



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 25 November 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes AM - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)Members Present:

Cr K Forbes AM
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr B Hollingworth
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

In Attendance:

Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs C MacLean	Administration Officer - Planning
Mrs K Skinner	Executive Secretary
Mr E Howard	Environmental Health Officer

There was one (1) member(s) of the public in attendance (arrived 2.55pm).
There were nil (0) member(s) of the media in attendance.

Apologies

Mr R Stewart Chief Executive Officer

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr K Clements disclosed a Financial Interest in Item 11.5.2.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR K FORBES AM

Cr K Forbes requested Leave of Absence from 4.00pm to 5.00pm on 26 November 2008.

Moved Cr M Skinner, seconded Cr J Mark:

That Cr K Forbes be granted Leave of Absence from 4.00pm to 5.00pm on 26 November 2008.

CARRIED (9/0)

NO. 266/08

Previously Approved Leave of Absence

Cr B Hollingworth 9 December 2008 to 21 December 2008 (inclusive)

Cr A Budrikis 19 December 2008

Cr K Forbes AM 1 February 2009 to 25 February 2009 (inclusive)

8 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr J Mark:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 11 November 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 267/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 13 November 2008 – Teleconference to finalise Memorandum of Understanding for Local Government and Department of Environment (DEC) for management and operations at bushfires.
- 18 November 2008 – Attended Australian Council of Local Government meeting in Canberra. Approximately 80% of Mayors and Presidents Australia wide attended (over 400). Major discussions on infrastructure funding and constitutional recognition. The Shire of Plantagenet has been allocated a grant of \$100,000.00 to be spent before September 2009 – there are guidelines available.

- 24 November 2008 – With Cr J Moir and Mr J Fathers, attended the Western Australian Local Government Association (WALGA) Great Southern Zone meeting in Nyabing. I resigned as President and was replaced by Cr Barry Webster from the Shire of Broomehill-Tambellup. There were two good presentations. The first – TAFE Albany on Local Government staff training and accreditation. The second – Fire and Emergency Services Authority (FESA) on capital grants availability, eligible items and processes.
- 26 November 2008 – State Saleyards Strategy group meeting with Minister Redman.
- 26 November 2008 – meeting with senior policy officers in Minister for Transport's office to discuss Timber Industry Roads Evaluation Study (TIRES).
- 3 December 2008 – WALGA State Council.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth

- 17 November 2008 – Forest Community Employment workshop with Dr Jacki Schirmer.

Cr J Moir

- Attended WALGA Great Southern Zone meeting at Nyabing. Works in progress – waste oil removal and costs. Federal funding – Deputy Chief Executive Officer WALGA advised that there is no certainty that funding will be available next year, unless local governments have a detailed Asset Management Plan. The Valuer Generals Office (VGO) will be doing a revaluation of all rural properties next year. Member Councils are encouraged to participate more by submitting Agenda items.

Cr J Mark

- Visitor Centre meeting. There were two major concerns:
 - New track which has been put through from Langton Road (old Muirs Highway) near the Council's depot to Omrah Vineyard. There were marked trails for wildflower walks through that area and these have been destroyed. The Shire should write to both Main Roads WA and DEC.
 - Lookout on Mount Barker Hill is very untidy and needs to be cleaned up as a matter of urgency.

Cr M Skinner

- Bendigo Bank Annual General Meeting – the Mount Barker branch is doing exceptionally well and has donated \$80,000.00 back into the community to 28 groups. The Medical Centre partnership appears to be going well. The Certificate that the Shire presented was well received.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 DELEGATION NUMBER LG 047 - AUTHORITY FOR ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2008

File No: PE/21/3
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to consider a proposal to delegate to the Chief Executive Officer the issue of renewal of permits where the Council has previously approved the activity of the stallholder, trader and/or the outdoor eating facility provided that activity has been operating in accordance with the Council imposed conditions.

Background

Delegations are granted to the Chief Executive Officer (CEO) (and other Officers in some instances) to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Statutory Environment

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties.

Section 5.42 also provides that some powers or duties cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation, or where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation by the Council to the CEO must be reviewed once every financial year.

