 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**

Substantial consultation has been undertaken with regard to this matter.

Advertisements were placed in the Albany Advertiser on 12 January 2010 and the Plantagenet News on 16 December 2009 and 14 January 2010.

Letters were also sent as noted in the attached list.

Two objections have been received and are attached.

Overall it would appear reasonable to have standardised hours across the Shire District. Settlement areas within the District appear to be sufficiently separated in distance to have minimal, if any impact on other settlements.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr M Skinner:**

**That the Department of Commerce be:**

- 1. Advised that after canvassing businesses within the district of the Shire of Plantagenet and considering submissions received, the Shire is of the opinion that Sunday trading should be permitted within the whole of the Shire.**

2. Provided with copies of advertisements, correspondence and submissions.

**CARRIED (7/0)**

**NO. 38/10**

4:04pm Crs Etherington and Handasyde returned to the meeting.



**11.5.3 MINUTES - GENERAL MEETING OF ELECTORS - 2008-2009**

**File No:** N14023  
**Attachment:** [Minutes – General Meeting of Electors \(separate attachment\)](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 23 February 2010

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**PURPOSE**

The purpose of this report is to receive the Minutes of the General Meeting of Electors held on 9 February 2010.

**BACKGROUND**

The General Meeting of Electors for the Shire of Plantagenet was held on 9 February 2010 for the purpose of receiving the Shire's 2008/2009 Annual Report and to consider any general business.

**STATUTORY ENVIRONMENT**

Pursuant to Section 5.27 of the Local Government Act (1995), a General Meeting of the electors of a district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of the public before the Council Meeting at which decisions made at the electors meeting are first considered.

Further, pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

**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**

There were no decisions made at the Electors Meeting needing consideration by the Council.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION**

Moved Cr S Etherington JP, seconded Cr G Messmer:

That the Minutes of the General Meeting of Electors of the Shire of Plantagenet held on 9 February 2010 be received.

**AMENDMENT**

Moved Cr B Bell, seconded Cr G Messmer:

That a further parts 2. and 3 be added to the motion as follows and the motion be recast accordingly:

- ‘2. The Chief Executive Officer be requested to liaise with the family of Dr Christopher Bourke in relation to the proposed renaming of the new Shire medical centre to the ‘Dr Christopher Bourke Medical Centre’.
3. A further report be presented to the Council regarding the naming of the medical centre no later than the meeting of the Council to be held on 25 May 2010.’

CARRIED (9/0)

NO. 39/10

**COUNCIL DECISION**

That:

1. The Minutes of the General Meeting of Electors of the Shire of Plantagenet held on 9 February 2010 be received.
2. The Chief Executive Officer be requested to liaise with the family of Dr Christopher Bourke in relation to the proposed renaming of the new Shire medical centre to the ‘Dr Christopher Bourke Medical Centre’.
3. A further report be presented to the Council regarding the naming of the medical centre no later than the meeting of the Council to be held on 25 May 2010.

CARRIED (9/0)

NO. 40/10

**11.5.4 STAFF ESTABLISHMENT - PROPOSED AMENDMENTS**

**File No:** N13909  
**Attachments:** [Organisation Chart](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 23 February 2010

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**PURPOSE**

The purpose of this report is to recommend amendments to the existing staff establishment.

**BACKGROUND**

At its meeting held on 24 February 2009 the Council resolved:

*'That:*

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

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

*That:*

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

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

*'That:*

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

At its meeting held on 11 November 2008 the Council resolved:

*'That consideration be given, during consideration of the 2009 / 2010 budget for an allocation of \$70,000.00 for the shared engagement with the Fire and Emergency Services Authority (FESA) of a Community Emergency Services Manager subject to the Council's organisational chart being amended in due course by Council*

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*resolution and subject also to a satisfactory Memorandum of Understanding being entered into with FESA also subject to Council resolution and that a further report be presented to the Council addressing financial and ratepayer benefits and changes of staff duties.'*

## **STATUTORY ENVIRONMENT**

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

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

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

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

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

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan recognises our staff as a strength.

## **OFFICER COMMENT**

Attached to this report is a Shire of Plantagenet Organisation/Staff Establishment chart. Any position noted as 'future/not adopted' indicates a position which has not been considered by the Council and does not form part of the current staff establishment and will not form part of the staff establishment without an express resolution of the Council. Any position noted as 'not funded' is a position which has been adopted as part of the Council's staff establishment, but has not been funded. Any position which is noted as vacant is simply vacant at this time.

The chart reflects:

- a) Minor changes in the recreation area whereby the recreation services coordinator is split between the recreation centre and the swimming pool.
- b) The position of Senior Administration/Project Officer in the Works (Administration) area.
- c) The line relationship of the position of Principal Works Supervisor to the Workshop Supervisor, Works Supervisor (maintenance) and Works supervisor (Parks and Gardens).

Councillors should be aware that the position of Senior Administration/Project Officer replaces the NRM Officer (not funded) as a permanent position due to the 12 month maternity leave (and subsequent resignation) of Ms Donna Stevens. Megan Sounness has subsequently been on extended sick leave.

