



ORDINARY MINUTES

DATE: Tuesday, 6 November 2012

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

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

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:43pm The Presiding Member declared the meeting open.

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

Members Present:

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

In Attendance:

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

There were two members of the public present

Apologies

Cr C Pavlovich

Previously Approved Leave of Absence:

Cr J Moir – 5 to 9 November 2012 (inclusive)

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

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 KENDENUP BUSHLAND MANAGEMENT GROUP - MANAGEMENT OF VERGE VEGETATION IN KENDENUP

Mr David Williamson and Mrs Val Saggars gave the following presentation:

For many years now the Kendenup Bushland Management Group has been working to promote conservation of native bushlands, has revegetated verges, and carried out a number of projects for managing aggressive weeds in the Kendenup townsite and the railway reserve, and encouraged landowners in best management practice for native vegetation. We have been successful in obtaining significant grants for the cost of managing bridal creeper on road verges and for the woody weed and wattle eradication around Kendenup, most recently for the removal of Golden Wattle along the railway corridor from Mount Barker to Tenterden. We are grateful for the support from the Shire in removing debris generated by the weeding programme, clearing up the fallen timber after the wind storm in May, and for the on-going support from the Pardelup Working Groups in woody weed management. We appreciated the trays of seedlings provided by the Shire for the landscaping around the Kendenup Entrance Statement on Albany Highway. In May, a very successful Botanical Bonanza Workshop was held which attracted a lot of interest and subsequent action with the assistance of the Pardelup Work Teams.

Children in Kendenup are being taught to appreciate the bushland. Some dedicated teachers are using Walton Rowe Reserve (opposite the school) for regular botanical lessons and drawings. Quite a few kids boast of their knowledge of the Latin names and details of a lot of the plants. Recently they were so excited to discover a clump of snail orchids in the reserve.

Despite this activity, we have had to remain vigilant about the activities of the Council staff who, over many years, have carried out inappropriate management of the verges in the townsite. In September it was so frustrating to discover non-selective and inappropriate spraying by the work team. We understand and know the importance of the matter of hazard reduction for fire prevention and have no problem with the spraying of weeds (like the introduced grasses) throughout the town especially down all the back alleys here.

What has caused great consternation here with locals, who are very protective and aware of the unique flora, is the irresponsible manner in which this spraying was carried out. The vehicle with the spray unit on the back came through the town doing the usual spray programme but showed their ignorance, lack of responsibility or maybe lack of knowledge of native plants by spraying down roads where there was no build-up of grasses – such as Hassell Avenue. We have myriads of special groundcovers and wildflowers and native rushes that were heedlessly and recklessly sprayed out. A few days later the team re-sprayed along the railway reserve side of Hassell Avenue where it is all native bush. A letter about this activity was sent to the CEO on 17 September.

If that was not enough, in the middle of October, a mowing contractor turned up to low mow the verges from “Fence to Fence”. Despite the Works Manger assuring us that “no remnant bushland will be mown”, the mowing did not just select for the grasses and weeds but also scalped verges covered with the small and fragile native plants including low plants such as myrtles, banksias, hakeas, kangaroo paws, cats paws, large variety of orchids, ground wattles plus many other native species.

Many residents are very upset about the decimation of the native verges to their homes. This included a resident who had several 1000-year-old blackboys. Despite our protests over the years, the devastation that has been perpetrated out here is heartbreaking. We have taken photos to provide a record, and corresponded with the CEO. The former local fire chief was appalled by the way the work was done by the Shire commenting that this has created more of a fire risk from all the chopped up vegetation and now the area is going to promote growth of the hazardous grasses and weeds so there will be a perpetual cycle of mowing and spraying. If this was justified as fire hazard reduction, the spraying and mowing should have been overseen and managed better. Native shrubs and groundcovers are nothing like the fire hazard that exists with grasses and weeds, and should not be removed.

The woody weed eradication has been carried out by many property owners and the Kendenup Bushland Management Group in Kendenup for many years. As well as nurturing the native ground covers, these activities help to reduce the build- up of introduced grasses and weeds and hence reduce the fire problem. The promotion of a healthy native understorey has been beneficial in many of the street verges. We have spent years encouraging the revegetation of native ground covers after Shire scalping the verges. An offer to buy more seed to replant the damage has not happened. It is hard to reseed and replace native plants once the damage is done but it is worth trying. The argument about fire hazard reduction is very valid, but removing

low hazard native plants is not rational. The selective mowing and spraying of the verges is required. Not all property owners will do the right thing but many people are more than willing to look after the native plants in the verges and should be encouraged. Going through the town with spray and mower does not encourage best management practice.

There has not been a response to several letters to the CEO about verge vegetation management. We acknowledge that the townsite has a fire hazard problem but this requires, primarily, management by property owners. We are asking for the Shire to take a more reasonable approach to the management of verge vegetation, and to stop the practice of removing all verge vegetation with weedicides, herbicides and mowing. The native vegetation should be conserved wherever possible, and property owners encouraged to look after the native vegetation on the verge of their property.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr M Skinner

Disclosed a Financial/Indirect Financial (section 5.60(A) and Section 5.61 LGA) interest in Item 12.2.1 – Farming 400 head of cattle.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 16 October 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 235/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOTS B21, 1611 AND 5262 OMRAH ROAD, MOUNT BARKER - TIMBER PLANTATION IN SPECIAL CONTROL AREA

File No:	N24203
Attachments:	Location Plan Proponent Plantation Map Summary of Submissions
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	6 November 2012
Applicant:	Timber Creek Pastoral Company

PURPOSE

The purpose of this report is to consider an application by Timber Creek Pastoral Company for a timber plantation consisting of 11 compartments of blue gums at Lots B21, 1611 and 5262 Omrah Road, Mount Barker.

BACKGROUND

Council records show the owner of Lots B21, 1611 and 5262 Omrah Road, Mount Barker is Penris Pty Ltd.

The Manager Development Services (MDS) observed some areas of grapevines had been removed and plantation trees had been planted at the subject properties.

By letter dated 25 July 2012, the landowner was advised pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS 3) the subject properties are located within Special Control Area 4 and Mount Barker Townsite 'Area B'. In these areas an application for Planning Consent (PC) is required to establish a Timber Plantation. Additional advice included reference to and extracts of TPS3 listing the requirements the Council needs to consider and all the points that needed to be addressed in any PC application for a Timber Plantation. A copy of the Shire of Plantagenet Town Planning Scheme Policy No. 15 (Commercial Plantations) was also provided to the owner.

On 5 September 2012, the proponent submitted an application for PC to establish a timber plantation consisting of 11 compartments of blue gums at Lots B21, 1611 and 5262 Omrah Road. That application however was incomplete and was returned to the proponent on 6 September 2012 with a request for more detail.

The Council on 11 September 2012 received a fresh PC application to establish a timber plantation at Lots B21, 1611 and 5262 Omrah Road, the subject of this report.

The proposal was advertised for public comment for a 21 day period. Letters were also sent to 13 adjoining and nearby landowners, the Department of Regional Development and Lands (RDL) and the Department of Fire and Emergency Services (DFES), formerly Fire and Emergency Services Authority. Twelve submissions were received, including two late submissions.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural - Special Control Area 4 (SCA 4), Mount Barker Townsite 'Area B' – Timber Plantations are a 'SA' use on Rural zoned land in SCA 4 and Mount Barker Townsite 'Area B'. Special Control Areas and the development of Timber Plantations within these Special Control Areas were included in TPS3 on 19 September 2006.

