



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 25 July 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	2
9	REPORTS OF COMMITTEES AND OFFICERS.....	3
9.1	COMMUNITY SERVICES REPORTS	3
9.1.1	SOUTH MOUNT BARKER FOOTBALL CLUB - SOUNNESS PARK.....	3
9.1.2	DEDICATION OF A ROAD RESERVE - SURREY DOWNS ROAD	7
9.1.3	FRANKLAND BELOW GORDON LAND CONSERVATION DISTRICT COMMITTEE - PROPOSED WINDING UP	10
9.2	EXECUTIVE SERVICES REPORTS.....	11
9.2.1	COMMITTEE MINUTES - TOWNSCAPE REVIEW STEERING COMMITTEE - 22 JUNE 2006; AUDIT COMMITTEE - 4 JULY 2006; WASTE MANAGEMENT COMMITTEE – 18 JULY 2006	11
9.3	CORPORATE SERVICES REPORTS	12
9.3.1	FINANCIAL STATEMENTS – JUNE 2006.....	12
9.3.2	LOT 66 WESTFIELD STREET AND LOT 55 MUIRS HIGHWAY, ROCKY GULLY - DISPOSAL.....	14
9.3.3	HEALTH (REFUSE SITE) RATE	16

- 9.3.4 PROPERTY RATES 18
- 9.3.5 BUDGET ADOPTION - 2006 / 2007 21
- 9.4 TECHNICAL SERVICES REPORTS 23**
- 9.4.1 LANDFILL SITES AND TRANSFER STATIONS -
OPERATING HOURS 23
- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 27**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING 27**
- 11.1 OVERLOADED TRUCKS – CBH 27
- 12 CONFIDENTIAL 28**
- 13 CLOSURE OF MEETING 28**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:55pm The Acting Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, 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.'

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

Present

Cr D Williss	Deputy Shire President / East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr B Hollingworth	Town Ward
Cr K Hart	Kendenu Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mrs K Skinner	Executive Secretary

Previously Approved Leave of Absence

Cr K Forbes 25 – 26 July 2006 inclusive

There were no members of the public present.

There was one (1) member of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr J Moir, seconded Cr K Clements:

That previously approved leave of absence for Cr B Hollingworth be extended from 20 -23 November 2006 inclusive.

CARRIED (8/0)

No. 216/06

7 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held 11 July 2006 be confirmed.

CARRIED (8/0)

No. 217/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 8-11 July 2006 – Cr Williss noted that he had attended the National Road Congress in Alice Springs with Cr Forbes and Mr Bartlett.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 SOUTH MOUNT BARKER FOOTBALL CLUB - SOUNNESS PARK

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/48/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	13 July 2006

Purpose

The purpose of this report is to advise that by letter dated 16 June 2006 (received 28 June 2006) from the South Mount Barker Football Club, a response is now to hand regarding the Council's resolution of 14 February 2006 and the Council's letter of 20 February 2006. The Council's resolution of 14 February 2006 is reproduced below.

Background

The Council, at its meeting held on 14 February 2006 resolved:

'THAT:

- (1) Subject to the South Mount Barker Football Club (Inc) formally acknowledging that the premises known as the South Mount Barker Football Club Clubrooms are the property of the Shire of Plantagenet with power to lease and subject also to the South Mount Barker Football Club arranging for the demolition of the structure known as the South Mount Barker Football Club changerooms, both situated on Sounness Park, outstanding ground rental of Sounness Park due to the Shire of Plantagenet by the South Mount Barker Football Club in the amount of \$7,000 be written off and no further collection action be taken for the collection of this debt.*
- (2) During the demolition referred to in Part (1) above the Chief Executive Officer be authorised to arrange for the demolition of the adjacent toilet block owned by the Shire of Plantagenet and arrange for the transport of building rubble of the toilet block and changerooms to the O'Neill Road Tip site on behalf of the Shire and the South Mount Barker Football Club, subject to the Club retaining salvage rights for the changerooms.*
- (3) A lease arrangement be entered into between the South Mount Barker Football Club and the Shire for the leasing of the clubrooms to the South Mount Barker Football Club for an initial term of five (5) years.*
- (4) The sum referred to in Part (1) above shall remain on the Council's books as a debt owing until such time as satisfactory lease arrangements referred to in Part (3) above are entered into and in any case such lease being entered into before 30 April 2006.*

South Mount Barker Football Club – Sounness Park (Cont.)

