



ORDINARY MINUTES

DATE: Tuesday, 28 September 2010

TIME: 2:45pm

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

2.52pm 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 S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mrs Linda Sounness	Executive Secretary
Mrs Sharon Lynch	Senior Administration Project Officer
Mr Brendon Webb	Accountant

Apologies

Cr B Bell

Previously Approved Leave of Absence:

Cr G Messmer – 28 September 2010, 11 to 23 December 2010 inclusive

There was one (1) member of the public present

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or

fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1.1 ANDREW WOODROFFE – SKYFARMING PTY LTD – MOUNT BARKER COMMUNITY WINDFARM UPDATE

Ladies and Gentlemen

An update on the Mount Barker Community Windfarm

- Just over six months ago, we held a public meeting in the Plantagenet Shire Offices to update people and to offer an opportunity to invest in the project by way of shares in Mt Barker Power Company Pty Ltd.
- Over the following 3 months, we managed to raise sufficient equity.
- Raising the debt proved more problematic and we ended up getting financial closure by having the top 3 investors become debt providers as well.
- And on 23 August 2010, we held the first AGM for Mt Barker Power Company at the Shire Offices.
- We have now ordered the wind turbines from Enercon.
- Last Thursday, Mt Barker Power Company and Synergy signed off on a 15 year Power Purchase Agreement for the electricity and Renewable Energy Certificates generated by the windfarm.

- On the same day, payment for the achievement of grant milestones 2 and 3 (of six) was made.
- The tender for the roads was awarded to Tricoast of Albany and for the foundations to Cenwest who have worked on foundations for Enercon before.
- Also, works on site commenced today and SkyFarming, the project manager, now has a site office in Mount Barker.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Michael Skinner disclosed a Financial Interest (Section 5.60(A) and Section 5.61 LGA) – farming 400 head of cattle – in Item 14.1.1.

Cr Jeff Moir disclosed a Financial Interest (Section 5.60(A) and Section 5.61 LGA) – cattle farmer and employee of Landmark – in Item 14.1.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr S Etherington:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 7 September 2010 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 232/10

8 COMMITTEE MINUTES

Moved Cr L Handasyde, seconded Cr M Skinner:

That the Minutes of:

Great Southern Regional Cattle Saleyards Advisory Committee – Meeting – 7 September 2010

RoadWise Steering Committee – Meeting – 2 September 2010

be received.

CARRIED (7/0)

NO. 233/10

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 13 September 2010 – I presented the second place Rates Prize.
- 17 September 2010 – Ms Selesnew and I attended the hand over of the Lotteries cheque for the Mount Barker Skate Park at the Mount Barker Community College and also attended the Kendenup School to present the Lotteries cheque for the Kendenup Skate Park.
- 20 September 2010 – I welcomed the Governor of WA to an afternoon reception held at the Banksia Farm which was attended by a number of local people, Councillors and staff.
- 21 September 2010 – Ms Selesnew and I attended the ‘Turning of the Soil’ by the Governor of WA at the Kendenup Skate Park site.

The Shire President advised the Council that Ranger Ray Parry had received the WA Ranger’s Association, 2010 Ranger of the Year Award. The Shire President asked the CEO to extend the Council’s congratulations to Ray for this outstanding achievement.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 20 September 2010 – attended the afternoon reception with the Governor of WA.

Cr S Etherington

- 20 September 2010 – attended the afternoon reception with the Governor of WA.
- 20 September 2010 – attended the Annual General Meeting of the Mount Barker Tourist Bureau Inc.

Cr A Budrikis

- 26 September 2010 – attended the official opening of Great Southern Institute of Technology, Mount Barker Regional Artists ‘Off the Beaten Brush’.