Clause 3.9 - Special Control Areas purpose is to prohibit timber plantations within town sites and to control the development of plantations in close proximity to townsites and closely populated parts of the Scheme area.

Clause 3.9.4 of TPS3 states:

'When determining an application for planning consent for Timber Plantations the Council shall consider the following:

- (a) the provisions of the Shire's Commercial Plantation Policy;*
- (b) the Code of Practice for Timber Plantations and whether or not the proponent is a signatory to the Code;*
- (c) consistency with the performance standards 'Planning for Bush Fire Protection' and 'Guidelines for Fire Protection', following referral to the Fire and Emergency Services Authority, and with the Council's Annual Fire Break Notice';*
- (d) existing uses and development on the subject land;*
- (e) the location of the subject land and its relationship to surrounding land uses, especially residential, rural residential, rural small holdings, and tourist land uses;*
- (f) the location of the land in relation to designated haulage routes;*
- (g) access to and from the subject land and the existing standard of local roads and their capacity to support timber haulage vehicles;*
- (h) protection of native vegetation;*
- (i) the impact on the amenity of the area, including scenic views;*
- (j) where the land is located in the Porongurup SCA 5, the provisions of the Porongurup Rural Strategy;*
- (k) where the land is located in the Mount Barker SCA 4, the Mount Barker Rural Strategy;*
- (l) any submissions received as a result of advertising the application; and*
- (m) any other matters considered relevant.'*

Clause 5.2 of TPS3 states:

'If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

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

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.'

EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 21 day period closing on 19 October 2012. Advertising included letters to 13 adjoining and nearby property owners, the RDL and DFES. Notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site.

At the close of the advertising period, 12 submissions had been received including two late submissions and these are contained in the attached summary of submissions. All submissions but one were opposed to the application as submitted.

FINANCIAL IMPLICATIONS

The application fee of \$139.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 15 (Commercial Plantations) (TPS Policy No. 15) has the objective to reduce potential adverse impacts and land use conflict from the inappropriate siting and development of plantations within the SCA.

The Code of Practice for Timber Plantations in Western Australia August 2006 (the Code) provides guidelines to plantation managers so that plantation operations in Western Australia are conducted in a manner that is in accordance with accepted

principles for good plantation management. It also recognises that a primary aim of plantations is to be economically competitive and sustainable.

Local Town Planning Schemes can rely upon the adoption of and adherence to the Code by plantation managers as an integral part of the planning and land use process whether or not formal planning approval is required.

Protocols for plantation management plans set in the Code require a plantation management plan to include a plantation map, an establishment plan, a maintenance plan and a fire management plan. In this instance, a plantation management plan and plantation map should have been submitted for the purpose of gaining PC approval.

Guidelines for Plantation Fire Protection 2011 Edition – These guidelines provide both local government and the plantation industry with a set of best practice fire protection standards for plantations that aim to protect human life and local community interests, while minimising fire risk to plantation assets. These guidelines are minimum standards tailored to respond to local risk and local government requirements and have been adopted by both DFES and Western Australian Planning Commission (WAPC).

A fire management plan is required and this will need to adhere to the standards outlined in these guidelines.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides an Outcome 1.9 (A safe Plantagenet) the following Strategy 1.9.4:

‘Promote and support planning and activities that encourage a safe and responsible community.’

OFFICER COMMENT

The subject properties are located within the south western area of Special Control Area 4 of the Mount Barker Townsite on Omrah Road.

The properties are located in the Rural zone and the cumulative area of the properties is 131.59ha. The properties are used for agroforestry consisting of new compartments of plantation trees and grapes (17.53ha) and dispersed patches of remnant vegetation. Parts of the property did contain small areas of blue gums, which have been harvested.

The proposal is for 11 compartments of plantation trees with a cumulative total area of 52.5ha. Proposed plantation compartment sizes range from 1.25ha to 7.0ha and these compartments are evenly dispersed over the subject land.

The 11 non-supportive submissions raised concerns with the proposed haulage route and associated heavy haulage truck movements together with noise, operating times, timber debris, road safety and adverse impact on Mount Barker Road as a tourist route. Further concerns raised in the submissions include increased fire risk, spray drift, amenity of the locality, loss of production due to plantation tree shade and root encroachment and the lack of detailed supporting information in the application.

To assist the landowner, the MDS suggested a possible timber haulage route which could commence at Omrah Road, south into Mount Barker Road, east into St Werburghs Road, south into Mitchell Road then south onto Albany Highway. This was the only possible route that used legal roads and avoided the Mount Barker town.

Comments were received from DFES which considered the proposal from a fire management perspective. DFES require the submission of a fire management plan pursuant to 'Guidelines for Plantation Fire Protection' 2011 Edition.

The PC application is deficient in detailed supporting information with reference to the Code of Practice for Timber Plantations in Western Australia August 2006, Guidelines for Plantation Fire Protection 2011, the Shire of Plantagenet Annual Firebreak and Fire Hazard Reduction Notice and TPS Policy No. 15 (Commercial Plantations). The application further does not satisfy the requirements under TPS3 in terms of matters to be considered when determining an application for PC for a timber plantation.

Distributed separately to Councillors is a copy of an application for PC and detailed supporting information which was considered by the Council on 14 July 2009. This application was submitted by the Forest Products Commission to establish a timber plantation on a property on Porongurup Road, Porongurup. That property is located in Special Control Area 4 (Porongurup). That PC application is an example of the kind of detailed supporting information required for the Council to consider a timber plantation PC application.

The Council should require the submission of a plantation management plan within a specified time frame such as 90 days or alternatively give notice to the proponent to remove all the plantation trees from the subject properties within a specified time frame such as 60 days. The plantation management plan requirement is in accordance with the Code of Practice and is expected of all plantation companies. Up until this particular application, the timber companies have provided the necessary management plan and associated detail.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr M Skinner:

That:

- 1. Consideration of the application for the timber plantation at Lots B21, 1611 and 5262 Omrah Road, Mount Barker be adjourned to enable the proponent to submit a plantation management plan including a plantation map, an establishment plan, a maintenance plan and a fire management plan in accordance with the timber industry Code of Practice for Timber Plantations in Western Australia August 2006 and the Guidelines for Plantation Fire Protection 2011 Edition.**

2. The proponent be required to provide the plantation management plan at 1 above to the Council within 90 days.
3. Should no plantation management plan be provided within the period at 2 above, the proponent be provided Notice to remove all of the plantation trees within a period of 60 days.

AMENDMENT

Moved Cr B Bell, seconded Cr S Etherington:

That in part 2 the number '90' be deleted and replaced with '60' and in part 3 the number '60' be deleted and replaced with '30'.

CARRIED (6/1)

NO. 236/12

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr B Bell, seconded Cr L Handasyde:

3:08pm That the meeting be closed to members of the public pursuant to Section 5.23(2) (c) of the Local Government Act 1995 as the matter to be considered relates to a contract that may be entered into by the Local Government and which relates to a matter to be discussed at the meeting.

CARRIED (7/0)

NO. 237/12

MOTION TO PROCEED IN PUBLIC

Moved Cr M Skinner, seconded Cr L Handasyde:

3:29pm That the meeting proceed in public.

