



## **ORDINARY MINUTES**

**DATE:** Tuesday, 30 November 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

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

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

### Members Present:

Cr K Clements                      Shire President

### In Attendance:

Mr Rob Stewart                      Chief Executive Officer

### Adjournment due to lack of Quorum

At the expiration of thirty minutes after the scheduled commencement time, there being no quorum present, the Shire President adjourned the meeting to recommence at 3:30pm on 30 November 2010, pursuant to Regulation 8 of the Local Government (Administration) Regulations 1996.

## RESUMPTION

3:30pm              The Presiding Member reconvened the adjourned meeting.

### Members Present:

Cr K Clements                      Shire President  
Cr M Skinner                      Deputy Shire President  
Cr S Etherington                      Councillor  
Cr L Handasyde                      Councillor  
Cr G Messmer                      Councillor  
Cr J Moir                      Councillor (from 3:31pm)  
Cr S Grylls                      Councillor (from 3:37pm)

### In Attendance:

Mr Rob Stewart                      Chief Executive Officer  
Mr Dominic Le Cerf                      Manager Works and Services  
Mrs Linda Sounness                      Executive Secretary  
Mr Rob Stewart                      Chief Executive Officer  
Mr John Fathers                      Deputy Chief Executive Officer  
Ms Nicole Selesnew                      Manager Community Services  
Mr Vincent Jenkins                      Planning Officer

### Apologies

Cr Bell  
Cr Budrikis

### Previously Approved Leave of Absence:

Cr G Messmer – 11 to 23 December 2010

There were three (3) members 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.'

3:31pm Cr J Moir entered the meeting.

### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

#### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

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

#### **4.1.1 MR VINCENT MIDDLETON**

Mr Middleton spoke to Item 11.1.1 Lot 91 Booth Street, Mount Barker – Two Relocated Grouped Dwellings.

#### **4.1.2 DR VICTOR SEAH**

Dr Seah spoke on behalf of the Mount Barker Tourist Bureau Inc.(MBTC), and gave an update of the Bureau's activities and an outline of correspondence that had been forwarded to all Councillors and the Chief Executive Officer.

The Annual General Meeting of the MBTC was held in September with Dr Seah returned as Chairman.

Dr Seah advised that the MBTC had an ongoing will to see dedicated visitor servicing and drew the Council's attention to the lease of the railway building for this purpose.

The MBTC's plan was a six week break over winter and to staff the Visitor Centre with volunteers in October. This was deferred until November.

The aim is to provide seven day visitor servicing, and this will occur when there is a sustainable level of volunteer staff. Visitor servicing is currently being offered four days per week, Thursday through to Sunday.

The MBTC has recently made improvements to its website which now boasts excellent graphics and a calendar of events page.

Dr Seah commented that the MBTC has great Board members who remain positive and focussed.

3:37pm Cr S Grylls entered the meeting

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

## **7 CONFIRMATION OF MINUTES**

**Moved Cr L Handasyde, seconded Cr G Messmer:**

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

**CARRIED (7/0)**

**NO. 294/10**

## 8 COMMITTEE MINUTES

Moved Cr G Messmer, seconded Cr M Skinner:

That the Minutes of:

RoadWise Steering Committee Meeting – 4 November 2010; and

Audit Committee Meeting – 22 November 2010

be received.

CARRIED (7/0)

NO. 295/10

## 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 17 November 2010 – Ms Selesnew and I met with members of the Wetlands Development Group to discuss the layout of the wetlands next to Albany Highway at Centenary Park.
- 21 November 2010 – Attended the Pink Ladies Day at Frost Park.
- 22 November 2010 – Attended the Audit Committee Meeting held at the Auditor's Offices in Albany.
- 24 November 2010 – Cr Handasyde, Mr Stewart and I attended the VROC meeting at Tambellup.
- 26 November 2010 – Cr Handasyde, Mr Stewart and I attended the Great Southern Zone WALGA AGM and General meeting in Albany.
- 26 November 2010 - Along with Terry Redman, Councillors, Staff, TIRES members and members of the public, I attended the completion ceremony for Spencer Road.
- 29 November 2010 – I attended a meeting of the Community Resource Centre.

## 10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 10 November 2010 – Attended the Opening of the Cemetery Extension.
- 22 November 2010 – Attended an Audit Committee Meeting at Auditor's Offices in Albany.
- 26 November 2010 – Attended the Opening Ceremony for Spencer Road.