Cr L Handasyde

- 20 September 2010 – attended the afternoon reception with the Governor of WA.
- 21 September 2010 – attended the ‘Turning of the Soil’ by the Governor of WA at the Kendenup Skate Park site.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 DELEGATION OF AUTHORITY FOR PLANNING MATTERS – RELOCATED HOUSE

File No:	N15790
Attachments:	<u>Instrument of Delegation - LG035 TP/SDC/5 - Housing - Relocation of Houses</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	28 September 2010

PURPOSE

The purpose of this report is to consider a proposal to amend the existing delegation for planning powers (LG035) to include a delegation for the approval of relocated houses in areas outside of Mount Barker and the rural villages.

BACKGROUND

This particular delegation (LG035) which relates to planning matters has been amended from time to time and as part of the normal annual review of the Council's delegations.

This current proposal suggests an inclusion that relates to the Council's Policy on Relocated Houses TP/SDC/5 which was reviewed by the Council on 15 June 2010.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 3 (TPS3) – Clause 7.7 – as follows:

'7.7 DELEGATION OF FUNCTIONS

7.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

7.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 7.7.1.

7.7.3 *The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.*

7.7.4 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegations made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.'*

Local Government Act 1995

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

It is proposed that the alteration be added to delegation LG035 in the Council's Delegation Register.

STRATEGIC IMPLICATIONS

The adjustment to the existing delegations will enable relevant matters to be considered in a timely manner.

OFFICER COMMENT

The ability for Councils to delegate planning powers has been in existence in the Government's Model Scheme Text for some time and Councils throughout the State have introduced a delegation clause into their respective Town Planning Schemes as did the Shire of Plantagenet in November 2004. The proper use of delegations can work extremely well, meaning a good deal of minor planning items do not need to be placed before the Council. This means the Council time is freed up to deal with the more important strategic and policy related issues.

The proposed alteration is to introduce a new part 18 as follows:

'18. Approve proposals for the erection of relocated houses outside of Mount Barker and the rural villages provided the relevant standards of Council Policy TP/SDC/5 (Housing – Relocation of Houses) are applied.'

The reason for this alteration to the delegation is to allow staff to process proposals for relocated houses in the rural districts of the Shire. It will not apply to proposals in Mount Barker or the rural villages of Kendenup, Narrikup, Rocky Gully or Porongurup where such applications will be referred to the Council for a decision.

The proposed alteration to the delegation requires the relevant standards of policy TP/SDC/5 are to be applied in any decisions made. The delegation is made to the Chief Executive Officer.

VOTING REQUIREMENTS

Absolute Majority – clause 7.7.3 of TPS3

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr S Grylls:

That delegation LG035 be amended to include a new part 18 as follows:

- '18. Approve proposals for the erection of relocated houses outside of Mount Barker and the rural villages provided the relevant standards of Council Policy TP/SDC/5 (Housing – Relocation of Houses) are applied.'**

CARRIED (7/0)

NO. 234/10

(Absolute Majority)

11.2 WORKS AND SERVICES REPORTS

11.2.1 LOT 9 ORMOND ROAD, MOUNT BARKER - AFFIX COMMON SEAL

File No:	N15958
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Lynch Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	28 September 2010
Applicant:	Harley Global

PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lot 12 Ormond Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 9 as Harbour Queen Pty Ltd.

The Manager Development Services considered the proposed two lot residential subdivision of Lot 9 Ormond Road in August 2009 in accordance with Council Delegation LG035.

The subdivision was supported subject to a number of conditions including:
'A stormwater disposal system being designed and certified by a civil engineer. Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the specifications of the Manager Works and Services.'

On 26 August 2010 an application was received from the applicant to clear the conditions of the subdivision imposed by the Western Australian Planning Commission (WAPC) Ref.140260.

To satisfy the stormwater condition the Manager Works and Services requested as part of the engineer's report that a notice be put on the land title to inform all prospective owners of their legal requirement to contain stormwater on site.

STATUTORY ENVIRONMENT

Transfer of Land Act 1893
Local Government Act 1995
Planning and Development Act 2005
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

FINANCIAL IMPLICATIONS

The subdivision clearance fee of \$134.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Council Delegation LG035 does not allow for the Shire President and Chief Executive Officer to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1995 which informs all prospective owners of their legal requirement to contain stormwater on site.