It is inappropriate for the Council to adopt a staff/organisation chart which has the names of employees. This is provided for Councillor information only. A staff establishment/organisation chart without the names of employees is attached for adoption.

It is noted that when the Council adopted an organisation chart at its meeting held on 27 May 2003 the Council's total funded full time equivalent (FTE) was 58.85. The Council's present total funded full time equivalent is 53.35. Five adopted positions are not funded.

These are:

- Telephonist;
- Administration Trainee;
- Engineering Trainee;
- Project Engineer; and
- Supervisor Maintenance.

Given the ever increasing responsibilities of Local Government (noted though such reports as the 'cost shifting' [or Hawker] report) and given that the Council's obligations to the community and pertinent legislation are being met, the efficiency and effectiveness of the whole staff cohort is creditable, with 5.5 fewer funded full time equivalents.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr S Grylls, seconded Cr S Etherington JP:**

**That the staff establishment/organisation chart dated 23 February 2010 as attached be adopted.**

## **MOTION TO ADJOURN**

**Moved Cr J Moir, seconded Cr A Budrikis:**

**That the question be adjourned to enable a workshop to be held on the matter on 9 March 2010.**

**CARRIED (9/0)**

**NO. 41/10**

**11.5.5 TIMBER 2020 - COUNCIL REPRESENTATION**

A Financial Interest was disclosed by Cr M Skinner.  
Nature and extent of interest: Tree farm with a blue gum lease.

A Financial Interest was disclosed by Cr S Grylls.  
Nature and extent of interest: Plantations on his property.

A Financial Interest was disclosed by Cr L Handasyde.  
Nature and extent of interest: Small plantation of 10ha.

A Financial Interest was disclosed by Cr J Moir.  
Nature and extent of interest: Plantations on his property.

4:15pm Crs Skinner, Grylls, Handasyde and Moir withdrew from the meeting.

**File No:** N13753  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 23 February 2010

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**PURPOSE**

The purpose of this report is to appoint a representative to Timber 2020.

**BACKGROUND**

Crs Grylls and Moir declared an interest in this matter at the special meeting of the Council held on 20 October 2009 as tree growers which resulted in a quorum no longer being present. The meeting stood adjourned until a quorum was available.

Crs Grylls, Handasyde and Moir declared an interest in this matter at the Ordinary Meeting of the Council held on 9 February 2010 which resulted in a quorum no longer being present. The question stood adjourned.

**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 previous member of Timber 2020 was Cr Grylls with the former Cr J Mark as deputy.

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The brief of Timber 2020 is as follows:

*To facilitate and coordinate private forestry and its related industries in the Great Southern Region'.*

Meetings are held every six weeks and are held on a Thursday morning mostly in Albany.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr B Bell, seconded Cr A Budrikis:**

**That:**

- 1. Cr Simon Grylls be nominated as the Council's representative on Timber 2020.**
- 2. Cr Gert Messmer be nominated as Deputy to act on behalf of the elected member if unable to attend any meeting.**

**CARRIED (5/0)**

**NO. 42/10**

4:16pm Crs Skinner, Grylls, Handasyde and Moir returned to the meeting.

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

Nil

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

Nil



## 14 CONFIDENTIAL

### 14.1 CORPORATE SERVICES REPORTS

#### 14.1.1 SALEYARDS - MARKET SOUNDING PROCESS

A Financial Interest was disclosed by Cr J Moir.

Nature and extent of interest: Cattle farmer and casual employee of Elders at the Great Southern Regional Cattle Saleyards.

A Financial Interest was disclosed by Cr M Skinner.

Nature and extent of interest: Farming 400 head of cattle.

#### **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 a letter dated 17 December 2009, giving permission for Councillors Skinner and Moir to fully participate in the discussion and decision making procedures relating to the Great Southern Regional Cattle Saleyards.

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

<b>File No:</b>	<b>N14091</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>23 February 2010</b>

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#### **PURPOSE**

The purpose of this report is to endorse a response to the Department of Agriculture following a recent workshop in relation to the market sounding exercise for the WA saleyards network.

#### **OFFICER RECOMMENDATION**

That the Council consider this matter in the confidential component of this meeting due to:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Bell, seconded Cr L Handasyde:

4:18pm That the meeting be closed to members of the public pursuant to Section 5.23(2)(c) of the Local government Act 1995 due to:

a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

**CARRIED (9/0)**

**NO. 43/10**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr J Moir, seconded Cr L Handasyde:

4:45pm That the meeting be opened to members of the public.

**CARRIED (9/0)**

**NO. 44/10**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr M Skinner:

That the attached response to the Department of Agriculture following a recent workshop in relation to the market sounding exercise for the WA saleyards network be endorsed.

**CARRIED (9/0)**

**NO. 45/10**

**15 CLOSURE OF MEETING**

4:46pm The Presiding Member declared the meeting closed.

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