



ORDINARY MINUTES

DATE: Tuesday, 23 March 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 A Budrikis	Councillor
Cr G Messmer	Councillor
Cr S Etherington JP	Councillor
Cr B Bell	Councillor
Cr S Grylls	Councillor
Cr J Moir	Councillor
Cr L Handasyde	Councillor

In Attendance:

Mr R Stewart	Chief Executive Officer
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
Mr V Jenkins	Planning Officer

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

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

Previously Approved Leave of Absence:

Nil

3 PUBLIC QUESTION TIME**A. INCLUDING RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

B. PUBLIC QUESTION TIME – SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr S Grylls requested leave of absence for the period 12 April to 18 April 2010 inclusive.

Moved Cr M Skinner, seconded Cr J Moir:

That Cr S Grylls be granted leave of absence for the period of 12 April to 18 April 2010 inclusive.

CARRIED (9/0)

NO. 55/10

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr A Budrikis:

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

CARRIED (9/0)

NO. 56/10

8 COMMITTEE MINUTES

Nil

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Tuesday 16 March 2010 – All Councillors attended a workshop on amalgamation.
- Wednesday 17 March 2010 – I attended a meeting of the Pardelup Prison Work Party Group.
- Wednesday 17 March 2010 – Cr M Skinner, Mr R Stewart, Mr D Le Cerf and I attended a site meeting at Millinup Road with various members of the Porongurup area.

- Friday 19 March 2010 – Cr M Skinner, Mr R Stewart and I attended a meeting with Minister Terry Redman MLA, relating primarily to the Great Southern Regional Cattle Saleyards.
- Saturday 20 March 2010 – Mr J Fathers, Mrs V Ward and I attended the land auction to recover outstanding rates.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- Wednesday 17 March 2010 – Cr K Clements, Mr R Stewart, Mr D Le Cerf and I attended a site meeting at Millinup Road with various members of the Porongurup area.
- Friday 19 March 2010 – Attended a meeting with Friends of the Porongurup Range. They have been doing a lot of weed control.
- Friday 19 March 2010 – Cr K Clements, Mr R Stewart and I attended a meeting with Mr Terry Redman MLA.
- Tuesday 23 March 2010 – Great Southern Regional Cattle Saleyards Committee Meeting.

Cr S Etherington

- Will be presenting a report to the Council regarding the current status of the Mount Barker Tourist Bureau.

Cr S Grylls

- Tuesday 23 March 2010 – Great Southern Regional Cattle Saleyards Committee Meeting.

Cr J Moir

- Tuesday 23 March 2010 – Great Southern Regional Saleyards Committee Meeting.

Cr A Budrikis

- UWA Foundation Meeting.

Cr L Handasyde

- Tuesday 16 March 2010 – Regional Transition Group Meeting.
- Tuesday 23 March 2010 – Great Southern Regional Cattle Saleyards Committee Meeting.
- Tuesday 23 March 2010 – Long Term Financial Planning Meeting.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 LOT 51 STRATA LOT 7 PORONGURUP ROAD, MOUNT BARKER (HAMBLEY TREE FARM) - GROUPED DWELLING

File No:	N14195
Attachments:	Locality Plan Strata Subdivision Plan Site Plan Part Site Plan Floor Plan Elevations Summary of Submissions
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	23 March 2010
Applicant:	Ryde Building Company Pty Ltd

PURPOSE

The purpose of this report is to consider an application for a grouped dwelling at Strata Lot 7 of Lot 51 Porongurup Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Strata Lot 7 of Lot 51 is BJ Harvey.

Strata Lot 7 of Lot 51 is located within the strata subdivision known as Hambley Tree Farm and the owner of the property is seeking approval to build a new house.

At a general meeting of the strata company (Strata Asset Services Pty Ltd) held on 28 January 2010 the proposal to construct a new house at Strata Lot 7 of Lot 51 was supported. That decision came into force as no valid votes had been received against the decision at the close of the prescribed objection period.