This authority is now sought for a subdivision clearance to be issued.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr S Etherington:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1983 between Harbour Queen Pty Ltd and Shire of Plantagenet pertaining to the creation of proposed Lot 12 Ormond Road, Mount Barker.

CARRIED (7/0)

NO. 235/10

11.2.2 CLOSURE OF UNNAMED ROAD RESERVE - SPENCER ROAD

File No: N15050
Attachments: [Site Plan](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Lynch
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 28 September 2010

PURPOSE

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to close a section of unconstructed road reserve between Lot 4961 and Unallocated Crown Land (UCL) to the west of the Narrikup townsite.

A further purpose of this report is to recommend that the Minister for Lands makes the necessary orders to close the section of road permanently.

BACKGROUND

The Council at its meeting held on 9 March 2010 resolved:

'That:

1. Pursuant to Section 58 of the Land Administration Act 1997 notice be given of the proposal to permanently close the section of the unnamed north-south road reserve between Lot 4961 and Unallocated Crown Land west of the Narrikup townsite, as shown on appendix 1 attached.

2. A further report be prepared for the Council's consideration at the conclusion of advertising at its meeting on or before the ordinary meeting of the Council to be held 25 May 2010.'

The report also proposed that the road reserve be amalgamated with the adjoining farmland at Lot 4961.

STATUTORY ENVIRONMENT

Section 58 of the Land Administration Act 1997 relates to the permanent closure of roads.

EXTERNAL CONSULTATION

Public notice was provided in the Albany Advertiser on 27 April 2010, as required pursuant to Section 58 of the Land Administration Act 1997. A copy of the notice was also placed on the administration noticeboard and noticeboards at the Mount Barker and Rocky Gully Libraries.

Written notice of the proposal was provided to each person as prescribed for the purposes of Section 58 of the Land Administration Act 1997, inviting submissions to be forwarded to the Shire in writing, with the following responses received:

No Objection to Proposal:

- Water Corporation;
- Western Power;
- WestNet Energy;
- Telstra;
- Department of Planning;
- John and Glenys Steel; and
- Judith Bridgeman.

The Department of Regional Development and Lands has no objections to the proposal for road closure and amalgamation at this stage. However, the Department has indicated that it will need to see the responses from other Government Departments.

Correspondence was also received from Mr Joe Plowright who raised questions regarding access for fire trucks around the perimeter of the UCL especially as the land surrounds the Narrikup townsite.

FINANCIAL IMPLICATIONS

There will be administrative costs in the closure of the road reserve. It is estimated that this will cost approximately \$200.00 and be charged to account 20261.0312 (Public Works Overheads – Other Operating Costs).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Amalgamation of the unconstructed road reserve with the adjoining farmland at Lot 4961 has raised a number of issues including the requirement for the land to be purchased, costs relating to the relocation of fencing and the creation of a new firebreak in the UCL. Therefore it is recommended the unconstructed road reserve be amalgamated into the adjoining UCL rather than Lot 4961.

The Department of Planning has confirmed it has no objections to the road reserve being amalgamated with the adjoining UCL. The landowners of Lot 4961 have also confirmed their agreement to this change in proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. The Minister for Lands be requested to permanently close the section of unnamed road reserve between Lot 4961 and Unallocated Crown Land to the west of the Narrikup townsite as shown on the attached plan dated 16 September 2010 under Section 58 of the Land Administration Act 1997.
2. The closed portion being amalgamated into the adjoining Unallocated Crown Land by the Department of Regional Development and Lands.

CARRIED (7/0)

NO. 236/10

11.2.3 POLICY REVIEW - SCHOOL BUS ROUTES

File No:	N15952
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Lynch Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	28 September 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/R/10 – School Bus Routes.

BACKGROUND

This policy was last reviewed by the Council on 14 October 2008.

Council Policy I/R/10 – School Bus Routes reads as follows:

OBJECTIVE:

To provide clear guidelines to staff, School Bus Coordinators and members of the public relating to applications for and changes to School Bus Routes.