Finally, a person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Activities in Thoroughfares and Public Places and Trading Local Law 2008 – Part 7 provides that a permit holder may apply to the Council for the renewal of a permit for an activity in a thoroughfare.

Consultation

The matter has been discussed with Mr Rob Stewart – Chief Executive Officer.

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

This delegation will enable officers to issue the necessary renewal certificates required under the Activities in Thoroughfares and Public Places and Trading Local Law 2008 for existing approved activities.

The typical type of activity is an alfresco dining area on a public thoroughfare (footpath). Once the initial approval has been granted by the Council, the Local Law requires the operator of the premises to make application every twelve (12) months for the renewal of the permit. The Council's Environmental Health Officer (EHO) carries out the required inspections to ensure the premises are being operated in accordance with the imposed conditions. It is proposed that the CEO delegate this power to the Manager Development Services (MDS) and the EHO to ensure permits are renewed in a timely manner.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr M Skinner:

That the following Delegation LG 047:

Delegation Number	LG 047
Legislative Power	Local Government Act 1995 Activities in Thoroughfares and Public Places and Trading Local Law 2008
Delegation Subject	Renewal of Permits for stallholder, trader and / or outdoor eating facility
Delegate	Chief Executive Officer

That authority be delegated to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act 1995 for the issue of renewal of permits where the Council has previously approved the activity of the stallholder, trader and/or the outdoor eating facility provided that activity has been operating in accordance with the Council imposed conditions.'

be adopted.

**CARRIED (9/0)
NO. 268/08
(Absolute Majority)**

11.1.2 DELEGATION NUMBER LG 048 - ISSUE OF SECTION 39 AND 40 CERTIFICATES

File No: PE/21/3
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to consider a proposal to delegate to the Chief Executive Officer the authority to issue Section 39 and Section 40 Certificates required under the Liquor Control Act 1988.

Background

Delegations are granted to the Chief Executive Officer (CEO) (and other Officers in some instances) to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Statutory Environment

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties.

Section 5.42 also provides that some powers or duties cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation, or where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation by the Council to the CEO must be reviewed once every financial year.

Finally, a person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Consultation

The matter has been discussed with Mr Rob Stewart – Chief Executive Officer.

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

This delegation will enable officers to issue Section 39 and Section 40 certificates required under the Liquor Control Act for existing approved liquor establishments.

These certificates are required when a special function or minor change to the operation of the premises is proposed. It is a means for the Department of Racing, Gaming and Liquor to ascertain from the Environmental Health Officer (EHO) and/or the Manager Development Services (MDS) from the relevant Council, that the Council is firstly aware of the proposal and secondly that the premises are in conformity with relevant health and planning standards.

It is proposed that the CEO delegate this power to the MDS and the EHO to ensure responses are prepared in a timely manner.

If a proposal is for a new premises where the approval of the Council is required under the Town Planning Scheme then the matter will be placed before the Council for a decision.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir:

That the following Delegation LG 048:

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Delegation Number	LG 048
Legislative Power	Local Government Act 1995 Liquor Control Act 1988
Delegation Subject	Issue of S.39 and S.40 Certificates
Delegate	Chief Executive Officer

That authority be delegated to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act 1995 for the issue of S.39 Certificate of Local Government (Health) and S.40 Certificate of Local Planning Authority required under the Liquor Control Act 1988 where such certificates are required for an existing approved establishment.'

be adopted.

CARRIED (9/0)

NO. 269/08

(Absolute Majority)

11.1.3 LOT 6 (13) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE – REQUEST FOR RECONSIDERATION

File No: RV/182/1170
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to seek the Council's reconsideration of an application for a permit to conduct an outdoor eating facility (alfresco dining) on a Public Thoroughfare adjacent to the Mount Barker Country Bakery located at Lot 6 (13) Lowood Road, Mount Barker.