CARRIED (7/0)

NO. 238/12

COUNCIL DECISION

That:

1. Consideration of the application for the timber plantation at Lots B21, 1611 and 5262 Omrah Road, Mount Barker be adjourned to enable the proponent to submit a plantation management plan including a plantation map, an establishment plan, a maintenance plan and a fire management plan in accordance with the timber industry Code of Practice for Timber Plantations in Western Australia August 2006 and the Guidelines for Plantation Fire Protection 2011 Edition.

2. The proponent be required to provide the plantation management plan at 1 above to the Council within 60 days.
3. Should no plantation management plan be provided within the period at 2 above, the proponent be provided Notice to remove all of the plantation trees within a period of 30 days.

CARRIED (7/0)

NO. 239/12

9.1.2 POLICY REVIEW - HOUSING - RELOCATION OF HOUSES

File No:	N24327
Attachments:	<u>TP-SDC-5 - Housing - Relocation of Houses (with amendments)</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to review Council Policy No. TP/SDC/5 – ‘Housing – Relocation of Houses’.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 15 June 2010.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

Building Code of Australia

FINANCIAL IMPLICATIONS

The present bond amount is \$10,000.00.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following strategy:

‘Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’

OFFICER COMMENT

The policy review in June 2010 followed a Councillor workshop held on 25 May 2010 and the editorial and other changes to the then policy have been found to work well in terms of setting appropriate standards for this form of housing.

In this current review of the policy, one change is recommended to part 4 to introduce the word 'residential' to clarify that buildings referred to as 'dongas' applies to residential accommodation.

A copy of the proposed Policy, with the additional wording in italics, is attached.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr G Messmer:

That amended Council Policy No. TP/SDC/5 – Housing – Relocation of Houses, as follows:

'OBJECTIVE:

To set guidelines to ensure houses that are to be relocated to within Mount Barker and the rural villages are completed to a standard acceptable to the Council.

POLICY:

1. The increased use of relocated houses to within Mount Barker and the rural villages in some instances creates difficulties which are encountered in ensuring the house is completed to an acceptable standard and is compatible to those houses in the immediate locality.
2. This policy will not apply to new transportable houses.
3. The relocation of houses referred to as 'park homes' will not be supported by the Council unless they are to be in an authorised caravan park.
4. The relocation of residential buildings referred to as 'dongas' will not be supported by the Council.
5. Relocated houses (excluding 'park homes' and 'dongas') will only be approved at the Council's discretion and be subject to:
 - a) An engineer's structural certification that the house is appropriate to be moved being submitted with the application.
 - b) Coloured photographs of the external facades of the house being supplied with the application.
 - c) Asbestos wall and roof cladding being removed and disposed of correctly before the house is transported.
 - d) A bond being paid to ensure a good standard of completion. Such bond amounts will be set annually in the Council's Budget. The bond will only be released upon staff being satisfied the building is

completed to a suitable standard in respect to the Building Code of Australia, health standards and the external visual appearance.

- e) Any other conditions considered appropriate by the Council.
6. Approval for relocated houses will be limited to 12 months.
7. When a relocated house is not completed to an acceptable standard within the specified time, the Principal Building Surveyor may issue a Notice requiring the incomplete structure be removed and the site left in a clean and tidy condition.
8. Relocated houses outside of Mount Barker and the rural villages will be at the discretion of the Council and the standards at part 5. above, will be required when appropriate.'

be endorsed

MOTION TO ADJOURN THE QUESTION

Moved Cr A Budrikis, seconded Cr S Etherington:

That the question be adjourned to allow the Chief Executive officer to provide a further report regarding the definition of Park Homes.

LOST (3/4)

AMENDMENT

Moved Cr A Budrikis,

That part 3 of the motion be deleted and recast the accordingly.

The Motion lapsed for want of a seconder.

The motion was then put

CARRIED (6/1)

NO. 240/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 LOT 300 ENRIGHT WAY, PORONGURUP - PROPOSED PERMANENT CLOSURE OF PEDESTRIAN ACCESS WAY

File No:	N24475
Attachments:	Location Plan 4 September 2012
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to permanently close the Pedestrian Access Way (PAW) at Lot 300 (part Reserve 49819) Enright Way, Porongurup and for it to be amalgamated into the adjacent road reserve.

A further purpose of this report is to recommend that the Minister for Lands makes the necessary order to close the PAW permanently.

BACKGROUND

The Council at its meeting held on 27 July 2010 resolved as follows:

'That:

- 1. A request be made to the Department of Regional Development and Lands to dedicate Lots 300 and 302 as roads under Section 56(1) of the Land Administration Act 1997 as shown on the attached plan dated 16 July 2010.*
- 2. The Minister for Lands be indemnified against any costs, including preparation of suitable graphics and any claim for compensation for the dedication of Lots 300 and 302 as road under Section 56(4) of the Land Administration Act 1997.'*

Further, the Council at its meeting held on 4 September 2012 resolved as follows:

'That:

- 3. Pursuant to Section 52 of the Land Administration Act 1997 notice be given of the proposal to permanently close the Pedestrian Access Way known as Lot 300 (part Reserve 49819) Enright Way, Porongurup (as shown on the attached Location Plan dated 4 September 2012) for its amalgamation into the adjacent road reserve.*
 - 4. A further report be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held on 6 November 2012.'*
-

At the meeting held on 4 September 2012 the Council was advised that permanent closure of the PAW will enable its inclusion into the adjacent parallel road reserve.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Section 52 refers to 'Local government may request acquisition as Crown land of certain land no longer required'.

Planning and Development Act 2005

Local Government Act 1995

Section 3.53 provides that Local Governments are responsible for controlling and managing Pedestrian Access Ways.

EXTERNAL CONSULTATION

As required by Section 52(3) of the Land Administration Act 1997, public notice of the proposal was provided in the Albany Advertiser on 20 September 2012. A copy of the notice was also placed on Noticeboards at the Shire Administration Office, Libraries and also on the Shire website, during the submission period.

Written notice of the proposal was provided to each person as prescribed for the purposes of Section 52(3) of the Land Administration Act 1997, inviting submissions to be forwarded to the Shire in writing. The following responses were received:

The Department of Mines and Petroleum, Department of State Development, Department of Planning, Western Power, Water Corporation, ATCO Gas Australia and

Telstra raise no objection to the proposal.

FINANCIAL IMPLICATIONS

There are no financial implications anticipated as a result of this proposal. The proposal reflects the as constructed situation and therefore no additional work is required.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.4 (Safe and reliable transport infrastructure), the following Strategy 2.4.1:

'Maintain and further develop roads and pathways at appropriate standards.'

OFFICER COMMENT

All responses received from public utilities noted no objections to the proposal.

Given the nature of the responses received for this proposal, it is therefore recommended that the Council resolves to request the Minister for Lands to permanently close the Pedestrian Access Way at Lot 300 (part Reserve 49819)

Enright Way, Porongurup and for it to be amalgamated into the adjacent road reserve.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

- 1. The Minister for Lands be requested to permanently close the Pedestrian Access Way, Lot 300 (part Reserve 49819) Enright Way, Porongurup as shown on the attached Location Plan dated 4 September 2012 according to Section 52 of the Land Administration Act 1997.**
- 2. Once closed, the Pedestrian Access Way be amalgamated into the adjacent road reserve.**

CARRIED (7/0)

NO. 241/12

9.2.2 POLICY REVIEW - PLANT - GENERAL POLICY

File No: N24369
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Works Administration Officer
Proposed Meeting Date: 6 November 2012

PURPOSE

The purpose of this report is to review Council Policy No. I/PM/1 – Plant – General Policy.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 9 November 2010.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The replacement of plant items is one of the largest annual expenditures undertaken by the Council. The Council resolved on 3 July 2012 to endorse the list for the Plant Replacement Program for the period 2012/2013 to 2021/2022.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

This policy relates to the changeover period for the Council assets.