- (5) *Further, the demolition of the changerooms referred to in part (1) above shall be an integral component of this agreement.'*

Statutory Environment

Regulation 5 of the Local Government (Financial Management) Regulations 1996 provides that (among other things) efficient systems and procedures are to be established by the Chief Executive Officer of a local government for the proper collection of all money owing to the local government.

Consultation

It is understood that there has been relatively wide consultation by the South Mount Barker Football Club with other sporting clubs. In fact, it was understood that arrangements had been entered into with the Mount Barker Football Club for that club to take over the clubrooms at Sounness Park provided certain other conditions were met.

It is unknown how or why these negotiations broke down.

Policy Implications

There are no policy implications for this report.

Financial Implications

Councillors will recall that the extensive reporting and correspondence on this issue refers to a large outstanding debt for ground rental by the South Mount Barker Football Club. The Council's records now also show recoverable legal fees (\$307.12) and insurance (\$790.79), Total indebtedness is \$8,097.91.

Strategic Implications

One of the Council's aims within its Infrastructure Key Result Area is to:

'Manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.'

By finalising issues with the South Mount Barker Football Club, especially with regard to ownership of assets, there will be opportunities for the Council to adequately plan for the future of not only Sounness Park but also Frost Park.

Officer Comment

The South Mount Barker Football Club advises in its letter that it has exhausted its process of consultation with other users of its facilities but that it nevertheless wants to move forward to secure formal resolution. In fact, the club acknowledges the points raised in the Council's resolution of 14 February 2006 but seeks specific modifications.

The modifications include the incorporation of a renewal clause of the proposed lease for a further ten (10) years in the event of the club being able to field league and reserves teams in the local competition.

Further, with relation to the demolition of the changerooms, the club indicates that it would like to achieve the retention of the south end of the changerooms, including the kitchen.

South Mount Barker Football Club – Sounness Park (Cont.)

The club acknowledges that it has put the flood lights formerly situated at Sounness Park up for tender and has requested that the Council consider purchasing the lights on behalf of the community.

Although the Council's offer set out in its resolution of 14 February 2006 expired on 30 April 2006, it would be a reasonable gesture to renew the offer. However, the offer should only refer to an extension of the initial lease term, subject to the fielding of a league side, but not the retention of the changerooms. New changerooms are needed. The lack of toilet facilities in the existing changerooms is a situation that should not be tolerated.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The South Mount Barker Football Club be advised that the offer set out to the club by resolution of the Council dated 14 February 2006 has now expired and that as no agreement for the occupation of Council land by the Club exists, the club be notified that the Council is now entitled to take steps to ensure that the South Mount Barker Football Club vacate Sounness Park for non payment of rent.
- (2) Nevertheless and in a spirit of goodwill and cooperation the initial offer, as set out in the resolution of 14 February 2006, in its entirety is now renewed expiring on 31 July 2007.
- (3) In the event that the offer is not accepted, the Council will immediately take steps to ensure that the Club vacates Sounness Park for non payment of ground rental and that the Chief Executive Officer be instructed to follow up such non payment pursuant to the Council's policy.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the South Mount Barker Football Club be advised that the offer set out to the Club by resolution of the Council dated 14 February 2006 has now expired and that as no agreement for the occupation of Council land by the Club exists, the Club be notified that the Council is now entitled to take steps to ensure that the South Mount Barker Football Club vacate Sounness Park for non payment of rent.

CARRIED (8/0)

No. 218/06

FURTHER MOTION

Moved Cr K Clements, seconded Cr J Mark:

That the Council advise the Management Committee of the South Mount Barker Football Club that they are to remove their property including the brick clubrooms and changerooms and vacate Sounness Park by 1 November 2006.

CARRIED (8/0)

No. 219/06

Reason for Change

Cr Clements noted:

‘This situation has been ongoing for several years. It is time to bring it to a close so the Shire can move forward with establishing a management plan and improvements for Sounness Park.’

9.1.2 DEDICATION OF A ROAD RESERVE - SURREY DOWNS ROAD

Location / Address:	N / A
Attachments: (1)	Site Map
Name of Applicant:	N / A
File Reference:	ES/151/10
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	13 July 2006

Purpose

The purpose of this report is to consider the dedication of a 22.16m road reserve along the southern portion of Surrey Downs Road that intersects Reserve 30069.