POLICY:

The Council will, with regard to School Bus Routes require:

- 1. A minimum of fourteen working days after the submission of application for the approval of School Bus Routes.*
- 2. Notification of alterations to School Bus Routes yearly by receipt of an updated map from each school highlighting any changes made by 28 February each year and that a new map be forwarded each year regardless of whether a change has occurred or not.'*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The review of this Policy is presented to the Council as part of the ongoing Council Policy review cycle.

STRATEGIC IMPLICATIONS

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

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

To achieve this we will:

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

OFFICER COMMENT

It is considered that the current policy is adequate, however the words 'to staff, School Bus Coordinators and members of the public' have been removed from the objective as they are considered unnecessary.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That amended Council Policy No. I/R/10 – School Bus Routes as follows:

OBJECTIVE:

To provide clear guidelines relating to applications for and changes to School Bus Routes.

POLICY:

The Council will, with regard to School Bus Routes require:

1. A minimum of 14 working days after the submission of application for the approval of School Bus Routes.
2. Notification of alterations to School Bus Routes yearly by receipt of an updated map from each school highlighting any changes made by 28 February each year and that a new map be forwarded each year regardless of whether a change has occurred or not.'

be endorsed.

CARRIED (7/0)

NO. 237/10

11.3 COMMUNITY SERVICES REPORTS

Nil

11.4 CORPORATE SERVICES REPORTS

11.4.1 LIST OF ACCOUNTS - AUGUST 2010

File No: N15802
Attachment: [List of Accounts August 2010](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 28 September 2010

PURPOSE

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

If Councillors have any queries in relation to any of these payments, please contact the Deputy Chief Executive Officer, John Fathers.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 August 2010 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$591,043.06;
- b. Municipal Cheques 41292 - 41300 and 41302 - 41367 totalling \$29,691.26;
and
- c. Cheque 41301 was cancelled.

CARRIED (7/0)

NO. 238/10

11.4.2 FINANCIAL STATEMENTS - AUGUST 2010

File No:	N15876
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	28 September 2010

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending August 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 ie: surplus/deficit position.

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That the Financial Statements for the period ending August 2010 be received.

CARRIED (7/0)

NO. 239/10

**11.4.3 STRATA LOT 42 VALLEY VIEW TREE FARM ALBANY HIGHWAY,
MOUNT BARKER – AFFIX COMMON SEAL TO A WITHDRAWAL OF
CAVEAT**

File No: N15934
Attachment: [Withdrawal of Caveat document](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Ward
Rates Officer
Proposed Meeting Date: 28 September 2010

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to a Withdrawal of Caveat document, relating to Strata Lot 42, Valley View Tree Farm, Albany Highway, Mount Barker.

BACKGROUND

As part of the Council's debt collection procedures, caveats are sometimes lodged against titles of properties where rates have remained outstanding for a number of years. In June 2007 a number of caveats were lodged against properties contained within the Valley View Tree Farm located on Albany Highway, Mount Barker.

Since 2007, the owner of Strata Lot 42, Valley View Tree Farm has been paying off an outstanding debt. Only the current year's rates remain unpaid. This lot has now been sold with settlement due on 1 October 2010 and as part of the settlement process, any lodged caveats need to be withdrawn. All outstanding moneys will be paid at the time of settlement.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The outstanding rates for this property currently stand at \$718.34, which will be paid at the time of settlement.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The caveat was lodged on this property in June 2007 and the owner has been paying off the outstanding rates. The withdrawal of the caveat will allow for the sale of the land to be completed and the remaining rates outstanding to be paid.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Withdrawal of Caveat document which relates to Assessment 140806, Strata Lot 42 Albany Highway, Mount Barker.

CARRIED (7/0)

NO. 240/10

11.4.4 ELECTIONS 2011 - LOCAL GOVERNMENT - METHOD OF VOTING

File No: N15946
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 28 September 2010

PURPOSE

The purpose of this report is to appoint the Western Australian Electoral Commission to be responsible for the conduct of the October 2011 Ordinary Local Government Elections, and to endorse those elections to be conducted as postal ballots.