Cr Sue Etherington

- 26 November 2010 – Attended the Opening Ceremony for Spencer Road.

Cr S Grylls

- 26 November 2010 – Attended the Opening Ceremony for Spencer Road.

Cr G Messmer

- 10 November 2010 – Attended the Opening of the Cemetery Extension.
- 26 November 2010 – Attended the Opening Ceremony for Spencer Road.

Cr L Handasyde

- 10 November 2010 – Attended the Opening of the Cemetery Extension.
- 24 November 2010 – Attended the VROC meeting at Tambellup.
- 26 November 2010 – Attended the Great Southern Zone WALGA AGM and General meeting.
- 26 November 2010 – Attended the Opening Ceremony for Spencer Road.

## 11 REPORTS OF COMMITTEES AND OFFICERS

### 11.1 DEVELOPMENT SERVICES REPORTS

#### 11.1.1 LOT 91 BOOTH STREET, MOUNT BARKER - TWO RELOCATED GROUPED DWELLINGS

<b>File No:</b>	<b>N1670</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Survey Strata Subdivision Plan</a> <a href="#">Strata Lot 1 - Floor Plan</a> <a href="#">Strata Lot 1 - Elevations</a> <a href="#">Strata Lot 2 - Floor Plan</a> <a href="#">Strata Lot 2 - Elevations</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>30 November 2010</b>
<b>Applicant:</b>	<b>Vincent Middleton</b>

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#### **PURPOSE**

The purpose of this report is to consider an application for two relocated grouped dwellings at Lot 91 Booth Street, Mount Barker.

#### **BACKGROUND**

Council records show the registered owner of Lot 91 Booth Street is V Middleton.

Survey-strata Plan 53596 was approved for the property by the WAPC on 26 March 2008 (see survey strata subdivision plan attached) creating two survey strata lots.

An application for two new grouped dwellings on this property was approved by the Council on 24 July 2007. That approval was valid for two years and expired on 24 July 2009.

This proposal involves two relocated grouped dwellings. One house is currently located at Chittering Road, Bullsbrook and will be relocated to Strata Lot 1 and another house currently located at Beenyup Road, Byford will be relocated to Strata Lot 2. The proponent intends to provide affordable accommodation suitable for first home owners, young persons renting or retirees.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential R10/20 – Grouped Dwelling is a discretionary 'SA' use under TPS3.

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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 one submission has 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.'*

Residential Design Codes (RCodes).

Dividing Fences Act 1961

### **EXTERNAL CONSULTATION**

The proposal was advertised for comment for a 21 day period closing on 18 November 2010. Letters were sent to 6 adjoining and nearby land owners, notices were placed in the Albany Advertiser, Plantagenet News and the Council's noticeboard and one sign placed on site. At the close of the advertising period one submission was received from the owner of adjoining property to the west (Lot 92). The owner (Department of Housing) requested the proposed house on Strata Lot 1 to be setback in accordance with Table 2a of the RCodes or the western wall of the house to be fire safety engineered.

### **FINANCIAL IMPLICATIONS**

The application fee of \$563.64 and a bond of \$500.00 for advertising costs have been paid. In addition a \$20,000.00 bond (\$10,000.00 per dwelling) will be required for the two relocated houses as a condition of approval.

### **POLICY IMPLICATIONS**

Council Policy No. TP/SDC/5 – Housing – Relocation Second Hand Houses – requires various conditions to be satisfied including a bond, engineer's certification and removal of asbestos cladding if being brought into the Shire. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

### **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**

Lot 91 is currently vacant. The survey-strata subdivision consists of two survey strata lots located in tandem. Strata Lot 1 is located at the front and is 496m<sup>2</sup> in area. Strata Lot 2 is located at the rear and is 547m<sup>2</sup> in area. Access to Strata Lot 2 is by way of a 4m wide battleaxe.

The proposal meets the majority of the standards required for this R20 development set by the RCodes with the exception of the side boundary setbacks for the proposed house at Strata Lot 1. The required side boundary setbacks are 1.0m from the western boundary with Lot 92 and 1.5m from the eastern boundary with the battleaxe. In this instance the house is setback 0.15m from the western side boundary and 0m from the eastern side boundary abutting the battleaxe. The proposed house location at Strata Lot 1 is likely to adversely affect the amenity, privacy and fire safety of the locality. With the possible adverse impacts mentioned, it would be preferable to adjust the house to face the battleaxe in accordance with R20 setback requirements. Alternatively the house should be altered to enable a minimum 1.0m side boundary setback to the west side boundary with Lot 92. The alteration will enable connection between the front and rear of Strata Lot 1. Privacy and fire safety will also be improved.