Background

Shire staff have been investigating a number of different locations for the placement of a shed for the Porongurup Bush Fire Brigade. The favoured location is within Reserve 30069, located adjacent to the Mount Barker–Porongurup Road and intercepted by Surrey Downs Road (refer to the attached map dated 18 July 2006).

Surrey Downs Road has been realigned through Reserve 30069 to improve site distances and safety. However, this realignment has not been reflected with an appropriate dedication for a road reserve. The Department of Land Information (DOLI) has advised that this oversight will need to be rectified prior to the consideration of re-vesting to accommodate a fire shed.

The Department for Planning and Infrastructure is the responsible agency for the Reserve and the purpose for the reserve is 'Government requirements'.

Statutory Environment

Section 56 of the Land Administration Act 1997 details the requirements for the dedication of a Road reserve.

Consultation

Consultation has occurred with employees of the Land Asset Management Services branch of the DOLI, members of the Porongurup Bush Fire Brigade and Jim Robertson - Engineering Technical Officer with the Shire of Plantagenet.

Policy Implications

There are no policy implications for this report.

Financial Implications

DOLI will arrange for surveying to occur at no cost to the Shire.

The Council currently undertakes the maintenance of Surrey Downs Road.

Strategic Implications

The Council adopted the Strategic Bush Fire Management Plan on 28 March 2006. Reference is made within the plan for the construction of a new three (3) bay shed (including services) for the Porongurup Brigade for 2006 / 2007.

Dedication Of A Road Reserve – Surrey Downs Road (Cont.)

The Council's Strategic Plan includes an aim to '*plan a safe and healthy living environment.*' (Key Result Area 4 – Development Services)

The construction of a Bush Fire Brigade shed in a location best suited to service the Porongurup townsite and surrounding developments will address strategies and aims in both plans.

Officer Comment

The Porongurup district is growing as a semi-rural residential area and a tourist destination.

The prime fire response agency in the area, the Porongurup Bush Fire Brigade, does not have a common point of contact and Brigade vehicles are housed throughout the district. Brigade members have expressed concern that the decentralisation of the Brigade vehicles and equipment can result in delays to the Brigade's 'call out' time, thereby posing an increased risk to both residents and visitors to the area.

The Porongurup Bush Fire Brigade approached Shire staff in 2005 to discuss a location for a brigade shed. A number of options have been considered, including:

- (1) A portion of Reserve 19691, a Council owned reserve on the north western corner of Mount Barker–Porongurup Road and Springs Road;
- (2) The Porongurup Hall site;
- (3) A portion of Location 7045, located on the Boxhill Road and Mount Barker–Porongurup Road intersection (privately owned land);
- (4) A portion of Location 982, located on the Bolganup Road and Mount Barker–Porongurup Road intersection (privately owned land); and
- (5) A portion of Reserve 30069, located adjacent to Mount Barker–Porongurup Road and intersected by Surrey Downs Road.

Options 1 and 2 were discounted as they were considered too far from the Porongurup townsite (including sizeable accommodation venues such as Karribank Country Retreat and the Porongurup Range Tourist Park).

Options 3 and 4 were also discounted as neither property owner was willing to sell or lease a portion of their land.

Option 5 is the preferred option of both the Brigade and the Shire due to the close proximity to the townsite, the National Park and the recent sub-division development east of the townsite. The phone line runs across the southern boundary of Reserve 30069, the closest power source is approximately 80m away (across the Mount Barker – Porongurup Road) and the scheme water line is located 300m west of the proposed site.

The construction of a three (3) bay shed (including ablutions), for the Porongurup Brigade was listed as the highest priority in the Shire's Emergency Services Levy (Capital – Buildings requests) grant application. The shed was not funded due to higher priorities in 2006 / 2007 however the Brigade has indicated that they may have access to funds and resources to build a three (3) bay shed, provided land is available.

In order to progress the vesting of a portion of Reserve 30069 with the Shire for the purposes of a Fire Brigade Shed, the road reserve must first be dedicated.

Dedication Of A Road Reserve – Surrey Downs Road (Cont.)