It is considered that the current policy meets the requirements of the Council and no changes have therefore been recommended.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.6 (Assets and Infrastructure managed over the long term to meet current and future needs), the following Strategy 2.6.1:

'Develop and implement long-term Service and Asset management Plans for all Council assets, having regard for current and future asset needs and the Shire's long-term financial plan.'

OFFICER COMMENT

This policy reflects current practice and is incorporated into the Council's Long Term Financial Plan. Councillors should be aware that the Long Term Financial Plan is

being reviewed and the timing of purchase of heavy plant will be examined in line with this process.

The impact to the Council of holding plant items longer may increase maintenance requirements, or major breakdowns may occur. There are several examples of unexpected expenditures to plant which have been held past the recommended timeframe. It is therefore important to recognise that the utilisation benchmark (km travelled or engine hours) should not be exceeded.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That Council Policy No. I/PM/1 – Plant – General Policy as follows:

OBJECTIVE:

To provide clear guidelines relating to the replacement period for the Council's Heavy Plant.

POLICY:

That plant purchases be structured around a 12 year replacement program intended to maintain consistent annual expenditure and based generally upon the following criteria:

Type	Years	Hours/Km
Grader	8 years	9,000hrs
Excavator	8 years	9,000hrs
Heavy Loader	8 years	9,000 hrs
Backhoe/Loader	7 years	6,000 hrs
Heavy Truck 6x4	6 years	250,000km
Medium Truck 4x2	8 years	250,000kms
Light Truck	6 years	200,000km
Roller	8 years	9,000hrs
Tractor	8 years	5,000hrs
Heavy Trailer	12 years	N/A'

be endorsed.

CARRIED (7/0)

NO. 242/12

9.2.3 POLICY REVIEW - ROADS - UNCONSTRUCTED ROADS

File No:	N24351
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Kaye Skinner Administration Officer
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to review Council Policy No. I/R/7 – Roads – Unconstructed Roads.

BACKGROUND

This Policy was last reviewed by the Council on 9 November 2010.

STATUTORY ENVIRONMENT

Section 158 of the Planning and Development Act 2005.
Land Administration Act 1997 – Section 55 (2).

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 Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.4 (Safe and reliable transport infrastructure), the following strategy 2.4.1:

'Maintain and further develop roads and pathways at appropriate standards'.

OFFICER COMMENT

This policy was changed in 2010 to reflect changes to Section 158 of the Planning and Development Act 2005 which replaced the former Section 295 of the Local Government (Miscellaneous Provisions) Act 1960. No further changes are proposed to this policy.

It is worth noting that many requests are received for maintenance to be carried out on unconstructed roads throughout the Shire. According to this Policy, requests of this nature have been denied due to the numerous unconstructed roads within the Shire of Plantagenet.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr S Etherington:

That Council Policy I/R/7 – Roads – Unconstructed Roads as follows:

‘OBJECTIVE:

To provide clear guidelines regarding requests relating to unconstructed roads.

POLICY:

That:

1. Where a request that the Council undertakes construction and/or maintenance of unconstructed roads in existing road reserves then the request is to be drawn to the Council’s attention and listed for budgetary consideration in future road construction or maintenance programs.
2. Where any person makes a request referred to in part 1 and wishes to undertake construction at their expense, the procedure shall be as outlined for subdivisional development by Section 158 of the Planning and Development Act 2005, being either to:
 - a) Arrange for the Council to carry out the work subject to availability; or
 - b) Employ a consulting engineer to design and submit drawings for approval and supervised construction and drainage to the Council’s satisfaction.
3. Where the person making the request wishes to undertake the construction, then any Council contribution towards construction will require a decision of the Council.’

be endorsed.

CARRIED (7/0)

NO. 243/12

9.2.4 POLICY REVIEW - TENDERS - CANVASSING OF COUNCILLORS

File No: N24350
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Administration Officer
Proposed Meeting Date: 6 November 2012

PURPOSE

The purpose of this report is to review Council Policy No. I/T/1 – Tenders – Canvassing of Councillors.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 9 November 2010.

STATUTORY ENVIRONMENT

The Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 apply to the carrying out of the Tender process.

Further, the Council has adopted a Code of Conduct pursuant to Section 103 of the Local Government Act 1995, which requires, among other things, personal behaviour by elected members and staff to be of the highest standard.

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 Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 4.1 (Effective governance and leadership), the following Strategy 4.1.3:

‘Ensure the Council’s decision making process is effective and transparent.’

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That Council Policy I/T/1 – Tenders – Canvassing of Councillors as follows:

‘OBJECTIVE

To provide clear guidelines relating to the Council’s stance on the canvassing of Councillors for tender purposes.

POLICY:

That canvassing of Councillors, when tenders are called to supply to the Council, plant, goods or services, will automatically disqualify the tenderer. ‘Canvassing of Councillors by tenderers will automatically disqualify the tenderer’ to be displayed on Tender advertisements and associated correspondence.’

be endorsed.

CARRIED (7/0)

NO. 244/12

9.3 COMMUNITY SERVICES REPORTS

9.3.1 POLICY REVIEW - CS/LP/1 - ACCESS AND INCLUSION POLICY

File No:	N21933
Responsible Officer:	Nicole Selesnew Manager Community Services
Author:	Rayona Evans Administration Officer (Relief)
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to review policy CS/LP/1 – Access and Inclusion Policy.

BACKGROUND

The amendments to the Western Australian Disability Services Act 1993 (amended in 2004), requires Local and State Government authorities to develop, implement and review a Disability Access and Inclusion Plan (DAIP) that will further both the principals and objectives of the Act.

It is recommended by the Disability Services Commission that an Access and Inclusion Policy is adopted by the Council and incorporated into the DAIP.

This policy was adopted by the Council on 24 July 2007 in accordance with recommendations from the Disability Services Commission.

STATUTORY ENVIRONMENT

Disability Services Act 1993

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 policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2012-2022 provides at Outcome 1.7: (Quality of life for the disabled), the following strategies:

'Strategy 1.7.1: Provide and promote services and facilities that meet the needs of disabled persons'; and

'Strategy 1.7.2: Implement the Shire's Disability Access and Inclusion Plan'.

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

The policy, once endorsed by the Council, will be included in the amended Disability Access and Inclusion Plan, due for review in 2012.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That Council Policy CS/LP/1 – Access and Inclusion Policy Statement as follows:

OBJECTIVE

The Shire of Plantagenet is committed to ensuring that the community is an accessible and inclusive community for people with disabilities, their families and carers. An accessible and inclusive community is interpreted as one in which all council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disabilities, providing them with the same opportunities, rights and responsibilities as other people in the community.