Background

The Council, at its 14 October 2008 meeting, considered an application to grant approval to issue a permit to C. Porter to conduct an outdoor eating facility on a public thoroughfare adjacent to the Mount Barker Country Bakery, lot 6 (13) Lowood Road, Mount Barker. At that meeting the Council resolved at Resolution 207/ 08:

'That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit be issued to C Porter to conduct an outdoor eating facility on a public thoroughfare adjacent to the Mount Barker Country Bakery, Lot 6 (13) Lowood Road, Mount Barker subject to:

1. *The outdoor eating facility occupying a maximum area of 4m² (consisting of a maximum of two (2) tables adjacent to the building) of public thoroughfare directly adjacent to the Mount Barker Country Bakery in accordance with the application dated 2 September 2008.*
2. *The facility being operated and maintained in accordance with the provisions of:*
 - a) *Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001;*
 - b) *Health Act 1911;*
 - c) *Health (Food Hygiene) Regulations 1993; and*
 - d) *Australia New Zealand Food Safety Standards 2000.*
3. *The permit is valid for a period of twelve (12) months or part thereof, effective from 1 July 2008 until 30 June 2009.*
4. *The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period.*
5. *The applicant providing proof of public liability insurance to the value of*

\$5,000,000.00 for the proposed trading area.

6. *A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.*
7. *All signage to be in accordance with Council requirements.'*

The operators of the bakery requested the Council's approval to locate four (4) small tables and seating for eight (8) persons arranged in two (2) rows, located on the footpath directly in front of the store and occupying a maximum pavement area of 8m².

The Council considered there was insufficient free pedestrian movement between the two (2) rows of tables and chairs as requested and subsequently resolved to approve a reduced number of tables and associated seating to two (2) tables and seating for four (4), occupying a maximum pavement area of 4m².

Alfresco dining will be available during bakery business hours from between 5.00am to 5.00pm six (6) days per week, including Sunday on long weekends.

Statutory Environment

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) - Part 6 Division 3 – Outdoor eating facilities on public places –This requires the issue of a permit and the Council may consider the following matters:

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- (c) the Facility will comply with any local law made under section 172 of the *Health Act 1911*;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would -
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

Health Act 1911

Health (Food Hygiene) Regulations 1993

Australia New Zealand Food Safety Standards 2000.

Consultation

The Environmental Health Officer has been liaising with operators of retail premises to ensure appropriate applications are made to the Council for alfresco dining activities.

Financial Implications

The application fee of \$110 has been paid.

Policy Implications

Council officers utilise a 'Draft Information and Application Form' with this type of application.

Strategic Implications

The Shire of Plantagenet Strategic Plan – Key Result Area 4 aims to encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment.

Officer Comment

The applicant believes that a minimum of 2.0m wide unobstructed pathway will be achievable and maintained between four (4) tables and associated chairs as proposed in their original application. The applicant now requests that the Council reconsiders its decision and approves the location of four (4) tables and seating for eight (8) persons for the provision of alfresco dining in front of the bakery in accordance with the original application dated 2 September 2008.

The total available width of the public thoroughfare of 3.960m is considered sufficient to accommodate two (2) rows of tables and provide a minimum of 2.0m wide unobstructed pedestrian pathway between the tables. This is provided the second pair of tables are located beyond the building verandah line as indicated on the amended site plan dated 11 November 2008.

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare in accordance with the amended site plan dated 11 November 2008 for four (4) tables and seating for eight (8) persons, the following conditions may include:

- A minimum of 2.0 metres wide unobstructed pathway will be required to be maintained at all times alfresco dining is available to allow pedestrians to pass freely on the constructed thoroughfare (footpath);
- The footpath area directly adjacent to the dining area being cleaned every morning;
- The permit is valid for a period of twelve (12) months or unless otherwise stated in the permit and a period effective from 1 July to 30 June the following year;
- The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period;
- The permit is transferable;
- The applicant providing proof of public risk insurance for the proposed trading area;

- A statement indemnifying the Local Government in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare by the permit holder; and
- The permit may be cancelled if the permit holder does not comply with any conditions of the permit or any other written law related to activities regulated by the permit.

In addition to the above mentioned suggested conditions, the permit holder should:

- Ensure that the Facility is conducted at all times in accordance with the provisions of the Local Law and the Health Act 1911;
- Ensure that the eating area is kept in a clean and tidy condition at all times;
- Maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- Be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility;
- Whenever, in the opinion of the Council, any work is required to be carried out to a Facility, the Council may give a notice to the permit holder.