There will be no alteration to the existing Surrey Downs Road formation by the dedication of a road reserve. A road reserve of 22.16m is recommended to match the remaining Surrey Downs Road reserve.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

THAT:

- (1) The dedication of a 22.16m road reserve over the existing constructed portion of Surrey Downs Road, within Reserve 30069, be supported as shown on the attached Plan dated 18 July 2006.**
- (2) The Porongurup Bush Fire Brigade shed and associated amenities be located within Reserve 30069, as shown on the attached Plan dated 18 July 2006.**
- (3) The Department of Land Information be advised in terms of (1) and (2) above and that the Council requests the re-vesting of that portion of Reserve 30069 in the Council for the purposes of a Bush Fire Brigade shed.**

CARRIED (8/0)

No. 220/06

9.1.3 FRANKLAND BELOW GORDON LAND CONSERVATION DISTRICT COMMITTEE - PROPOSED WINDING UP

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	EM/92/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	13 July 2006

Purpose

The purpose of this report is to advise and seek comment regarding the proposed winding up of the Frankland Below Gordon Conservation District Committee.

Background

Correspondence has been received from the Secretary of the Frankland Below Gordon Conservation District Committee seeking the Council's comment regarding the proposal to wind up the Committee. The Council's comments are sought as the Committee falls within the Frankland Below Gordon Land Conservation district.

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

As the Committee is seeking the Council's support for its own winding up, no objections are raised.

The Committee notes that it has insufficient members and the activities of the committee are being taken over by larger groups, being Frankland Gordon Catchment Management Group and the Gillamii Centre.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That the Frankland Below Gordon Land Conservation District Committee be advised that the Shire of Plantagenet raises no objections to the winding up of the Committee.

CARRIED (8/0)

No. 221/06

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 COMMITTEE MINUTES - TOWNSCAPE REVIEW STEERING COMMITTEE - 22 JUNE 2006; AUDIT COMMITTEE - 4 JULY 2006; WASTE MANAGEMENT COMMITTEE – 18 JULY 2006

Location / Address: N / A
Attachments: (3) Committee Minutes
Name of Applicant: N / A
File Reference: LP/103/1; FM/103/1; WM/103/2
Author: Cherie Delmage - Administration Officer
Authorised By: Jonathan Fathers - Deputy Chief Executive Officer
Date of Report: 18 July 2006

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Townscape Review Steering Committee – 22 June 2006
- Audit Committee – 4 July 2006
- Waste Management Committee – 18 July 2006

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

Any issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the following Committee Minutes be received:

- Townscape Review Steering Committee – 22 June 2006
- Audit Committee – 4 July 2006
- Waste Management Committee – 18 July 2006

CARRIED (8/0)

No. 222/06

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – JUNE 2006

Location / Address:	N / A
Attachments: (1)	Financial Statements – June 2006
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	21 June 2006

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 June 2006.

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 amounts of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (ie: surplus / (deficit) position).

The statement is to be accompanied by: (a) explanation of the composition of net current assets, less committed assets and restricted assets; (b) explanation of the material variances; and (c) such other information considered relevant by the local government.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Cameron:

That the financial statements for the month ending 30 June 2006 be received.

CARRIED (8/0)

No. 223/06

9.3.2 LOT 66 WESTFIELD STREET AND LOT 55 MUIRS HIGHWAY, ROCKY GULLY - DISPOSAL

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CR/58/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 July 2006

Purpose

The purpose of this report is to consider the future disposal by sale of Lot 66 Westfield Street and Lot 55 Muirs Highway, Rocky Gully.

Background

A request has been received from Ms Carol Dymock regarding the availability of these vacant land blocks for purchase.

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Function and General) Regulations govern the disposal of land by a local government.

Consultation

Consultation has occurred with Ms Carol Dymock.

Policy Implications

There are no policy implications for this report.

Financial Implications

Any proceeds from the sale of this property, will be in addition to budgeted funds.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That the Chief Executive Officer be authorised to dispose of Lot 66 Westfield Street and Lot 55 Muirs Highway, Rocky Gully pursuant to Section 3.58 of the Local Government Act 1995 subject to:

- (a) the properties being disposed for not less than the most recent valuation which shall be less than six (6) months old; and**
- (b) a local Real Estate Agent being used for the disposal.**

CARRIED (8/0)

No. 224/06

9.3.3 HEALTH (REFUSE SITE) RATE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	Ross MacDonald - Accountant
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 July 2006

Purpose

The purpose of this report is to set the Health (Refuse Site) rate for the 2006 / 2007 financial year.

Background

The Council first established the Health (Refuse Site) rate in the 2001 / 2002 financial year. The minimum refuse site rate is currently \$50.00.