Other areas which would need to be addressed are proposed as conditions of approval are:

1. Enclosed storage unit for Strata Lot 1 to be relocated to be a minimum of 1.0m from all lot boundaries;
2. Enclosed storage unit for Strata Lot 2 to be relocated to the rear of the strata lot and a minimum of 1.0m from all lot boundaries;
3. Adequate clothes-drying areas to be provided for both houses; and
4. Trees will be required with a landscaping plan to formalise the street appearance.

The proposed front setback of the carport at Strata Lot 1 will be 3.3m whereas 6.0m is required by the RCodes. Considering the setback of the dwelling at 11.8m from Booth Street the averaging provisions of the RCodes means the 3.3m setback to the carport is acceptable.

The proposed single storey house to be relocated to Strata Lot 1 is to be of light construction with raised floors on stumps similar to traditional Mount Barker homes. The house is structurally sound and no asbestos material was used to construct the house. The exterior of the house will be clad in new hardiplank and painted to match the house to be relocated to Strata Lot 2. In addition, new enclosed storage unit, porch, patio and double carport will be constructed to complete development on Strata Lot 1.

The proposed single storey house to be relocated to Strata Lot 2 is to be raised on concrete footings and finished to match the house to be relocated to Strata Lot 1. The house is structurally sound and no asbestos material was used to construct the house. The existing hardiplank cladding exterior will be painted. In addition, new enclosed storage unit, porch, veranda and double carport will be constructed to complete development on Strata Lot 2.

The proponent is a registered builder and co-owns Qest Holdings, a construction and development company founded in 1998 with offices in Perth and Busselton. The proponent advises he has completed a similar development in the Shire of Harvey.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**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 relocated grouped dwellings at Lot 91 Strata Lot 1 and Strata Lot 2 Booth Street , Mount Barker be approved subject to:**

- 1. Development being in accordance with the plans dated 15 October 2010.**
- 2. Design, construction, draining and sealing of the battleaxe leg and the two access crossovers to the satisfaction of the Manager Works and Services.**
- 3. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**
- 4. The dwelling location at Strata Lot 1 being adjusted to meet the side boundary setback requirements in the Residential Design Codes or the dwelling itself being altered to ensure a minimum 1.0m side boundary setback to the boundary with Lot 92.**
- 5. All dwellings being connected to reticulated sewer and water.**
- 6. The enclosed storage units for Strata Lots 1 and 2 being a minimum 1.0m from all lot boundaries and that on Strata Lot 2 being relocated to the rear of the dwelling.**
- 7. Clothes drying areas being provided for both dwellings to the satisfaction of the Manager Development Services.**
- 8. The payment of a refundable bond of \$10,000.00 per relocated dwelling prior to the issue of building licences.**
- 9. A landscape plan being submitted to the satisfaction of the Manager Development Services prior to the dwellings being relocated.**
- 10. Dwellings not being occupied until landscaping has been completed to the satisfaction of the Manager Development Services.**
- 11. One street tree being provided in accordance with the Mount Barker Townscape Plan Review – Suggested Plant Species List to the satisfaction of the Manager Works and Services.**

**CARRIED (7/0)**

**NO. 296/10**

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**11.1.2 LOT 866 SEVENTH AVENUE, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION**

**File No:** N16577  
**Attachments:** [Location Plan](#)  
[Site Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Eric Howard  
Environmental Health Officer  
**Proposed Meeting Date:** 30 November 2010  
**Owner:** J Green and R Stan-Bishop

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**PURPOSE**

The purpose of this report is to consider an application for temporary accommodation at Lot 866 Seventh Avenue, Kendenup.

**BACKGROUND**

An application has been received from the owner of Lot 866 Seventh Avenue, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

**STATUTORY ENVIRONMENT**

Caravan Parks and Camping Ground Regulations 1997 Section (11)(2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
  - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
  - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
    - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
    - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

**FINANCIAL IMPLICATIONS**

The applicant has paid the \$100.00 application fee.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The applicant wishes to reside on site during the construction of a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation will be required for a period of up to 12 months.