POLICY

The Shire of Plantagenet will plan to achieve the following strategies to ensure the community is accessible and inclusive for people with disabilities, their families and carers:

1. People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the Shire of Plantagenet;
2. People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Shire of Plantagenet;
3. The Shire of Plantagenet provides information in a format that will enable people with disabilities to access the information as readily as other people are able to access it;
4. People with disabilities receive the same level and quality of service from the staff of the Shire of Plantagenet as other people;
5. People with disabilities have the same opportunities as other people to make complaints to the Shire of Plantagenet; and
6. People with disabilities have the same opportunities as other people to participate in any public consultation arranged by the Shire of Plantagenet.

The Shire of Plantagenet is committed to consulting with people with disabilities, their families and carers and disability organisations in addressing barriers to access and inclusion.'

be endorsed.

CARRIED (7/0)

NO. 245/12

9.3.2 SOUTH STIRLING DISTRICT - CREATION OF A FIRE WEATHER ZONE

File No: N24343
Attachments: [Fire Weather Zone Map](#)
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Andrew Buchanan
Community Emergency Services Manager
Proposed Meeting Date: 6 November 2012

PURPOSE

The purpose of this report is to consider the creation of a third fire weather zone east of Chester Pass Road and north of the Kalgan River for the purpose of managing harvest and/or vehicle movement bans.

BACKGROUND

Delegates of the Bush Fire Advisory Committee and members of the South Stirling Bush Fire Brigade have raised concerns that the weather conditions east of Chester Pass Road and north of the Kalgan River are different to the current eastern fire weather zone of the Shire. This is most notable during harvest and/or vehicle movement ban conditions. Anecdotal evidence suggests that a cooling sea breeze reduces the fire danger index in the proposed third zone sufficiently to remove a ban before the rest of the existing eastern zone.

The Bush Fire Advisory Committee moved the following motion at its meeting held on 1 August 2012:

‘That an item be presented to Council requesting a third fire weather zone be created for the purpose of managing harvest and vehicle movement bans. The proposed zone will cover the South Stirlings Fire Brigade area; east of Chester Pass Road to the Shire boundary and north of the Kalgan river to the Shire boundary’.

A map of the proposed weather zone is attached.

STATUTORY ENVIRONMENT

The management of harvest and/or vehicle movement bans operates under the Shire of Plantagenet Bushfire Guidelines – Vehicle Movement Bans and the Bush Fires Regulations 1954 (38A).

Notice of the proposed third weather zone will be through the Annual Fire Break Notice which is distributed annually to all landowners in the Shire with the rates notice.

EXTERNAL CONSULTATION

Consultation has occurred with Delegates of the Bush Fire Advisory Committee and members of the South Stirling Bush Fire Brigade.

FINANCIAL IMPLICATIONS

There are no financial implications for this report. It is anticipated that the 2013 / 2014 Annual Firebreak Notice include the details of the proposed fire weather district. Advertisements in local media can be utilised to inform of the proposed change for the 2012 / 2013 season.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.9 (A safe Plantagenet) the following Strategy 1.9.2:

'Support the community in emergency and fire management planning, preparedness, response and recovery.'

OFFICER COMMENT

While there are no clear weather records from the South Stirlings area to substantiate that the cooling effect of the sea breeze is sufficient to reduce fire danger indices to such an extent that a ban could be lifted in this area sooner than the rest of the eastern zone, input from the Chief Fire Weather Officer and South Stirling Bush Fire Brigade members is considered accurate and reliable.

The adoption of the proposed weather zone will in turn require additional officer time in the administration of harvest and vehicle movement bans, however this will be manageable.

There is a potential that the proposed third weather zone may set a precedent for other bush fire brigades to follow in terms of the management of harvest and/or vehicle movement bans at a brigade district level. If this were to happen, the process of imposing and lifting harvest and/or vehicle movement bans could become unmanageable due to the number of brigade areas.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M Skinner:

That a new 'South Stirling' Fire Weather Zone be created east of Chester Pass Road and north of the Kalgan River, as described on the attached map dated 11 October 2012, for the purpose of managing harvest and/or vehicle movement bans.

CARRIED (7/0)

NO. 246/12

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW – SEPTEMBER 2012

File No:	N24403
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to review and adjust the adopted 2012/2013 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2012/2013 annual budget was adopted by the Council at its meeting on 3 July 2012. This is the first quarterly review of the 2012/2013 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996. Regulation 33A states:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended effect on the budget is \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

In terms of operating result, operating income is currently 1% over (year to date) budget and operating expenditure is 6% below (year to date) budget which is a good result. Nevertheless, a number of issues are worthy of a budget amendment and the following action is recommended:

- The WA Local Government Grants Commission has recently advised that, due to lower than estimated population and CPI growth, the 2012/2013 Commonwealth Financial Assistance Grants pool had been reduced by \$8.3 million. As a result of this, the Shire's income will be \$60,356.00 lower than previously advised. However, the Main Roads tied grant will be \$13,111.00 higher than budgeted. Budget amendments have been recommended to recognise this.
- At its meeting held on 16 October 2012, it was resolved that the Council's Staff Establishment be amended by the:
 - a. Deletion of 1.0 FTE VROC Executive Officer;
 - b. Addition of 1.0 FTE Assistant Executive Officer;
 - c. Deletion of 1.0 FTE Executive Assistant;
 - d. Addition of 1.0 FTE Executive Officer/VROC Executive Officer.

Appropriate amendments to the VROC Salaries, Administration Salaries, Salaries Reimbursements and the Regional Co-operation Development Program budget items have been recommended.

- The Council approved a sum of \$5,000.00 in the 2012/2013 budget for the installation of a power supply at the South Porongurup Fire Shed. The initial (indicative) quote from Western Power to connect power to the shed came in at \$15,000.00. After writing to Western Power, it offered the Shire a \$10,000.00 grant to contribute toward the power connection. The firm quote from Western Power has now come in at \$22,188.00 or \$12,188.00 including the \$10,000.00 grant. A sum of \$1,363.00 has already been spent on the design fee, leaving a shortfall of \$8,551.00. It is proposed to re-allocate this amount from Budget Item Hazard Reduction to allow for power to be connected to the shed. It will be

possible to cut back on some of the planned hazard reduction work without too significant an impact to allow for the re-allocation.

- The Shire recently sold the decommissioned Narrikup BFB International Fire Truck by public tender. The successful offer was for \$3,650.00. The brigade has requested that the money made from the sale of the truck be put towards additional items for the new fire trucks. The items identified are as follows:
 - One new fast fill pump to replace an existing one in poor condition;
 - Two brackets to fit the fast fill pumps to the new fire trucks; and
 - Assorted fittings for the pumps and additional storage racking for the fire shed.

The total cost of these items should be very close to the full amount of the sale of the truck. While these items are eligible for ESL funding, due to the increasing insurance costs, it is becoming increasingly difficult to satisfy all of the brigade's requirements.