BACKGROUND

The Council has used the Western Australian Electoral Commission to conduct postal voting elections for every election held since May 1988.

STATUTORY ENVIRONMENT

Section 4.61 (1) of the Local Government Act 1995 states:

'The election can be conducted as a -

"postal election" which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

"voting in person election" which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.'

Section 4.61 (2) of the Local Government Act 1995 states:

'The Local Government may decide (absolute majority required) to conduct the election as a postal election.'

Section 4.20(4) of the Local Government Act 1995 states:

'A Local Government may, having first obtained the written agreement of the Electoral Commissioner, declare (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.'

FINANCIAL IMPLICATIONS

An amount of approximately \$20,000.00 would need to be allocated in the 2011/2012 budget for the conduct of the 2011 elections. Costs not included in this estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- One local government staff member to work in the polling place on election day.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Council has used the Western Australian Electoral Commission to conduct postal voting elections for every election held since May 1988. The conduct of the elections has been to a high standard. It is also preferable for the administration to be removed from the process.

It is therefore recommended that October 2011 elections be held as a postal ballot, to be conducted by the Electoral Commission of Western Australia.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. In accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner of Western Australia be responsible for the conduct of the Shire of Plantagenet 2011 Ordinary Local Government Elections together with any other elections or polls which may also be required.
2. In accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the election will be as a postal election.

CARRIED (7/0)

NO. 241/10

(Absolute Majority)

11.5 EXECUTIVE SERVICES REPORTS

Nil

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr M Skinner, seconded Cr S Etherington
That new business of an urgent nature, namely Regional and Local Community Infrastructure Program Grant – Round 3 be introduced to the meeting.

CARRIED (7/0)

NO. 242/10

13.1 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM GRANT - ROUND 3

File No: N15342
Attachments: RLCIP guidelines and crane photos
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 28 September 2010

PURPOSE

The purpose of this report is to consider a project suitable for the remaining \$15,000.00 of Round 3 of the Regional and Local Community Infrastructure Program (RLCIP) 2010/2011.

BACKGROUND

On 18 June 2010, the Australian Government made an additional \$100 million available to boost the Regional and Local Community Infrastructure Program (RLCIP).

The Council has previously received \$30,000.00 from the RLCIP program which was used towards the refurbishment of the Lesser Hall. This project came in under budget and the Council has sought an agreement variation so that the unspent funds can be used as follows:

- Additional Safety lighting at swimming pool - \$4,841.00;
- HACC – New external door, new flyscreen and paving adjustment - \$3,300.00.

At its meeting held on 27 July 2010, the Council resolved that the following project(s) be endorsed as the Council's submission for Round 3 of the Regional and Local Community Infrastructure Program:

1. Forest Hill Hall – Improvements to a maximum contribution of \$15,000.00.
2. Gravel Footpath on Lowood Road between Albany Highway and the Mount Barker Cooperative fuel bowsers (on curve) – approximate \$15,000.00.

The Council has since been advised that the gravel footpath is ineligible as the pathway is associated with a road and is located within the road reservation. The Council is therefore requested to determine a suitable project for the remaining \$15,000.00. The project must be lodged by 30 September 2010.

FINANCIAL IMPLICATIONS

The income of \$15,000.00 will be offset by similar expenditure.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The guidelines for the type of project eligible have been received (copy attached), the main points being summarised below:

- Eligible projects must be additional projects or additional stages of current projects and represent value for money.
- Additional projects are those which have not been included in the local government's financial budget for 2010/2011.
- Projects need to be ready to begin construction within six months of signing the Funding Agreement (contract).
- Councils must not commence their RLCIP project until they have received a Funding Agreement executed by the Commonwealth.
- Councils are encouraged to consider projects that:
 - Address the needs of the local indigenous population;
 - Address environmental sustainability and how their RLCIP activities will promote green building technologies, design practices and operations and preparing for climate change impacts; and
 - Involve collaboration with neighbouring councils including joint-projects.
- Councils can also sponsor projects on behalf of not-for-profit community organisations.