The proposed alfresco dining facility will not conflict with the town centre retail base, but further add to the vitality of the area. Alfresco patrons will have access to staff toilet facilities located at the rear of the bakery premises. The proposed dining area will not obstruct sight lines of vehicular traffic in the vicinity, and free pedestrian access and movement will not be unreasonably impeded. The applicant has submitted proof of public liability insurance covering the proposed outdoor eating Facility.

The required seating layout shown on the plan dated 11 November 2008 is considered acceptable.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2008, not withstanding Council Resolution 207/08, a new permit be issued to C Porter to conduct an outdoor eating facility on a public thoroughfare adjacent to the Mount Barker Country Bakery, Lot 6 (13) Lowood Road, Mount Barker subject to:

- 1. The outdoor eating facility occupying a maximum area of 8m² of public thoroughfare directly adjacent to the Mount Barker Country Bakery in accordance with the revised plan dated 11 November 2008.**

2. The facility being operated and maintained in accordance with the provisions of:
 - a) Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001 (Local Law);
 - b) Health Act 1911;
 - c) Health (Food Hygiene) Regulations 1993; and
 - d) Australia New Zealand Food Safety Standards 2000.
3. The permit is valid for a period of twelve (12) months or part thereof, effective from 1 July 2008 until 30 June 2009.
4. A minimum of 2.0 metres wide unobstructed pathway will be required to be maintained at all times to allow pedestrians to pass freely.
5. The footpath is to be cleaned daily and maintained to a good standard.
6. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period.
7. The applicant providing proof of public liability insurance to the value of \$5,000,000.00 for the proposed eating area.
8. A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.
9. All signage to be in accordance with Council requirements.

Advice to the Applicant:

The applicant is advised that the footpath forms part of the public road reserve which is under the care and control of the Council.

CARRIED (8/1)

NO. 270/08

11.2 WORKS AND SERVICES REPORTS

11.2.1 TENDER C09-0809 - SUPPLY AND DELIVERY OF BITUMEN

File No: PS/165/53
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Ian Bartlett
Manager Works and Services
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to consider submissions from the advertising of tender C09-0809 – Supply and Delivery of Bitumen.

Background

Tenders were recently called for the supply and delivery of bitumen to various projects within the Shire of Plantagenet. Tender C09-0809 closed at 12 noon on Wednesday 19 November 2008 and was advertised for a period of eighteen (18) days. At the close of submissions, five (5) tenders were received from the following registered companies:

- Malatesta Investments Pty Ltd;
- RNR Contracting Pty Ltd;
- RNR Contracting Pty Ltd (Alternative);
- Boral Asphalt WA; and
- Boral Asphalt WA (Alternative).

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender.

A Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Consultation

There was no consultation for this report.

Financial Implications

The combined budget allocation for the 2008/09 Road Construction and Maintenance Program is \$4,421,079.00. Incorporated in this amount is the allocation for the supply and delivery of bitumen when needed.

Policy Implications

Council Policy F/FM/5 – Purchasing and Tendering relates to the tendering process.

Strategic Implications

The provision of engineering services is referred to in the Shire of Plantagenet Strategic Plan, Key Result Area 2 – Infrastructure.

Officer Comment

A request for tenders was published in the West Australian on 1 and 5 November 2008. In addition, a tender notice was placed on the Shire of Plantagenet website and also the noticeboard in the Mount Barker Library and Administration Office to inform prospective tenderers. The closing date for the receipt of tenders was Wednesday 19 November 2008, with delivery of submissions to the tender box.

Five (5) tenders were received from the various suppliers for the supply and delivery of bitumen to various projects within the Shire of Plantagenet. A summary of the cost to supply the following items is shown tabulated below:

1. Bulk Product – Hot Bitumen Class 170 Cut/Flux to 5%;
2. Bulk Product – 50/50 Prime;
3. Hire of Spreader Truck; and
4. Full Contract for approx 213,300m³.

Item 1.