- The Bush Fire Brigades program is subject to a large over-expenditure on insurances. The Community Emergency Services Manager will be making enquiries about a rationalisation of insurance on Bush Fire Brigade vehicles. In the meantime, he has recommended that the over-expenditure be funded from BFB Budget Item Uniforms, Clothing and Accessories.
- At its meeting held on 16 October 2012, the Council resolved that Plantagenet Village Homes Inc be offered a \$1.2 million self supporting loan for the construction of the first stage of Collet Barker Court, independent residential units for seniors. Budget amendments have been recommended to recognise the revised actual repayment and income amounts. This is a \$nil impact.
- Following the majority of fleet being purchased, a number of under and over allocations in capital expenditures and trade-ins have been identified, which will result in total savings of \$7,834.00. It is proposed to reduce the amount being transferred from the Plant Replacement reserve as a result.
- The Waste Disposal program was amended in framing the 2012/2013 budget, so that the wages associated with tip attendants is reflected separately. This is in line with other programs within the budget. However, the split-up was underestimated and a reallocation of \$66,300.00 is required from Waste Disposal Sites – Grounds Maintenance. This is a \$nil impact.
- The Recreation Centre Salaries account is approximately \$6,000.00 over YTD budget due to a staff member's annual leave payout. The over-expenditure may be accommodated from savings made in this budget review.
- The Shire has been successful in securing a grant of \$40,000.00 from the State NRM Program - Community Grants component towards the Mount Barker urban wetland restoration project. Expenditure and income accounts have been adjusted accordingly.
- The project to renew the guttering at the Mount Barker Community Resource Centre has been completed at a cost of \$10,455.00, significantly below the \$60,000.00 budget. Given the unexpected reduction in Financial Assistance Grants, it is recommended that this saving be incorporated onto the budget review on this occasion. The Shire has also received a sum of \$24,197.00 being the final payments associated with the re-development of the Community

Resource Centre. As the year progresses, it will be the intention to identify operational savings which will enable these capital savings can be reallocated to other capital project(s).

- A sum of \$1,378.00 has been received through the sale of surplus items. This was not originally budgeted for and can be used for re-allocation.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Budrikis:

That the budget review for the period 1 July 2012 to 30 September 2012 be adopted and the 2012/2013 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
10007.0212	Grants Commission Grant - Equalisation - Untied	\$296,359	\$275,390	(\$20,969)
10008.0212	Local Road Grant - Main Roads Tied Grant	\$135,083	\$148,194	\$13,111
10008.0211	Grants Commission Grant - Road Maintenance - Untied	\$387,197	\$347,810	(\$39,387)
50401.0006	Purchase Vehicle - Governance	(\$42,320)	(\$43,359)	(\$1,039)
40401.0105	Trade In Vehicle - Governance	\$16,727	\$15,455	(\$1,272)
20029.0130	Employee Costs - VROC Executive Officer Salaries	(\$70,000)	(\$31,710)	\$38,290
20029.0141	Employee Costs - VROC Executive Officer Superannuation	(\$8,400)	(\$4,400)	\$4,000
10016.0219	Reimbursements - VROC Exec Officer Salaries	\$69,836	\$27,083	(\$42,754)
20033.0367	Other Expenses - Regional Co-operation Dev. Program	(\$30,000)	(\$20,000)	\$10,000
50416.0006	Purchase Vehicle - CEO	(\$61,415)	(\$45,795)	\$15,620
40416.0105	Trade In Vehicle - CEO	\$28,000	\$24,091	(\$3,909)
50418.0006	Purchase Vehicle - Manager Community Services	(\$43,694)	(\$51,132)	(\$7,438)
40418.0105	Trade In Vehicle - Manager Community Services	\$26,364	\$24,091	(\$2,273)
20047.0130	Employee Costs - Salaries	(\$885,698)	(\$913,544)	(\$27,846)
20047.0141	Employee Costs - Superannuation	(\$105,674)	(\$109,240)	(\$3,566)
50520.0006	Purchase Vehicle - Community Emergency Services Manager	(\$40,203)	(\$41,762)	(\$1,559)
20074.0312	Fire Prevention - Other Operating Costs	(\$12,000)	(\$15,650)	(\$3,650)
50527.0006	Power Supply - South Porongurup BFB Shed	(\$5,000)	(\$13,551)	(\$8,551)
20077.0276	Fire Control & Hazard Reduction - Hazard Reduction	(\$87,000)	(\$78,449)	\$8,551
10043.0406	Fire Prevention - Sale of Surplus Materials	\$0	\$3,650	\$3,650
20513.0064	Other Expenses - Insurances	(\$44,611)	(\$52,000)	(\$7,389)
20513.0266	Other Expenses - Uniforms, Clothing & Accessories	(\$17,985)	(\$10,596)	\$7,389
50721.0006	Purchase of Vehicle - EHO	(\$45,853)	(\$41,328)	\$4,525
40721.0105	Trade In Vehicle - EHO	\$22,727	\$21,818	(\$909)
40822.0328	Principal Repayments - Loan - PVH(SS)	\$41,439	\$50,180	\$8,741
10820.0328	Financial Income - Loan - PVH (SS)	\$265,212	\$22,413	(\$242,799)
50822.0328	Principal Repayments - New SS Loan - PVH	(\$41,439)	(\$50,180)	(\$8,741)
20805.0328	Interest Repayments - New SS Loan - PVH	(\$265,212)	(\$22,413)	\$242,799
20160.0130	Waste Disposal Sites - Salaries	(\$84,066)	(\$150,366)	(\$66,300)
20165.0052	Waste Disposal Sites - Grounds Maintenance	(\$400,000)	(\$333,700)	\$66,300
21100.0130	Recreation Centre - Salaries	(\$156,455)	(\$162,455)	(\$6,000)
51486.0251	Wilson / Centenary Parks Wetlands Development	(\$77,851)	(\$117,851)	(\$40,000)
41120.0438	Wetlands Development Grants	\$0	\$40,000	\$40,000
51477.0252	Mount Barker Community Resource Ctr - Renew Guttering	(\$60,000)	(\$10,455)	\$49,545
41145.0489	Lotterywest Grant - Mount Barker Community Resource Ctr	\$0	\$24,197	\$24,197
11411.0232	Other Operating Income	\$0	\$1,378	\$1,378
51412.0006	Works Vehicles / Minor Plant Replacement Program	(\$212,630)	(\$206,542)	\$6,088
41413.0486	Transfers from Reserve Funds	\$744,000	\$736,166	(\$7,834)
	TOTAL	(\$764,562)	(\$764,562)	\$0

**CARRIED (7/0)
NO. 247/12
Absolute Majority**

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 COUNCIL MEETINGS - SCHEDULE 2013

File No:	N24437
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to consider the schedule of ordinary council meeting dates, times and venues for January to December 2013.

BACKGROUND

At its meeting held on 8 November 2011 the Council resolved:

'That:

1. *The ordinary meetings of the Council for 2012 be held on a Tuesday at three weekly intervals as follows:*
 - a) *17 January 2012;*
 - b) *7 and 28 February 2012;*
 - c) *20 March 2012;*
 - d) *10 April 2012;*
 - e) *1 and 22 May 2012;*
 - f) *12 June 2012;*
 - g) *3 and 24 July 2012;*
 - h) *14 August 2012;*
 - i) *4 and 25 September 2012;*
 - j) *16 October 2012; and*
 - k) *6 and 27 November 2012.*
2. *The ordinary meeting for December be held on Tuesday 11 December 2012;*
3. *All ordinary meetings of the Council shall commence at 2.45pm and be held in the Council Chambers, Lowood Road Mount Barker;*
4. *All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.'*

In January 2012 the ordinary meeting scheduled for 17 January 2012 was cancelled due to the majority of officers taking annual leave through the Christmas period and there being minimal reports to be presented.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 5.3 provides that a Council is to hold ordinary meetings and may hold special meetings.