On 16 October 2009 this planning consent application for a grouped dwelling was received. The proposal was advertised for comment and letters were sent to adjoining strata lot owners and two submissions were received. The first raised no objections however the second submission has come from the owner of Strata Lot 6 to the south and has raised privacy concerns with relation to the location of the house, driveway and alfresco area in close proximity to the adjoining boundary. A summary of both submissions has been attached to this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R12.

– Special Provisions include:

- ‘(b)(1)(i) Grouped dwelling subject to prior approval of the Council.’*
- ‘(c)(2)(i) No grouped dwelling shall be constructed unless a minimum 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.’*
- ‘(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (eg., zincalume) is prohibited.’*
- ‘(c)(3)(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the Council.’*
- ‘(c)(3)(ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the Council.’*
- ‘(c)(4)(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the Council considers is deficient in tree cover it may require as a condition of any planning consent the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the Council.’*

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.’

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.

EXTERNAL CONSULTATION

In accordance with Delegation LG 035 the proposal was advertised for comment for a 21 day period closing on 5 March 2010. Letters were sent to the adjoining strata lot owners, notices were placed in the Plantagenet News, Albany Advertiser and the

Council's notice board and a sign placed on site. At the close of the advertising period two submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$836.48 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.'

Town Planning Scheme Policy No. 18 (Planning Vision) – shows the parent lot as possible rural residential (equestrian). Any future rezoning of this overall strata subdivision to a Rural Residential Zone will need to be initiated by all of the landowners of the total property.

OFFICER COMMENT

The Hambley Tree Farm strata subdivision is located north of Porongurup Road approximately 2.1km east of Mount Barker. The strata subdivision consists of 30 lots to the east of the land with lot sizes around 1ha. Strata Lot 7 of Lot 51 is 1ha in area and located to the north east part of the survey strata subdivision.

The proposed house is a four bedroom single storey building. The house is 269.24m² in area which includes the alfresco and garage. The roof will be finished in bushland Colorbond and the external brick walls are to be Midland York in colour. The colours are sympathetic to the surrounding area.

The proposed building envelope is 2,000m² in area and is positioned in the southeast corner of the lot. This proposal complies with the building envelope requirement for this special site zone. The house is located within the defined building envelope.

The submission received from the owner of the adjoining vacant strata Lot 6 who was concerned about privacy issues into the future does not warrant changes to this application. A 10.0m setback from the boundary is considered to be adequate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington JP, seconded Cr B Bell:

That in accordance with special provision (b)(1)(i) of Special Site zone R12 of Town Planning Scheme No. 3 planning consent be granted for a grouped dwelling at Strata Lot 7 of Lot 51 Porongurup Road Mount Barker subject to:

1. The development being in accordance with the plans dated 3 February 2010.
2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.
3. The position of the crossover being to the satisfaction of the Manager Works and Services.

CARRIED (9/0)

NO. 57/10

**11.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 51 - LOTS 830
AND 6045 AND PT LOT 831 SPRING ROAD, PORONGURUP -
SUBMISSIONS RECEIVED**

File No:	N14225
Attachments:	Location Plan Revised Subdivision Guide Plan Summary of Submissions
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	23 March 2010
Owners:	Watercress Pty Ltd and Kazza Nominees Pty Ltd
Applicant:	Ayton Baesjou Planning

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment (No. 51) to Town Planning Scheme No. 3 (TPS3) to rezone portion of Lot 830 Spring Road, Porongurup from the Rural Zone to the Rural Residential Zone and to adjust the Subdivision Guide Plan (SGP) for existing Rural Residential Zone (Area 9) to include all of the newly created lot 830.

BACKGROUND

Amendment No. 39 to TPS3 rezoned Lots 2150 and 6045 Spring Road from Rural to Rural Residential (Area 9). That Amendment was published in the Government Gazette on 13 February 2009.