Supplier	Bulk Product - <i>Hot Bitumen Class 170 Cut/Flux to 5%</i>					
	Unit Rates (cent/litre) Daily Sprayed Quantities (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Boral Asphalt (WA)	1.20	1.27	1.33	1.40	1.42	1.49
Boral Asphalt (WA) (Alternative Tender)	1.07	1.13	1.18	1.24	1.26	1.32
RnR Contracting Pty Ltd	1.26	1.33	1.37	1.41	1.48	1.61
RNR Contracting Pty Ltd (Alternative Tender)	1.06	1.13	1.17	1.21	1.28	1.41
Malatesta Investments Pty Ltd	1.09	1.09	1.15	1.25	1.36	1.36

Item 2.

Supplier	Bulk Product - 50/50 Prime					
	Unit Rates (cent/litre) Daily Sprayed Quantity (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Boral Asphalt (WA)	1.54	1.58	1.59	1.62	1.62	1.78
Boral Asphalt (WA) (Alternative Tender)	1.37	1.40	1.41	1.44	1.44	1.58
RNR Contracting Pty Ltd	1.41	1.48	1.53	1.57	1.64	1.78
RNR Contracting Pty Ltd (Alternative Tender)	1.30	1.37	1.42	1.46	1.53	1.67
Malatesta Investments Pty Ltd	1.49	1.49	1.55	1.68	1.76	1.76

Item 3.

Supplier	Hire of Spreader Truck (\$/hr) (ex GST)	Comments
Boral Asphalt (WA)	\$115.00	
Boral Asphalt (WA) (Alternative Tender)	\$115.00	
RNR Contracting Pty Ltd	\$110.00	Per hour, per truck, depot to depot plus accommodation costs
RNR Contracting Pty Ltd (Alternative Tender)	\$110.00	Per hour, per truck, depot to depot plus accommodation costs
Malatesta Investments Pty Ltd	\$90.00	

Item 4.

Supplier	Full Contract Price for approx 213,300m ³ (ex GST)	Comments
Boral Asphalt (WA)	\$3.60/m ²	
Boral Asphalt (WA) (Alternative Tender)	\$3.20m ²	
RNR Contracting Pty Ltd	\$3.10/m ²	10mm reseal
	\$3.85/m ²	14mm primeseal
RNR Contracting Pty Ltd (Alternative Tender)	\$2.75/m ²	10mm reseal
	\$3.30/m ²	14mm primeseal
Malatesta Investments Pty Ltd	\$3.94/m ²	

The specifications for the supply and delivery of bituminous surfacing required tenderers to demonstrate compliance with the following selection criteria:

- Relevant experience – detailing past performance when completing work of a similar nature;
- Skills and experience of key personnel;
- A demonstrated understanding of the required tasks; and
- Pricing.

All five (5) tenders scored equally in the first three components of the selection criteria with price being the determining factor. The original tenders from Boral Asphalt (WA) and RNR Contracting Pty Ltd were the most expensive. The tender from Malatesta Investments Pty Ltd priced well for the Bulk Product and offered the most competitive price for the hire of the spreader truck. The alternative tenders from Boral Asphalt (WA) and RNR Contracting Pty Ltd offered competitive prices for Bulk Product, however were more expensive than Malatesta Investments Pty Ltd for the hire of the spreader truck.

It is the opinion of the Manager Works and Services that the tender from Malatesta Investments Pty Ltd is the most advantageous for the Shire of Plantagenet as their tender is considered the most competitively priced given the nature of work to be carried out. The full Service price is considered to be too expensive and this option is not recommended for acceptance.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the tender from Malatesta Investments Pty Ltd to supply and deliver bitumen to the Shire of Plantagenet for various projects for a twelve (12) month period from the date of acceptance, be the preferred tenderer, in accordance with the following pricing schedule (exclusive of GST):

Item 1.

Supplier	Bulk Product - Hot Bitumen Class 170 Cut/Flux to 5%					
	Unit Rates (cent/litre) Daily Sprayed Quantities (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Malatesta Investments Pty Ltd	1.09	1.09	1.15	1.25	1.36	1.36

Item 2.

Supplier	Bulk Product - 50/50 Prime					
	Unit Rates (cent/litre) Daily Sprayed Quantity (litres) (ex GST)					
	Over 18,200	13,600 to 18,199	10,900 to 13,599	8,200 to 10,899	5,500 to 8,199	2,800 to 5,499
Malatesta Investments Pty Ltd	1.49	1.49	1.55	1.68	1.76	1.76

Item 3.