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

Local Government (Administration) Regulations 1996

Regulation 12 requires that ordinary council meetings to be held in the next 12 months shall be advertised.

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

EXTERNAL CONSULTATION

Although there is no need for public consultation regarding this matter, as mentioned above, statutory advertising protocols apply.

FINANCIAL IMPLICATIONS

There will possibly be some impact on catering costs depending on the timing and frequency of meetings.

POLICY IMPLICATIONS

Policy No CE/CS/5 – Workshops – Attendance by Members of the Public and Policy No CE/CS/6 – Briefing Sessions for Councillors apply.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community 2012-2022 provides at Goal 4 (Effective Governance and Organisation), at Outcome 4.1 (Effective governance and leadership) the following strategy 4.1.3:

‘Ensure the Council’s decision making process is effective and transparent.’

OFFICER COMMENT

In 2012 the three weekly ordinary council meetings held with workshops on the same day prior to the council meeting appeared successful. It will be recommended that the December meeting in 2013 be held one week earlier in December to allow timely attention to the business of the meeting prior to the office closure over the Christmas period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The ordinary meetings of the Council for 2013 be held on a Tuesday at three weekly intervals as follows:
 - a) 15 January 2013
 - b) 5 February and 26 February 2013
 - c) 19 March 2013
 - d) 9 April and 30 April 2013
 - e) 21 May 2013
 - f) 11 June 2013
 - g) 2 July and 23 July 2013
 - h) 13 August 2013
 - i) 3 September and 24 September 2013
 - j) 15 October 2013
 - k) 5 November and 26 November 2013
2. The ordinary meeting for December be held on Tuesday 10 December 2013.
3. All ordinary meetings of the Council shall commence at 2.45pm and be held in the Council Chambers, Lowood Road Mount Barker.
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

COUNCIL MOTION

Moved Cr B Bell, seconded Cr S Etherington:

That:

1. **The ordinary meetings of the Council for January to November 2013 inclusive be held on the last Tuesday of each month as follows:**
 - a) **29 January 2013**
 - b) **26 February 2012**
 - c) **26 March 2013**
 - d) **30 April 2013**
 - e) **28 May 2013**
 - f) **25 June 2013**
 - g) **30 July 2013**
 - h) **27 August 2013**
 - i) **24 September 2013**

- j) 29 October 2013
 - k) 26 November 2013
2. The ordinary meeting for December be held on Tuesday 17 December 2013.
 3. All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
 4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.
 5. A briefing session be held on the Tuesday prior to each Ordinary Council meeting commencing at 3.00pm as follows:
 - a) 22 January 2013
 - b) 19 February 2013
 - c) 19 March 2013
 - d) 23 April 2013
 - e) 21 May 2013
 - f) 18 June 2013
 - g) 23 July 2013
 - h) 20 August 2013
 - i) 17 September 2013
 - j) 22 October 2013
 - k) 19 November 2013
 - l) 10 December 2013.

Reason for Change

The mover believed that one Council meeting per month plus briefing session would better suit the needs of Councillors and assist staff with the production of business papers.

MOTION TO ADJOURN THE QUESTION

Moved Cr G Messmer, seconded Cr B Bell:

That the question be adjourned until the next meeting of the Council to be held on 27 November 2012 to allow the Chief Executive Officer to present a report providing examples of alternatives for Council meeting schedules.

CARRIED (7/0)

NO. 248/12

9.5.2 SENIORS SOCIAL NEEDS - SHIRE OF PLANTAGENET

File No:	N24600
Attachments:	Letter from Minister for Health HACC Service Provision Guidelines
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to consider the current services available within the Shire of Plantagenet for the social needs of the elderly, especially as provided by the Home and Community Care (HACC) services and the recently formed 'Speedsters' Club.

BACKGROUND

At its meeting held on 14 August 2012 the Council resolved:

'...2. A letter be prepared for consideration by the Hon Minister for Health setting out the Council's concerns that the social needs of seniors in Plantagenet are not being adequately catered for requiring community groups to seek alternative locations to provide for these needs.'

By letter dated 8 October 2012, the Minister responded to the CEO's letter advising of actions addressing the needs of the elderly within our community, including the provision of an open Community Based Day Care Centre designed to offer activities for both HACC clients and other community members (copy attached).

On 9 October 2012 the CEO and Cr Etherington met with the HACC Community Services Coordinator to discuss the possible integration of the newly formed Speedsters Club and the HACC day centre activities on Tuesdays and/or Thursdays. At that time, it seemed unnecessary for the Speedsters Club to continue to operate separately from the HACC activities as the initial barriers regarding eligibility for HACC inclusion were not as apparent.

The Speedsters Club was formed to provide a monthly meal and social activities for all seniors in Plantagenet to meet the perceived need that there was a demand for such an outlet. Its activities have been well supported.

Further communication between HACC and Cr Etherington, and email communication with the CEO, have revealed that access to day centre activities now appear to be more restrictive than initially thought as a result of the 9 October 2012 meeting.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.6 (Quality of life for the aged) the following Strategy 1.6.1:

'Provide and promote services and facilities that meet the needs of the aged.'

The Plan further provides at Strategy 1.6.3:

'Support the provision of active ageing activities for seniors.'

OFFICER COMMENT

The Speedsters Club has now decided it is not in the best interest of the elderly for it to integrate with the HACC day centre activities. The club therefore plans to continue to provide activities for any community member over 60 years of age, at least on a monthly basis.

The Club believes that social activities for seniors should be available for all seniors over 60 years regardless of where they live within the community (independently or within a care facility) and regardless of their care needs. This may not be completely in accord with HACC Service Provision Guidelines.

When the Shire transferred its control/responsibility of HACC services to the Multi Purpose Service in 2005, it was believed that this would free up constraints, provide economies of scale (financial efficiencies for the health and aged care provider) and provide flexibility across aged care/health care services within the community. This flexibility was seen as the ability to respond quickly in providing services that met the community's need, especially for seniors, including social needs.

Attached to this report is the HACC Service Provision Guidelines published by the State Department of Health. It sets out eligibility criteria for receiving HACC services. These services include both older and younger people of our community. Importantly, eligibility *'...is based on impaired functional capacity and individuals do not qualify for HACC support on the basis of advanced age alone.'*

HACC services include:

- Support to participate in social activity in a group or one on one
- Assistance with everyday household tasks
- Assistance with the preparation or delivery of meals
- Minor work in client's home or yard to maintain safety, independence and access
- Minor structural changes to client's home to help maintain independence and safety
- Nursing care such as wound care, insulin injections, and assistance with management of diabetes, continence and pressure care – provided by a registered or enrolled nurse
- Assistance to support client independence in personal care activities such as showering, dressing and basic foot care

- Assistance to keep up with essential activities such as shopping, banking and maintaining social contacts
- Allied health assistance to enhance nutrition, function, strength, independence and safety
- Assistance to help attend appointments and travel around the community.

The HACC Community Services Coordinator advises that Permanent Care Hospital Services (PCHS) residents can only access HACC programs on Tuesday's Senior Social Club while the Thursday's Senior Social is open to all 60's plus except PCHS permanent care residents, who have a separate activity program three days per week at their site.

In conclusion, some social activities are available for all seniors in Plantagenet. However, HACC, pursuant to its guidelines will not be able to cater for the social needs of the elderly to the extent that the cohort may like or expect. Given this service, the Speedster's Club continues to provide a valuable social outlet in addition to that provided by HACC.