Lot 830, the subject of this Amendment No. 51, was created through a boundary adjustment with the former Lot 10 (now 831) to the south and west. Some 8.8ha was excised from the south west corner of the former Lot 2150 and added to the former Lot 10. An equivalent area was excised from the former Lot 10 and added to the western side of the former Lot 2150. The former Lot 10 is now Lot 831 and the former Lot 2150 is now Lot 830.

The Western Australian Planning Commission (WAPC) granted conditional approval to a 17 lot rural residential subdivision over the former Lot 2150 (now part of Lot 830) in March 2009.

The possible land exchange between Lot 2150 and Lot 10 was raised when the Council was considering submissions on the former Amendment No. 39 at its meeting held on 9 October 2007. It was agreed the additional land area to be included in the Rural Residential zone should be addressed through a new Amendment to the Scheme so that it could be advertised for public comment. To include that area as a modification to Amendment No. 39 was considered to be a substantial modification which would need public comment and it was not appropriate to delay Amendment No. 39 any longer.

A copy of the full Amendment was provided to each Councillor with the 9 June 2009 agenda papers.

The Council at its meeting held on 9 June 2009 resolved at resolution 151/09:

'That:

- 1. Amendment No. 51 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements once the Revised Subdivision Guide Plan and appropriate parts of the Amendment are modified to delete the proposed lot 29 due to the extensive vegetation on that site.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 13 October 2009.'*

The Amendment was referred to the Environmental Protection Authority (EPA) on 4 November 2009 once modified documents had been received from the consultants. The EPA authorised the Amendment to proceed to advertising in a letter received on 16 December 2009. The necessary 42 day advertising period closed on 4 March 2010 and a total of 11 submissions were received (see Summary of Submissions).

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Town Planning Regulations – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. Once advertised the Council must consider any submissions lodged within 42 days and refer its recommendations to the Western Australian Planning Commission and the Minister within 28 days.

Shire of Plantagenet TPS3 – Lot 830 is presently zoned Rural Residential (Area 9) and Rural.

EXTERNAL CONSULTATION

The Amendment was advertised for 42 days with letters to neighbours and government agencies, a sign on site, newspaper notices and a notice on the Council noticeboard.

FINANCIAL IMPLICATIONS

The fee of \$3,300.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Area 4 of the Council's Strategic Plan refers to:

'The Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented.'

This Amendment is in accordance with the Porongurups Rural Strategy (PRS) of 1997 and in accordance with the Precinct Structure Plan prepared for Precinct G1 (PRS) in 2004 as part of an earlier Amendment No. 29.

OFFICER COMMENT

The proposed adjustment to the subdivision guide plan in this Amendment is considered an appropriate resolution of the matter resulting from an earlier land exchange.

The public submissions received as detailed in the Summary of Submissions do not warrant any modifications to the Amendment as advertised.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington JP, seconded Cr G Messmer:

That:

- 1. The submissions lodged on Amendment No. 51 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 51 to Town Planning Scheme No. 3 be adopted without modification and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.**
- 3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 51 once approved by the Honourable Minister.**

CARRIED (9/0)

NO. 58/10

11.2 WORKS AND SERVICES REPORTS

Nil

11.3 COMMUNITY SERVICES REPORTS

Nil

11.4 CORPORATE SERVICES REPORTS**11.4.1 FINANCIAL STATEMENTS - FEBRUARY 2010**

File No:	N14260
Attachment:	<u>Financial Statements (separate attachment)</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	23 March 2010

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 28 February 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.

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 L Handasyde, seconded Cr A Budrikis:

That the financial statements for the period ending 28 February 2010 be received.

CARRIED (9/0)

NO. 59/10

11.4.2 LIST OF ACCOUNTS - FEBRUARY 2010

File No: N14208
Attachment: [List of Accounts – February 2010](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 23 March 2010

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of February 2010.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Purchases have been made in line with Council Policy F/FM/7 – Purchasing and Tender Guide and relevant delegations of authority to staff members.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr M Skinner:

That the payment of accounts for the month of February 2010 covering the following:

- 1. Electronic Payments and Direct Debits totalling \$654,578.92;**
 - 2. Municipal Cheques 40789 - 40863 and totalling \$81,270.80; and**
- be received.**

CARRIED (9/0)

NO. 60/10

11.4.3 MATERIAL VARIANCE AMOUNT – 2010/2011

File No: N14259
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 23 March 2010

PURPOSE

The purpose of this report is to adopt reportable budget variance values for the 2010/2011 financial year.