Supplier	Hire of Spreader Truck (\$/hr) (ex GST)	Comments
Malatesta Investments Pty Ltd	\$90.00	

CARRIED (9/0)**NO. 271/08**

11.2.2 TENDER C08-0809 - GRAVEL PUSHING AND GENERAL BULLDOZING HIRE

File No: PS/165/52
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Ian Bartlett
Manager Works and Services
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to consider submissions from the advertising of tender C08-0809 – Gravel Pushing and General Bulldozing Hire.

Background

Tenders were recently called for gravel pushing and general bulldozing hire. Tender C08-0809 closed at 12 noon on Wednesday 19 November 2008 and was advertised for a period of eighteen (18) days. At the close of submissions, five (5) tenders were received from the following registered companies:

- Denmark Fencing Contractors;
- HME Plant Hire;
- AD Contractors Pty Ltd;
- Great Southern Sands; and
- Palmer Earthmoving Australia Pty Ltd.

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The tendering process for goods and services must be in accordance with sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender.

A Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Consultation

There was no consultation for this report.

Financial Implications

The combined budget allocation for the 2008/09 Road Construction and Maintenance Program is \$4,421,079.00. Incorporated in this amount is the allocation for gravel pushing and bulldozing hire when needed.

Policy Implications

Council Policy F/FM/5 – Purchasing and Tendering relates to the tendering process.

Strategic Implications

The provision of engineering services is referred to in the Shire of Plantagenet Strategic Plan, Key Result Area 2 – Infrastructure.

Officer Comment

A request for tenders was published in the West Australian on 1 and 5 November 2008. In addition, a tender notice was placed on the Shire of Plantagenet website and also on the noticeboard in the Mount Barker Library and Shire Administration Office to inform prospective tenderers. The closing date for the receipt of tenders was 19 November 2008, with delivery of submissions to the tender box.

Five (5) tenders were received from various suppliers for gravel pushing and general bulldozing hire. A summary of the cost to supply is shown tabulated below:

Supplier	Gravel Pushing (inc Mobilisation) \$/LCM - ex GST	Extra Ripping & Track Rolling \$/hr - ex GST	Machine		Day Work Rates \$/hr - ex GST
			Make	Model	
Palmer Earthmoving Australia Pty Ltd	\$0.95	\$285.00	Caterpillar	D9N	\$285.00
			Komatsu	D155A-Z	\$225.00
			Komatsu	D85A-ZI	\$175.00
Great Southern Sands	\$1.09	\$227.28	Caterpillar	2004 D9	\$227.28
			Caterpillar	2004 D7	\$177.27
AD Contractors Pty Ltd	\$1.20	\$200.00	Caterpillar	D7H	\$200.00
		\$240.00	Caterpillar	D8N	\$240.00
HME Plant Hire	\$1.18	\$280.00	Caterpillar	D6RXL with Topcon Dozer Sys 5	\$280.00
Denmark Fencing Contractors	\$1.50	\$200.00	Fiatallis	FD20	\$200.00
			Caterpillar	D6H	\$160.00
			Komatsu	D53-17	\$140.00

The specifications for the gravel pushing and general bulldozing hire required tenderers to demonstrate compliance with the following selection criteria:

- Relevant experience – detailing past performance when completing work of a similar nature;
- Skills and experience of key personnel;
- A demonstrated understanding of the required tasks; and
- Pricing.

The tenders from HME Plant Hire and Denmark Fencing Contractors were scored lower than the other tenders due to a lack of experience compared with the other tenders and also due to the higher tendered rates.

The tenders from Palmer Earthmoving Australia Pty Ltd, Great Southern Sands and AD Contractors Pty Ltd scored similarly however Great Southern Sands was favoured as their tender is considered to be the most competitively priced given the nature of work to be carried out.