Eligible Categories of Infrastructure

Funding will be provided to Councils for community infrastructure, including new construction and major renovations or refurbishments of assets such as:

- Social and cultural infrastructure (eg: art spaces, gardens)
- Recreational facilities (eg: swimming pools, sports stadiums)
- Tourism infrastructure (eg: walkways, tourism information centres);
- Children, youth and seniors facilities (eg: playgroup centres, senior citizens' centres);
- Access facilities (eg: boat ramps, footbridges); and
- Environmental initiatives (eg: drain and sewerage upgrades, recycling plants).

Funding can be used for construction for new or upgraded facilities and refurbishment and fit out. Funding cannot be used for ongoing costs (eg: operational costs and maintenance).

A list of possible options for funding follows:

1. Crane in Lowood Road Roundabout – sandblasting, paint, weld, concrete footings, crane hire, historical plaque, earthworks and engineer sign-off.

It is considered that the sandblasting, painting and erection of the old depot crane in the roundabout nearest the administration office is the most suitable option. The approximate complete cost of this project is \$16,500.00 which still leaves a shortfall, which could be resolved in a future budget review. Photos of the old crane are attached for reference. It is anticipated that this project will meet the public art criterion of the program.

2. Construct Wildflower Walk South (Mondurup Trail) – approximate \$44,300.00.
3. Construct Wildflower Walk – Banksia Farm Connection – approximate \$15,800.00.
4. Construct Tower Hill Trail – approximate \$69,690.00.

The Council has previously approved the design and location of walking trails in the Trail Development Plan completed in 2008. A sum of \$30,000.00 could be used for all of Option 2 (with another project) or part of options 1 and 3. Some elements of options 1 and 3 could be deferred, or the Council could possibly link with South Coast NRM or Pardelup Prison to make up the shortfall.

It is important that a decision is made quickly to ensure that the application is lodged by 30 September 2010.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the refurbishment and erection of the old railway station crane in the Lowood Road roundabout be endorsed as the Council's amended submission for the remaining part of Round 3 of the Regional and Local Community Infrastructure Program.

CARRIED (7/0)

NO. 243/10

14 CONFIDENTIAL**14.1 WORKS AND SERVICES REPORTS****14.1.1 TENDER C02-1011 - LEASE GREAT SOUTHERN REGIONAL CATTLE SALEYARDS CANTEEN**

A Financial/Indirect Financial Interest was disclosed by Cr M Skinner.
Nature and extent of interest: Cattle Farmer - 400 head of cattle.

A Financial/Indirect Financial Interest was disclosed by Cr J Moir.
Nature and extent of interest: Cattle Farmer and casual employee of Landmark.

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

Approval has been received from the Department of Local Government (formerly the Department of Local Government and Regional Development) via a letter dated 17 December 2009 giving permission for Cr M Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards from 16 December 2009 to 31 December 2010.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No: N15932
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo Fawcett
Debtors/Creditors Officer
Proposed Meeting Date: 28 September 2010

PURPOSE

The purpose of this report is to consider the outcome of the tender process for the lease of the Canteen at the Great Southern Regional Cattle Saleyards (the Saleyards).

OFFICER RECOMMENDATION/COUNCIL DECISION**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr J Moir, seconded Cr L Handasyde:

3.16pm That this matter be considered in the confidential component of this meeting due to a contract being 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 (7/0)

NO. 244/10

MOTION TO PROCEED IN PUBLIC

Moved Cr J Moir, seconded Cr L Handasyde:

3.17pm That the meeting proceed in public.

CARRIED (7/0)

NO. 245/10

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr S Grylls:

That:

1. The tender submitted by Mr M Dumbrell and Ms C Porter for the lease of the Canteen at the Great Southern Regional Cattle Saleyards at a rate of \$70.00 per sale day (inc GST), be accepted.
2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a lease of the saleyards canteen to Mr M Dumbrell and Ms C Porter for a term of three years.

CARRIED (7/0)

NO. 246/10

15 CLOSURE OF MEETING

3:18pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____