Should the Council believe that more social outlets for seniors in the community are necessary it may need to consider the funding and provision of such services itself.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr A Budrikis:

That the Chief Executive Officer be requested to continue to liaise with the Home and Community Care Service and Plantagenet Cranbrook Multi Purpose Service regarding social services for seniors in the community.

CARRIED (7/0)

NO. 249/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr L Handasyde, seconded Cr M Skinner:

That new business of an urgent nature, namely:

- Draft Annual Report – Year Ending 30 June 2012
- Audit Report – Year Ending 30 June 2012

be introduced to the meeting.

CARRIED (7/0)

NO. 250/12

11.1.1 DRAFT ANNUAL REPORT – YEAR ENDING 30 JUNE 2012

File No:	N24152
Attachments:	Draft Annual Report – Year End 30 June 2012
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to receive the Shire of Plantagenet's 2011/2012 Annual Report.

BACKGROUND

The annual financial audit for 2011/2012 was conducted by representatives of the Council's auditors, Lincolns Accountants and Business Advisors in September 2012.

At its meeting held on 16 October 2012, 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 27 November 2012 to receive the 2011/2012 Annual Report.

STATUTORY ENVIRONMENT

Sections 5.53 – 5.56 of the Local Government Act 1995 govern the preparation of annual reports.

Section 5.54 (1) states that:

'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)

Section 5.55 states that:

'The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted 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.

OFFICER COMMENT

The draft Annual Report notes that a number of key items of infrastructure and plant were progressed during 2011/2012, including:

- Progression of the plans for the redevelopment of Sounness Park, with site layout plans and building elevation plans for the Sounness Park Clubrooms and Changerooms being progressed.
- \$2.2 million capital roadworks program.
- New fire truck for the Denbarker Bush Fire Brigade.
- The fit out of the new Mount Barker library was largely completed with more furniture and internet access areas being constructed. The Claude Hotchin Art Collection was also displayed in the new library area.
- The carpark at the new Mount Barker Community Resource Centre was completed.
- Work continued on the nature playground at Wilson Park.
- Environmental improvements at the Saleyards were progressed in line with a new Environmental Action Plan.
- A visitor information signage board was erected in front of the visitor centre.
- Significant works were undertaken at the O'Neill Road waste disposal site in order to cater for a tip shop and recycling services.

The Shire's operating net result was \$521,059 in 2011/2012. Rate revenue increased from \$4.49 million in 2010/2011 to \$5.15 million in 2011/2012. Outstanding borrowings decreased from \$2.49 million in 2010/2011 to \$2.34 million in 2011/2012. The Council expended \$765,823 on land and buildings, \$2,394,049 on infrastructure capital works and \$914,689 on purchases of plant and equipment.

The level of reserve funds increased from \$883,861 in 2010/2011 to \$1,379,982 in 2011/2012. The level of unrestricted cash at year end rose from \$760,314 to 1,502,321 and unspent grant funds on hand reduced from \$402,367 to \$201,282.

The Council received grants and contributions for the development of assets of \$1.65 million in 2011/2012. Total grants and contributions received was \$4.04 million.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr L Handasyde:

That the Annual Report for the year ended 30 June 2012 as attached, be accepted.

CARRIED (7/0)

NO. 251/12

Absolute Majority

11.1.2 AUDIT REPORT - YEAR ENDING 30 JUNE 2012

File No:	N24153
Attachments:	2011/2012 End of Year Audit Report
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	6 November 2012

PURPOSE

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2012.

BACKGROUND

On 17-19 September 2012, representatives of Lincolns Accountants and Business Advisors attended the Shire office to conduct an end of year audit for 2011/2012. 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.

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.

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 Lincolns' Audit and Management Report is attached. The management letter has raised a number of minor issues. The Administration's responses are included in that attachment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the Annual Financial Audit and Management Report for the year ending 30 June 2012 as issued by Mr Russell Harrison of Lincolns Accountants and Business Advisors be received.

CARRIED (7/0)

NO. 252/12

12 CONFIDENTIAL

12.1 WORKS AND SERVICES REPORTS

12.1.1 BUDGET AMENDMENT - PURCHASE LANDFILL COMPACTOR

File No: N24551
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 6 November 2012

PURPOSE

The purpose of this report is to:

1. Consider the purchase of a second hand Bomag BC772RB-2 Landfill Compactor for the O'Neill Road Waste Management Facility;
2. Authorise the CEO to submit a tender to the City of Rockingham for the purchase of that Council's advertised Compactor.
3. Note a required budget amendment to accommodate the required funds using the Plant Replacement Reserve Fund should the Council's tender be successful; and
4. Recommend for future budgeting consideration the purchase of an automatic tarping attachment for the Bomag Landfill Compactor.

MOTION TO PROCEED BEHIND CLOSE THE DOORS

Moved Cr L Handasyde, seconded Cr G Messmer:

4:22pm That the meeting be closed to members of the public pursuant to Section 5.23 (c) of the Local Government Act 1995 as the matter to be considered relates to a contract that may be entered into, by the Local government and which relates to a matter to be discussed at the meeting.

CARRIED (7/0)

NO. 253/12

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr M Skinner:

4:29pm That the meeting proceed in public

CARRIED (7/0)

NO. 254/12

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

- 1. The Chief Executive Officer be authorised to submit a tender for the outright purchase of a second hand Bomag Landfill Compactor as advertised by the City of Rockingham on 15 November 2012 to a total value as recommended by the Manager Works and Services.**
- 2. In the event that the Shire's Tender is successful a further report be prepared amending the Council's adopted 2012/2013 Budget accordingly.**
- 3. Consideration be given for the purchase of an Automatic Tarping Machine and tarpaulins during the 2013/2014 budget process.**

CARRIED (7/0)

NO. 255/12

12.2 CORPORATE SERVICES REPORTS

12.2.1 SALEYARDS AGENT'S AGREEMENTS

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr M Skinner. Nature and Extent of Interest – Farming 400 head of cattle.

Authority to participate pursuant to Section 5.69(3) 9b) of the Local Government Act

Approval has been received from the Department of Local Government via letter dated 9 January 2012 giving permission for Cr M. Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards from 10 January 2012 until 31 December 2012.

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

File No: N24464
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 6 November 2012

PURPOSE

The purpose of this report is to enter into an Agent's Agreement with Primaries of WA and a Deed of Variation with Elders Rural Services Australia Ltd and Landmark respectively, with such agreements formalising the continued payment of a \$1.00 per head contribution by agents.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr G Messmer:

4:30pm That the meeting be closed to members of the public pursuant to Section 5.23 (d) of the Local Government Act 1995 as legal advice obtained, or which may be obtained, by the local government relates to a matter to be discussed at the meeting.

CARRIED (7/0)

NO. 256/12

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr M Skinner:

4:32pm That the meeting proceed in public

CARRIED (7/0)

NO. 257/12

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Bell:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to an Agent's Agreement with Primaries of WA and a Deed of Variation with Elders Rural Services Australia Ltd and Landmark respectively, with such agreements formalising the arrangements detailed in original agreements and the continued payment of a \$1.00 per head contribution by agents, notwithstanding the early loan repayment referred to in clause 3.2 of the original agreement.

CARRIED (7/0)

NO. 258/12

13 CLOSURE OF MEETING

4:37pm The Presiding Member declared the meeting closed.

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