Ablution facilities are to be provided within an outbuilding located adjacent to the proposed dwelling. Sewage and wastewater from the ablution facilities within the outbuilding will be connected to a septic system approved and installed for connection to the proposed dwelling when constructed.

An application for a building licence for the construction of a dwelling and outbuilding has been received.

The Council may revoke the temporary accommodation approval at any time during this approval period.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the application for temporary accommodation at Lot 866 Seventh Avenue, Kendenup be approved for a period of 12 months from 30 November 2010 subject to:**

- 1. A building licence being issued for the construction of a Class 1a dwelling on the lot.**
- 2. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.**
- 3. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

**ADVICE NOTES:**

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.**

**CARRIED (7/0)**

**NO. 297/10**

**11.2 WORKS AND SERVICES REPORTS****11.3 COMMUNITY SERVICES REPORTS****11.3.1 COMMUNITY EMERGENCY SERVICES MANAGER REVIEW**

<b>File No:</b>	<b>N16734</b>
<b>Attachment:</b>	<a href="#">CESM Report</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Nicole Selesnew</b> <b>Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>30 November 2010</b>

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**PURPOSE**

The purpose of this report is to review the Community Emergency Services Manager (CESM) position, a jointly funded position between the Shire of Plantagenet and the Fire and Emergency Services Authority (FESA).

**BACKGROUND**

The Shire and FESA entered into a Memorandum of Understanding (MOU) on 1 October 2009, with the following objectives:

- To deliver coordinated prevention programs to reduce the incidence of emergencies and improve the level of safety in the community;
- Operate to a consistent set of protocols and equipment standards;
- Provide efficient systems of communication between organisations at all levels to improve service delivery outcomes;
- Promote and support volunteer organisational arrangements that combine the spirit of volunteerism to attract and retain members;
- Provide and or coordinate the required level of training to personnel, to ensure that competencies are appropriate to the level of risk and emergencies to which volunteers will be required to respond;
- Develop a partnership that will see a best practice approach to bush fire service delivery implemented between the Shire and FESA; and
- Enhance community ownership of fire prevention and preparedness programs and activities.

Instrumental to the agreement was the employment of a CESM for a minimum three year period, to achieve these objectives. The CESM is a Shire employee, with the costs of the employee shared between the Shire and FESA. Andrew Buchanan was appointed to the CESM position on 12 November 2009.

A Business Plan has been prepared between FESA and the Shire which outlines the CESM's roles and responsibilities. The CESM reports progress towards the Business Plan outcomes twice yearly.

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## **STATUTORY ENVIRONMENT**

Local Government has a range of responsibilities under the Emergency Management Act 2005 and Bush Fires Act 1954. Part of the CESM's role is to ensure the Shire complies with this legislation.

## **EXTERNAL CONSULTATION**

Consultation occurred with FESA and the Chief Bush Fire Control Officer in the preparation of the MOU and appointment of a CESM. Both FESA and the Shire maintain a close working relationship to ensure the CESM position is meeting the required objectives.

## **FINANCIAL IMPLICATIONS**

The MOU outlines the financial obligations of the CESM position. For the first year of the program, FESA paid 100% of the CESM's salary and on-costs and the Shire was responsible for the purchase and running costs of the CESM vehicle.

In years two and three of the agreement, FESA and the Shire share the CESM's salary and on-costs (50% each) and FESA pays 100% of all sanctioned overtime and allowances. The Shire continues to be responsible for the vehicle running costs.

## **POLICY IMPLICATIONS**

While there are no policy implications for this report, the adopted Local Emergency Management Arrangements apply.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Plan, January 2003, Community Services Aim is to:

*'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'*

To achieve this aim, different options for providing community services and facilities will be considered.

## **OFFICER COMMENT**

A copy of the CESM Business Plan, as prepared by the Shire and FESA, including progress towards the program milestones is attached.

In the past twelve months there has been some level of confusion regarding the CESM's role. Issues have been raised by individual Bush Fire Brigade members relating to 'operational' activities as opposed to 'planning roles'. This has led to a recent review of the program with representatives from FESA, the past and present Chief Bush Fire Control Officers and the Deputy Chief Bush Fire Control Officer 1.