The Council has since adopted conditions associated with the Health (Refuse Site) rate, as follows:

'As the Council is of the opinion that the imposition of more than one (1) refuse site rate would be inequitable in those circumstances where properties are owned and / or operated in identical name or names and where no habitable or commercially rented properties are situated on additional properties, then in those circumstances the Council shall write off such refuse site rate moneys owing that meet the above mentioned criteria.'

It is intended to maintain this condition as part of the Refuse Site Rate, so as not to impact unfairly on owners of multiple vacant properties.

Statutory Environment

The Health (Refuse Site) rate is raised in accordance with Section 40 of the Health Act 1911.

Consultation

Consultation has occurred with staff, the Council and the community in the preparation of the budget, including the Refuse Site Rate.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Health (Refuse Site) rate will raise a budgeted figure of \$141,050.00 in the 2006 / 2007 financial year.

Strategic Implications

One of the Aims of Key Result Area 2 – Infrastructure is to:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Health (Refuse Site) Rate (Cont.)**Officer Comment**

The Waste Management Committee is considering for recommendation to the Council, a progressive strategic plan for the implementation of improved waste management operations within the Shire of Plantagenet.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements:

THAT:

- (1) The rate in the dollar and the minimum rate for the 2006 / 2007 refuse site rate be set as follows:

	Cents in the \$	Min. Rate
Gross Rental Value	0.0001	\$50.00
Unimproved Value	0.0001	\$50.00

- (2) As the Council is of the opinion that the imposition of more than one (1) Health (Refuse Site) rate would be inequitable in those circumstances where properties are owned and / or operated in identical name or names and where no habitable or commercially rented structures are situated on additional properties, then in those circumstances the Council shall write off such refuse site rate moneys owing that meet the above mentioned criteria.

CARRIED (7/1)

No. 225/06

(Absolute Majority)

9.3.4 PROPERTY RATES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 July 2006

Purpose

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments.

Background

Level of Rates

As part of the 2006 / 2007 Budget workshop process, the Council established that property rates should be set at no more than a 5.6% increase on total rate revenue raised in 2005 / 2006.

The 2006 / 2007 budget and the respective property rates have been determined on that basis.

Discount

Section 6.12 (1)(a) permits a local government to grant discount or incentive for the early payment of money which is owed to the Council. It is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. This year, a bank account of \$500.00 with the Bendigo Bank will be offered as first prize, with one (1) carton of mixed wine donated by Mount Barker Wine Producers Association at a retail value of \$250.00 offered as second prize.

Instalments

It is recommended to the Council that it continue to offer the following three (3) payment options as in previous years:

- (1) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
- (2) To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date.
- (3) To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date.

Property Rates (Cont.)**Instalment Fee**

It is recommended that an instalment fee of \$5.00 be charged for each instalment reminder issued after the first instalment is paid. This is consistent with the previous year's charge and the Local Government Act.

Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments.

Statutory Environment

Sections 6.25 to 6.82 of the Local Government Act 1995 and Regulations 52 to 78 of the Local Government (Financial Management) Regulations legislates property rating requirements and procedures.

Consultation

Consultation has occurred with staff, the Council and the community.

Policy Implications

There are no policy implications for this report.

Financial Implications

The property rates proposed have been established on the basis of delivering a balanced budget with a 5.6% increase on the 2005 / 2006 rate revenue.

Strategic Implications

The sensible setting of rates is critical in generating revenue for the Council to deliver services to the community and attain its mission:

'To improve the quality of life for the people of Plantagenet, both present and future.'

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

THAT:

- (1) No discount be offered for the early payment of property rates.**
 - (2) Incentive prizes for the payment of property rates in full by the due date be offered as follows:**
 - (a) First prize – Bank Account to the value of \$500.00, donated by Bendigo Bank.**
 - (b) Second prize – one (1) carton of wine with a retail value of in excess of \$250.00 donated by Mount Barker Wine Producers Association.**
-

Property Rates (Cont.)