It is the opinion of the Manager Works and Services that the tender from Great Southern Sands is the most advantageous for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That the tender from Great Southern Sands to supply gravel pushing and general bulldozing hire to the Shire of Plantagenet for a twelve (12) month period from the date of acceptance, be the preferred tender, in accordance with the following pricing schedule:

Supplier	Gravel Pushing (inc Mobilisation) \$/LCM - ex GST	Extra Ripping & Track Rolling \$/hr - ex GST	Machine		Day Work Rates \$/hr - ex GST
			Make	Model	
Great Southern Sands	\$1.09	\$227.28	Caterpillar	2004 D9	\$227.28
			Caterpillar	2004 D7	\$177.27

ALTERNATIVE MOTION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That none of the current tenders for the supply of gravel pushing and general bulldozer hire be accepted and the contract be re-tendered.

CARRIED (9/0)

NO. 272/08

Reason for Change

To seek a more competitive price for this service.

11.2.3 POLICY REVIEW - ROADS - UNCONSTRUCTED ROADS

File No: RO/120/10
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 25 November 2008

Purpose

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

Background

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

Policy:

1. *That where a request that the council undertakes construction 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 programs.*
2. *That any person making such a request wishes to undertake construction at their expense then the procedure be as outlines for subdivisional development by Section 295 of the Local Government (Miscellaneous Provisions) Act, being either to:*
 - a) *Arrange for the local government to carry out the work; or*
 - b) *Employ a consulting engineer to design and submit drawings for approval and supervise construction and drainage to the Council's satisfaction as nominated by the Shire of Plantagenet Subdivision Development Policy.*
3. *That where the person making the request wishes to undertake the construction, then any Council contribution towards construction will require a decision of Council.'*

Statutory Environment

Local Government (Miscellaneous Provisions) Act 1960 – Section 295

Consultation

Consultation has occurred between Works and Services staff at the Technical Services Meeting held Thursday 18 September 2008.

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.

Asset Management Implications

There are no asset management implications for this report.

Strategic Implications

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

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

To achieve this we will:

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

Officer Comment

It is considered that this Policy is adequate, however has been re-worded for clarity.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr M Skinner:

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

OBJECTIVE:

To provide clear guidelines to Shire staff and landowners 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 295 of the Local Government (Miscellaneous Provisions) Act 1960, 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 (9/0)

NO. 273/08

11.2.4 POLICY REVIEW - TENDERS - CANVASSING OF COUNCILLORS

File No: CM/120/2
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer
Proposed Meeting Date: 25 November 2008

Purpose

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

Background

Council Policy No. I/T/1 – Tenders – Canvassing of Councillors reads as follows:

POLICY:

That canvassing of individual Councillors or senior staff by Business Houses or their staff, when tenders are called to supply to the Plantagenet Shire Council, plant, goods or services, will automatically disqualify that tenderer. "Canvassing of individual Councillors will disqualify Tenderer" to be displayed on Tender advertisements and associated correspondence.'

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.

Consultation

Consultation has occurred between Works and Services staff at the Technical Services Meeting held Thursday 18 September 2008.

Financial Implications

There are no financial implications for this report.

Policy Implications

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

Strategic Implications

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

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

To achieve this we will

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

Officer Comment

It is considered that the policy should be amended to remove reference to staff as staff members are often the contact point for the tenderers. An objective has also been added to reflect the standard Policy format.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That amended 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 that tenderer' to be displayed on Tender advertisements and associated correspondence.'

be endorsed.

CARRIED (9/0)

NO. 274/08

11.2.5 SPEED ZONE ASSESSMENTS

File No:	RO/19/1
Attachments:	<u>Requests from Shire of Plantagenet RoadWise Steering Committee Speed Zone Assessments Report</u>
Responsible Officer:	Ian Bartlett Manager Works and Services
Author:	Megan Sounness Administration Officer
Proposed Meeting Date:	25 November 2008

Purpose

The purpose of this report is to update the Council relating to requests made by the Shire of Plantagenet RoadWise Steering Committee to Main Roads WA for speed zone assessments to be undertaken on roads within the Shire of Plantagenet.

Background

The Shire of Plantagenet RoadWise Steering Committee identified the need for speed zones to be reviewed on several local roads. A report (attached) was prepared by the Committee providing background information on the current status of the speed zones, future plans/developments affecting those roads and traffic count information highlighting current usage patterns and travel speeds.

This report was forwarded to the Main Roads WA Great Southern office which in turn requested Main Roads WA staff from the Traffic Operations and Services section in Perth to undertake these assessments. These assessments took place in September 2008.