The review concluded that the position, in order to be most effective, needs to adopt a proactive planning role rather than an operational role. During the summer period this includes activities such as community education, bushfire mitigation (for example bushland reserve management and strategic firebreak programs), bushfire planning (including updating and distributing maps, the emergency services directory,

resource planning and strategic water point planning), liaison with key agencies such as the Department of Environment and Conservation, evacuation planning, ensuring Brigades are resourced for the season and specific support roles during a fire event.

It has now been agreed therefore that the use of the CESM to undertake operational activities, which are normally the function of the Bush Fire Brigades, does not fit within the parameters of the program, as agreed originally between FESA and the Shire.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That**

- 1. The Community Emergency Services Manager Progress Report for the period 12 November 2009 to 12 November 2010 be received; and**
- 2. The amended responsibilities of the Community Emergency Services Manager be noted.**

**be endorsed.**

**CARRIED (7/0)**

**NO. 298/10**

## 11.4 CORPORATE SERVICES REPORTS

### 11.4.1 LIST OF ACCOUNTS - OCTOBER 2010

**File No:** FM/65/3  
**Attachment:** [List of Accounts -October 2010](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 30 November 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 October 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.

#### VOTING REQUIREMENTS

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr G Messmer:

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 October 2010 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$537,005.07; and
2. Municipal Cheques 41437 – 41503 and 41505 - 41515 totalling \$106,641.29;
3. Trust Cheques 303 – 307 totalling \$10,891.44
4. Cancelled Cheque 41504 be noted.

be received.

**CARRIED (7/0)**

**NO. 299/10**

**11.4.2 FINANCIAL STATEMENTS - OCTOBER 2010**

<b>File No:</b>	<b>N16557</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 November 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 October 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

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3:55pm Cr S Etherington withdrew from the meeting.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr J Moir:**

**That the Financial Statements for the period ending October 2010 be received.**

3:56pm Cr S Etherington returned to the meeting.

**CARRIED (7/0)**

**NO. 300/10**

**11.4.3 AUDIT REPORT - YEAR ENDING 30 JUNE 2010**

<b>File No:</b>	<b>N16665</b>
<b>Attachment:</b>	<a href="#">2009/2010 End of Year Audit Report (Separate Attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 November 2010</b>

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**PURPOSE**

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2010.

**BACKGROUND**

On 14-17 September 2010, representatives of Lincolns Accountants and Business Advisors attended the Shire office to conduct an end of year audit for 2009/2010. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

At its meeting held on 22 November 2010, the Audit Committee resolved that it be recommended to the Council that the Annual Financial Audit and Management Report for the year ending 30 June 2010 as issued by Mr Russell Harrison of Lincolns Accountants and Business Advisors be received.

**STATUTORY ENVIRONMENT**

Section 7.12A (3) and (4) of the Local Government Act (1995) states the following:

- '(3) A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to -
- (a) determine if any matters raised by the report, or reports require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to -
- (a) prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.'

**EXTERNAL CONSULTATION**

Consultation has occurred with the Shire's auditors in regard to this report.

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**FINANCIAL IMPLICATIONS**

There are no direct 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**

A copy of the Lincoln's' Audit and Management Report will be provided at the Council meeting. Responses to the matters raised within the draft report are as follows:

Comment on Financial Position

The auditors noted that:

*"We make comment below in relation to the Shire's financial position. Our comments follow:*

- (a) *The Current Ratio disclosed at Note 18 to the Financial Report, which indicates short term solvency or liquidity, is shown to be .989 at 30 June 2010 (.649 at 30 June 2009). A current ratio of less than 1.0 indicates that current assets are insufficient to meet current liabilities. We note in this regard, that your Rate Setting Statement for the current year indicates that Council has sufficient liquidity to meet debt requirements for the 2010/11 financial year.*
- (b) *The Untied Cash to Unpaid Trade Creditors Ratio was minus .021 at 30 June 2010 (.026 at 30 June 2009). A ratio of less than 1.0 indicates that short term cash issues may arise in meeting creditor payment liabilities.*

*It should be noted that there has been an improvement from prior years of these key financial ratios."*

In recent years, the Council has recognised the financial status of the Shire and last year completed Stage One of a ten year Long Term Financial Plan (LTFP). The LTFP provides a number of broad goals, directions and guidelines for achieving long term financial sustainability, responsibly matched with the Council's capacity to deliver the improved financial outcomes including appropriate debt levels and financial ratios.