- (3) The following instalment plan options be offered:
 - (a) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
 - (b) To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date; or
 - (c) To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date.
- (4) An instalment fee of \$5.00 per instalment (excluding the first instalment) and an interest rate of 5.5% per annum on instalment payment plans be charged.
- (5) A late payment penalty interest on overdue and defaulted payment plans be charged at 11% such penalty interest charge to apply to overdue property rates, refuse site rate and rubbish collection charges.
- (6) The rate in the dollar and minimum rate for property rates be as follows:

	Cents in the \$	Min Rate
Rural Townsites (GRV)	9.5714	\$448.00
Rural (GRV)	9.5714	\$448.00
Mount Barker Townsite (GRV)	9.5714	\$448.00
Strata Titles (GRV)	9.5714	\$448.00
Rural (UV)	1.0001	\$448.00
Mining (UV)		\$448.00

CARRIED (8/0)

No. 226/06

(Absolute Majority)

9.3.5 BUDGET ADOPTION - 2006 / 2007

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/26/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 July 2006

Purpose

The purpose of this report is to adopt the 2006 / 2007 Annual Budget, incorporating the Plan For The Future.

Background

The 2006 / 2007 Annual Budget, incorporating the Plan For The Future, has been prepared as a balanced budget with significant input from staff, elected members and the community.

Statutory Environment

Section 5.56 of the Local Government Act 1995 requires a local government to prepare a Plan For The Future for the next two (2) or more financial years.

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an Annual Budget prior to 31 August in each year.

Consultation

Consultation has occurred with elected members, staff and the community throughout the budget preparation process. The draft budget and Plan For The Future was advertised in accordance with best practice principles and a public briefing session held. Thirty-four members of the public attended that meeting.

Policy Implications

There are no policy implications for this report.

Financial Implications

The adoption of the Budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

Strategic Implications

The 2006 / 2007 Annual Budget has been prepared with regard for the Council's Plan For The Future.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

THAT:

- (1) The attached five (5) year budget be adopted as the Plan For The Future as required by Section 5.56 of the Local Government Act 1995.**
- (2) The Annual Budget for the year ending 30 June 2007, as presented, be adopted.**

CARRIED (8/0)

No. 227/06

(Absolute Majority)

9.4 TECHNICAL SERVICES REPORTS

9.4.1 LANDFILL SITES AND TRANSFER STATIONS - OPERATING HOURS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WM/151/5
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	24 June 2006

Purpose

The purpose of this report is to seek authority to implement public opening times for the Council's Landfill sites and Transfer Stations.

Background

At the meeting of the Waste Management Committee Meeting held on 20 June 2006 it was resolved:

'(1) *The following Landfill Sites and Transfer Stations opening hours apply 1 July 2006:*

O'Neill Road Landfill Site

- *Tuesday from 1.00pm - 5.00pm*
- *Wednesday from 8.00am - 12.00noon*
- *Thursday from 1.00pm - 5.00pm*
- *Friday from 8.00am - 12.00noon*
- *Saturday from 1.00pm - 5.00pm*
- *Sunday from 10.00am - 6.00pm*

Kendenup Landfill Site

- *Tuesday from 8.00am - 3.00pm*
- *Thursday from 8.00am - 3.00pm*
- *Sunday from 10.00am – 4.00pm*

Kamballup Landfill Site

- *Friday from 1.00pm - 5.00pm*

Porongurup Transfer Station

- *Monday from 8.00am - 5.00pm*
- *Thursday from 8.00am – 12.00noon*
- *Saturday from 8.00am – 5.00pm*

Rocky Gully Transfer Station

- *Wednesday from 1.00pm - 5.00pm*
- *Saturday from 1.00pm – 5.00pm*

(2) *At the conclusion of a six (6) month trial (ending 31 December 2006), a further report be presented to the Committee to reconsider opening times.*

Landfill Sites & Transfer Stations – Operating Hours (Cont.)

- (3) *The issues raised in Points 1 and 2 above be advertised in conjunction with proposed fees and charges for implementation on 1 October 2006.'*

At its meeting held 11 July 2006, the Council referred this matter back to the Waste Management Committee (WMC). The WMC met on 18 July 2006 and reaffirmed its recommendation of 20 June 2006.

Statutory Environment

The Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004 provides at Clause 12:

'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area 2 (Infrastructure) provides as a Council aim that the Council will:

'Protect the Community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Further, the strategic plan provides under waste and recycling the following:

- *'Development of a waste management plan which reflects legislative requirements and community demands;*
- *Level of customer satisfaction;*
- *Internal and external benchmarking;*
- *Demonstrated pursuit of continuous improvement initiatives.'*

The restriction of landfill and transfer station operating hours will assist the Council to effectively manage waste by enabling waste placement to be controlled by Council staff. It will also assist in recycling by ensuring that recyclable items are appropriately stored.