BACKGROUND

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formerly AAS 5) to be used in the statements of financial activity for reporting material variances. According to AASB 1031:

'materiality means, in relation to information, that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by the management or governing body of the entity.'

The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

At its meeting held 28 April 2009, the Council resolved:

That material financial variances for the 2009/2010 financial year be set at:

1. *Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.*
2. *Income less than 90% of (monthly) budget to a minimum of \$5,000.00.*

STATUTORY ENVIRONMENT

Regulation 34 of the Local Government (Financial Management) Regulations requires local governments to report on a monthly basis. The Financial Management Regulations require local governments to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question and must include - material variances i.e.: material variances between the comparable amounts in YTD Budget and YTD Actual. The relevant parts of that Regulation are detailed below:

'34. Financial activity statement report — s. 6.4

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —...

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and ...

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.'*

FINANCIAL IMPLICATIONS

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The UHY Haines Norton Management Reporting Manual 2009 advises:

'For the purposes of the monthly financial report (given the users are essentially management and Council requiring assistance making management decisions) 10% would be considered a reasonable guide for highlighting variances.

The Council may also wish to adopt a value rather than a percentage or incorporate a minimum value threshold into the materiality consideration.

This amount should not be so high as to allow important variances to go unnoticed and by the same token should not be so low as to cause administrative headaches.

As a guide, an overall level, based upon total revenue of Council could be employed and we provide the following as a guide:

<i>Less than \$2,000,000</i>	<i>\$2,000</i>
<i>\$2,000,000 to \$4,000,000</i>	<i>\$5,000</i>
<i>\$4,000,000 to \$6,000,000</i>	<i>\$10,000</i>
<i>Above \$6,000,000</i>	<i>As Decided'</i>

The manual notes that these levels are subjective and must be used as a guide only. The amount alone does not dictate whether an item is material and that disclosures should be adjusted where necessary.

The current material variances utilised by the Council appear to be working well and meeting legal and practical requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr G Messmer:

That material financial variances for the 2010/2011 financial year be set at:

- 1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.**
- 2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.**

CARRIED (9/0)

NO. 61/10

11.5 EXECUTIVE SERVICES REPORTS

11.5.1 STRUCTURAL REFORM

File No:	N14264
Attachments:	Regional Transition Group Agreement WALGA Infopage 10 March 2010
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	23 March 2010

PURPOSE

The purpose of this report is to seek the Council's consideration and resolution on the Minister for Local Government's request for '...like minded local governments with a clear staged path to voluntary reform ...' to form Regional Transition Groups.

BACKGROUND

By letter dated 2 February 2010, the Minister for Local Government the Hon John Castrilli MLA advised the Shire President Cr Clements that he would like Local Governments to consider entering into an agreement to form Regional Transition Groups to enable such groups to assist the development of Regional Business Plans.

All Councillors are fully aware of the process that has been undertaken by the Minister and all Western Australian Local Governments to arrive at the present position. Nevertheless, a brief summary follows.

In February 2009 the Minister for Local Government announced wide ranging local government reform strategies. The strategies were aimed at achieving greater capacity for local governments to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The reform strategy involved local governments in firstly completing a Structural Reform Checklist which sought local governments' responses in a number of areas including Long Term Strategic Planning, Asset and Infrastructure Management Planning and Future Financial Viability and Planning.

The completed Structural Reform Checklists were examined by Department of Local Government officers and then scored as either a one, two or three. The Shire of Plantagenet was scored as a 'one' which was defined as:

'Evidence indicates that there is existing organisational and financial capacity to meet current and community needs. Local Governments should still consider reform opportunities which enhance service provision to local and regional communities.'