Unfortunately, this year, a number of cash based ratios have been impacted by the inability to collect rates from managed tree farm properties and the Council will be considering options to deal with this, including the adoption of a surplus budget, in its forthcoming budget deliberations. In terms of ability to meet creditor payments, the Council had access to \$750,304 in restricted funds and a \$500,000 overdraft at the end of the year, which was more than sufficient to meet the requirements, prior to 2010/2011 rates and other income being received.

Other Matters

*"We refer you to the attached audit observations and comments schedule."*

**SHIRE OF PLANTAGENET  
AUDIT OBSERVATIONS AND COMMENTS SCHEDULE  
FOR THE YEAR ENDED 30 JUNE 2010**

<b>Matter</b>	<b>Present Procedure</b>	<b>Recommendation</b>	<b>Shire's Comments</b>
Rate Debtors Listing	The Rates Debtors Listing provided for audit was a supplementary report printed following July entries being recorded. This resulted in additional audit work to reconcile the Rates Debtors Listing to the General Ledger at 30 June 2010.	We recommend that a final Rates Debtors listing be produced following the processing of all year end entries.	This list is produced as part of the Shire's end of year procedures.
Rate Valuation Reconciliations	Audit testing of the Landgate Valuer General GRV and UV revaluation reports to final values for 2009/10 rates noted unidentified property adjustments that had not been recorded on the reconciliation schedule.	We recommend that the full reconciliation records of final rate valuations be maintained to clearly identify amendments and corrections to Landgate reported valuations.	A full list of property amendments is being maintained and signed off, however a revised spreadsheet is being developed to clearly identify property amendment details and correct the property count information.
Asset Register	Audit testing of the Asset Register and General Ledger control accounts noted unreconciled items. Management were advised and corrections processed to reconcile the subsidiary ledger with the financial report.	We recommend that the General Ledger control accounts are reconciled to the Asset Register at year end prior to preparation of the financial report	An instruction has been issued to satisfy this request. Already, this full reconciliation is being done on a monthly basis.
Asset Register Depreciation	Council depreciation rates were benchmarked to the WA Local	We recommend that the asset register depreciation	This review will be carried out in the near future and the depreciation rates will be

Rates	<p>Government Accounting Manual sample listing. Please refer to our email containing specific details. Whereas most were within the broad range the following exceptions were noted;</p> <p>(i) Radio communication equip (#10412)</p> <p>(ii) Telephone system (#10750)</p> <p>(iii) Fire Trucks (#10338, #10716, #10736, #10755, #10776, #10780). The fire trucks are not being depreciated. The depreciation charge on the above items would not materially effect the financial report so no adjusting journal was requested.</p>	rates are reviewed and updated to incorporate industry accepted rates	corrected on applicable assets for the 2010/2011 financial year. In regard to fire trucks, while there is some inconsistency in the Shire's treatment of their depreciation, our former auditors advised that depreciation should not apply to these vehicles. The Shire agrees with the Lincolns that depreciation should apply and will correct this for the 2010/2011 financial year.
Revaluation of Plant Item	<p>Validation testing of asset sales noted that a plant item had been revalued from nil Written down Value to \$30,000. This was booked as an asset disposal profit consequently inflating the Net Result on the Statement of Comprehensive Income.</p> <p>Accounting Standard AASB 116 – Property, Plant and Equipment states “if an item of property, plant and equipment is revalued, the entire class of property, plant and equipment to which that asset belongs shall be revalued”.</p> <p>As the values involved do not materially effect the net results correcting journals</p>	We recommend that revaluation be reversed to conform with Accounting Standard AASB 116	This matter related to the internal sale of a skid steer loader from the Works and Services Department to the Saleyards. As a result of the auditor's advice, the relevant internal transactions and revaluations have been reversed for the 2009/2010 annual financial report.

	were not requested		
Long Overdue Unpresented Cheques	Follow-up testing of bank reconciliations noted two February 2010 dated cheques (#40794 \$67.13 and #40848 \$71.93) were still outstanding at 14 September 2010.	It is recommended that cheques remain outstanding for no longer than three months after date of issue. Follow-up procedure should be in place as part of the review process	The Shire's Accountant will implement a process which follows up on outstanding cheques after three months.
Annual Leave Provision	Audit testing noted the Annual Leave Provision was understated by \$3,379 due to a computation error in a supporting schedule. This was corrected and incorporated into the Financial Statements during our audit	We recommend procedures be implemented to review credibility values of provision schedules.	The provision schedules will be reviewed in detail by the Deputy Chief Executive Officer in future.
Financial Report	Accounting disclosures and technical issues including amendments to the Rate Setting Statement were corrected with our accounting assistance during the course of the audit.	We will provide our correction workpapers for your future use.	Additional non-cash items were included in the Rate Setting Statement and a slightly different methodology was used to calculate the balance carried forward, consistent with the budget format. The Shire concurs with these changes.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr L Handasyde:

That the Annual Financial Audit and Management Report for the year ending 30 June 2010 as issued by Mr Russell Harrison of Lincolns Accountants, be received.

**CARRIED (7/0)**

**NO. 301/10**

**11.4.4 DRAFT ANNUAL REPORT - YEAR ENDING 30 JUNE 2010**

<b>File No:</b>	<b>N16664</b>
<b>Attachment:</b>	<a href="#">Draft Annual Report (Separate attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 November 2010</b>

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**PURPOSE**

The purpose of this report is to receive the Shire of Plantagenet's 2009/2010 Annual Report.

**BACKGROUND**

The annual financial audit for 2009/2010 was conducted by representatives of the Council's auditors, Lincolns Accountants in September 2010.

At its meeting held on 9 November 2010, the Council resolved that subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 7 December 2010 to receive the 2009/2010 Annual Report.

At its meeting held on 22 November 2010, the Audit Committee resolved that it be recommended to the Council that the Draft Annual Report for the year ended 30 June 2010 as attached, be accepted.

**STATUTORY ENVIRONMENT**

Section 5.54 of the Local Government Act 1995 governs the acceptance of annual reports. Section 5.54 (1) states '*subject to Subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*' (Absolute Majority required).

**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.

**OFFICER COMMENT**

The draft Annual Report notes that this year has been another exciting and challenging year for everyone involved in the Council's operations. A number of key items of infrastructure have been carried out, including:

- Completion of new Plantagenet Medical Centre.
- Construction of Shed to House New Fire Truck - Rocky Gully Bush Fire Brigade.
- Commencement of extension to the Mount Barker cemetery.
- Re-roofing of a portion of the Plantagenet District Hall.
- Upgrade of flooring in the Lesser Hall.
- New blanket for the swimming pool.
- Installation of security door to Recreation Centre gym to enable after hours access.
- New playground equipment in Narrikup.
- Progression of Frost / Sounness Parks and Centenary / Wilson Parks improvement plans.
- Commencement of the transformation of the library building (old Recreation Centre) into a Community Resource Centre.
- \$2.85 million capital roadworks program with the improvement of the Lowood Road / Mondurup Street intersection and the continuation of the Spencer Road Bypass being the highlights.
- Installation of chlorination facility at the saleyards, to enable waste water to be used for wash down purposes.
- Further progress was made with the decontamination the old depot site in Menston Street.

The Shire's operating net result was \$2.86 million in 2009/2010. Rate revenue increased from \$3.88 million in 2008/2009 to \$4.09 million in 2009/2010. Outstanding borrowings decreased from \$5.04 million in 2008/2009 to \$4.77 million in 2009/2010. The Council expended \$1,568,530 on land and buildings, \$2,848,095 on infrastructure capital works and \$824,330 on purchases of plant, and equipment.

The Council received grants and contributions for the development of assets of \$2.62 million in 2009/2010. Total grants and contributions received was \$5.00 million. The level of reserve funds increased from \$431,308 to \$683,267 in 2009/2010.

Many of the statutory financial ratios are outside preferred benchmarks, however they largely demonstrate good trends and are within expected levels. The performance of the Outstanding Rates Ratio this year has been impacted by the inability to collect rates from managed tree farm properties.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That the Annual Report for the year ended 30 June 2010 as attached, be accepted.**

**CARRIED (7/0)**

**NO. 302/10**

**(Absolute Majority)**

**11.4.5 POLICY REVIEW - RATE INCENTIVE PRIZE**

**File No:** RV/120/4  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 30 November 2010

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**PURPOSE**

The purpose of this report is to review Council Policy No A/PA/8 – Rate Incentive Prize.