Officer Comment

The hours recommended by the Committee have already been discussed by the Council in a workshop and their adoption is recommended.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities the following hours of operation for landfill and transfer station facilities be adopted:

Landfill Sites & Transfer Stations – Operating Hours (Cont.)**(1) O'Neill Road Landfill Site**

- Tuesday from 1.00pm - 5.00pm
- Wednesday from 8.00am - 12.00noon
- Thursday from 1.00pm - 5.00pm
- Friday from 8.00am - 12.00noon
- Saturday from 1.00pm - 5.00pm
- Sunday from 10.00am - 6.00pm

Kendenup Landfill Site

- Tuesday from 8.00am - 3.00pm
- Thursday from 8.00am - 3.00pm
- Sunday from 10.00am – 4.00pm

Kamballup Landfill Site

- Friday from 1.00pm - 5.00pm

Porongurup Transfer Station

- Monday from 8.00am - 5.00pm
- Thursday from 8.00am – 12.00noon
- Saturday from 8.00am – 5.00pm

Rocky Gully Transfer Station

- Wednesday from 1.00pm - 5.00pm
- Saturday from 1.00pm – 5.00pm

- (2) At the conclusion of a six (6) month trial, a further report be presented to the Committee to reconsider opening times.**
- (3) The issues raised in Points 1 and 2 above be advertised in conjunction with proposed fees and charges for implementation on 1 October 2006.**

AMENDMENT

Moved Cr J Cameron, seconded Cr M Skinner:

That the words 'Rocky Gully Transfer Station

- Wednesday from 1.00pm – 5.00pm
- Saturday from 1.00pm – 5.00pm'

be deleted.

EQUALITY (4/4)

CASTING OF SECOND VOTE

Pursuant to Section 5.2.1 (3) of the Local Government Act (1995), the Acting Presiding Member exercised the discretion to cast a second vote, such vote being cast in the affirmative.

CARRIED (5/4)

No. 228/06

COUNCIL DECISION

That pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities the following hours of operation for landfill and transfer station facilities be adopted:

(1) O'Neill Road Landfill Site

- Tuesday from 1.00pm - 5.00pm
- Wednesday from 8.00am - 12.00noon
- Thursday from 1.00pm - 5.00pm
- Friday from 8.00am - 12.00noon
- Saturday from 1.00pm - 5.00pm
- Sunday from 10.00am - 6.00pm

Kendenup Landfill Site

- Tuesday from 8.00am - 3.00pm
- Thursday from 8.00am - 3.00pm
- Sunday from 10.00am – 4.00pm

Kamballup Landfill Site

- Friday from 1.00pm - 5.00pm

Porongurup Transfer Station

- Monday from 8.00am - 5.00pm
- Thursday from 8.00am – 12.00noon
- Saturday from 8.00am – 5.00pm

(2) At the conclusion of a six (6) month trial, a further report be presented to the Committee to reconsider opening times.

(3) The issues raised in Points 1 and 2 above be advertised in conjunction with proposed fees and charges for implementation on 1 October 2006.

CARRIED (8/0)

No. 229/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Hart has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That for the 2006 / 2007 financial year, the rates for Lots 44 and 45 of Location 27 Mildura Road, Kendenup (Assessment #202) in the name of CE Salmon and NJ Tarling be paid from the Council's Donations account (approximate value \$533.00).'

Comment

House and all possessions were destroyed by fire on Tuesday 11 July 2006.

COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Cameron:

That for the 2006 / 2007 financial year, the rates for Lots 44 and 45 of Location 27 Mildura Road, Kendenup (Assessment #202) in the name of CE Salmon and NJ Tarling be paid from the Council's Donations account (approximate value \$533.00).

CARRIED (7/1)

No. 230/06

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**11.1 OVERLOADED TRUCKS – CBH**

Moved Cr M Skinner, seconded Cr K Hart:

That business of an urgent nature, namely:

- **Cooperative Bulk Handling (CBH) – Overloaded trucks**
be introduced into the meeting.

CARRIED (8/0)

No. 231/06

Moved Cr M Skinner, seconded Cr K Hart:

That the Chief Executive Officer be requested to investigate the Cooperative Bulk Handling (CBH) initiative in relation to the overloading of trucks during harvest time.

CARRIED (8/0)

No. 232/06

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.04pm The Acting Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON.....DATE...../...../.....