Subsequently all Councils were required to prepare individual Structural Reform Submissions.

At its meeting held on 11 August 2009 the Council resolved:

'That in the opinion of the Shire of Plantagenet the best structural reform outcome for the Southern Link Voluntary Regional Organisation of Councils is that the member Councils of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet indicate their willingness to amalgamate and form one local government.'

STATUTORY ENVIRONMENT

Part 8 (Scrutiny of the affairs of local governments) of the Local Government Act 1995 (Division 1 Inquiries by the Minister or an authorised person) gives the Minister far reaching powers *'...to inquire into all local governments and their operations and affairs,'* through the departmental CEO.

Further, Schedule 2.1 (Provisions about creating, changing the boundaries of, and abolishing districts) of the Act provides that *'a proposal'* may be made to the Advisory Board by the Minister, an affected local government, or two or more affected local governments.

CONSULTATION

Extensive consultation took place to assist the Council arrive at its position. Councillors are specifically referred to the Minutes of the ordinary meeting of the Council held 11 August 2009 at Resolution 231/09.

FINANCIAL IMPLICATIONS

Financial implications for amalgamation would be integral to any business case, including pre and post comparisons.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result 5 (Strategic Planning) notes that an aim of the Council:

'...is to develop strategic partnerships, fostering regional cooperation and coordinate the long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.'

OFFICER COMMENT

The Shires of Cranbrook and Kojonup have indicated that they are not willing to amalgamate and form one local government although the Shire of Broomehill-Tambellup has indicated its willingness to do so, along with Plantagenet.

However, there has been uncertainty in the local government industry as to what specifically the Minister may propose. Even a resolution to form a Regional Transition Group (RTG) is likely to fail in the long run due to poll provisions in the Local Government Act.

It is extremely unlikely that many Councils will sign an agreement. In fact, an email received from the Western Australian Local Government Association (WALGA) dated 10 March 2010 advises local governments that unless they are genuinely prepared to countenance an amalgamation outcome they should not be signing up to participate in a RTG. The correspondence from WALGA is attached.

The Shire of Plantagenet, by resolution, is prepared to examine amalgamation. So is the Shire of Broomehill-Tambellup. As Broomehill-Tambellup and Plantagenet do not share any boundary, any amalgamation would be impossible without the acquiescence of at least Cranbrook.

In any case, whether either Council is prepared to sign a RTG Agreement that required the development of a Business Plan *after* the intention to amalgamate was specified is unlikely.

It will therefore be recommended that the Minister for Local Government be advised that the Shire of Plantagenet, although well disposed toward the amalgamation of the member councils of the Southern Link VROC as set out in the Structural Reform Submission adopted by the Council at a Special Meeting held on 15 September 2009, is unable to sign such an agreement due to two of those VROC members being unprepared to join as a signatory.

It will be further recommended that the Minister be advised that the member councils would be prepared to consider entering into a funding agreement in the first instance to undertake the development of a Regional Business Plan provided that agreed criteria could be developed as to the veracity of such a plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr L Handasyde:

That the Minister for Local Government be advised:

- 1. The Shire of Plantagenet, although well disposed towards the investigation of amalgamation with neighbouring Councils of similar size and outlook is nevertheless unable to sign the proposed Regional Transition Group Agreement due to:**
 - a) Nearby Councils not being prepared to enter into such an agreement; and**
 - b) Although noting the ability to opt out of the Agreement, the concept of endorsing amalgamation prior to investigation appears contrary to good business practice.**
- 2. The Council would be prepared to enter into a state funded agreement with the State Government to prepare a Business Case for amalgamation based on agreed social, economic and environmental measures.**

3. The Shire of Plantagenet believes that any proposal to force amalgamations with unwilling partners will create countervailing forces which will work against reform of the sector.

CARRIED (9/0)

NO. 62/10

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

Nil

15 CLOSURE OF MEETING

3:03pm The Presiding Member declared the meeting closed.

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