**BACKGROUND**

At its meeting held 11 November 2008, the Council resolved to adopt Policy No A/PA/8 – Rate Incentive Prize:

**‘OBJECTIVE:**

*To encourage ratepayers to pay the full amount of their assess rates and charges by the due date.*

**POLICY:**

- 1. An annual Rate Incentive Prize will be offered by the Council.*
- 2. Prizes will be awarded to first, second (and third if applicable) entries drawn at random*
- 3. Only ratepayers with their rate account paid in full by the due date will be eligible.*
- 4. One (1) entry per assessment notice (not per ratepayer) is to be entered into the draw.*
- 5. Rateable properties which any Councillor, senior member of staff or manager has an ownership interest in will be ineligible. The Shire of Plantagenet reserves the right to decide, in its absolute discretion whether or not the entry requirements have been fulfilled.*
- 6. First prize will be a bank account/ voucher with the Mount Barker Bendigo Community Bank. The Council will seek sponsorship from local organisations and a Perth hotel for the remaining Rate Incentive Prizes.’*

**POLICY IMPLICATIONS**

This policy is presented to the Council as part of its ongoing policy review cycle.

**OFFICER COMMENT**

This policy is considered appropriate and should be endorsed.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr M Skinner:

That Council Policy A/PA/8 – Rate Incentive Prize:

**‘OBJECTIVE:**

To encourage ratepayers to pay the full amount of their assessed rates and charges by the due date.

**POLICY:**

1. An annual Rate Incentive Prize will be offered by the Council.
2. Prizes will be awarded to first, second (and third if applicable) entries drawn at random.
3. Only ratepayers with their rate account paid in full by the due date will be eligible.
4. One entry per assessment notice (not per ratepayer) is to be entered into the draw.
5. Rateable properties which any Councillor, senior member of staff or manager has an ownership interest in will be ineligible. The Shire of Plantagenet reserves the right to decide, in its absolute discretion whether or not the entry requirements have been fulfilled.
6. First prize will be a bank account / voucher with the Mount Barker Bendigo Community Bank. The Council will seek sponsorship from local organisations and a Perth hotel for the remaining Rate Incentive Prizes.’

be endorsed.

**CARRIED (7/0)**

**NO. 303/10**

## 11.5 EXECUTIVE SERVICES REPORTS

### 11.5.1 POLICY REVIEW – COMMITTEE MEETINGS

**File No:** N16646  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 30 November 2010

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#### **PURPOSE**

The purpose of this report is to review Council Policy CE/CS/3 – Committee Meetings.

#### **BACKGROUND**

At its meeting held on 13 May 2008 the Council resolved:

*‘That Council Policy CE/CS/3 – Committee Meetings, as amended:*

#### OBJECTIVE:

*A local government may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties.*

#### POLICY:

*That the Council will, with regard to the attendance by members of the public at Council appointed Committee Meetings, permit members of the public to attend such meetings, notwithstanding the provisions of Section 5.23 (1) of the Local Government Act 1995 provided that the provisions of Section 5.23 (2) of the Act are adhered to.*

be endorsed.’

#### **STATUTORY ENVIRONMENT**

Subject to Section 5.23 subsection (2), the following are to be open to members of the public:

- (a) all council meetings;
- (b) all meetings of any committee to which a local government power or duty has been delegated.

If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting. Section 5.23 (3) states ‘A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.’

As Council committees do not enjoy any delegation of a power or duty, they need not be open to members of the public.

#### **EXTERNAL CONSULTATION**

Nil

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

This report seeks the review of the Council's Policy regarding Committee Meetings.

#### **OFFICER COMMENT**

It is considered that the current policy is adequate, except for minor syntax changes and a variation to the objective and title to reflect this policy's intent.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr L Handasyde, seconded Cr J Moir:**

**That amended Council Policy CE/CS/3 – Committee Meetings Attendance by the Public**

#### **'OBJECTIVE:**

**To give direction as to when members of the public may attend Council Committee meetings.**

#### **POLICY:**

**The Council will, with regard to the attendance by members of the public at Council appointed Committee Meetings, permit members of the public to attend such meetings, notwithstanding the provisions of Section 5.23 (1) of the Local Government Act 1995 provided that the provisions of Section 5.23 (2) of the Act are adhered to'**

**be endorsed.**

**CARRIED (7/0)**

**NO. 304/10**

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

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

**14 CONFIDENTIAL**

**15 CLOSURE OF MEETING**

4:04pm The Presiding Member declared the meeting closed.

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