A report (attached) has been received from the Traffic Operations and Services staff outlining recommendations for each of the roads where changes have been recommended. These recommendations will then be assessed individually by Main Roads WA Great Southern staff.

The RoadWise Steering Committee requested to extend the existing 90 km/h speed limit along Albany Highway to include the O'Neill Road intersection. Main Roads WA Traffic Operations and Services (Perth) has recommended to Main Road WA Great Southern *'to retain the existing 110 km/h posted speed limit on Albany Highway past the O'Neill Intersection. The adjacent road environment is not conducive to 90 km/h speed limit, and will be considered unrealistic. Also Australian Standards and Main Roads WA speed zoning guidelines recommend against imposing isolated speed limit reductions to compensate for alignment deficiencies.'*

Main Roads WA Great Southern will make the final decision on all recommendations made by Main Roads WA Traffic Operations and Services (Perth).

Consultation

Consultation has occurred between members of the Shire of Plantagenet RoadWise Steering Committee and Main Roads WA Great Southern staff.

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

At its meeting held on 30 October 2008 the Shire of Plantagenet RoadWise Steering Committee recommended:

'That a report be presented to the Council requesting that the speed zone assessments be ratified and progressed for implementation.'

Reducing travel speeds is a key element in improving road safety and can have a significant impact on reducing the number and severity of crashes.

While it is recognised that the final implementation of any changes lies with Main Roads WA as the speed zoning authority, it is considered that Council support of these recommendations is desirable.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Nye-Chart:

That the report prepared by Main Roads WA Traffic Operations and Services (Perth) staff, dated 13 October 2008 containing recommendations for changes to speed zones on the following roads in the Shire of Plantagenet:

1. Mount Barker Road:

- a) 50 km/h from Langton Road to 75m south of Morpeth Street; and
- b) 80 km/h from 75m south of Morpeth Street to Tower Hill Road (end of seal).

2. Mitchell Street:

- a) retain 50 km/h speed limit 260m south of Mondurup Street; and
- b) thereafter 80 km/h southwards to Albany Highway intersection.

3. St Werburghs Road:

- a) 80 km/h from Mitchell Street to approximately 1.5 km south west of Mitchell Street; and
- b) thereafter, retain state default speed limit.

4. O'Neill Road:

- a) 90 km/h from Albany Highway intersection to approximately 2.1 km east of Albany Highway (end of seal).

5. Woogenellup Road:

- a) extending the 80 km/h speed limit from 820m east of Albany Highway to approximately 200m south of Duck Road.

be accepted.

CARRIED (9/0)

NO. 275/08

FURTHER MOTION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That Main Roads WA be informed that the Shire of Plantagenet strongly recommends the continuation of the 90km/h speed zone on Albany Highway to south of O'Neill Road and that 60km/h signs be erected on Taylor Road and McDonald Avenue, Mount Barker to address traffic entering the western side of the townsite.

CARRIED (9/0)

NO. 276/08

11.3 COMMUNITY SERVICES REPORTS

Nil

11.4 CORPORATE SERVICES REPORTS

11.4.1 ANNUAL REPORT – YEAR ENDING 30 JUNE 2008

File No:	FM/103/1
Attachments: (1)	Draft 2007/2008 Annual Report (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	25 November 2008

Purpose

The purpose of this report is to receive the Shire of Plantagenet's 2007/2008 Annual Report.

Background

The annual financial audit has now been conducted by representatives of the Council's auditors, Mr W Chai and Mr P Zhao of UHY Haines Norton.

Statutory Environment

Section 5.54 of the Local Government Act 1995 governs the acceptance of annual reports.

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

Consultation

Officers across the organisation have provided input into the Annual Report of the operations of the organisation during 2007/2008. The Council's auditors consulted with staff during their on-site audit in September 2008 and since then.

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 2007/2008 was a very busy year with quite a few major projects in progress and issues for consideration, including:

- Bush fire control room and bush fire brigade shed improvements;
- Cemetery expansion - Mount Barker;
- Great Southern Regional Cattle Saleyards - environmental initiatives and future ownership;
- Proposed subdivision of Council property - Lot 337 Martin Street;
- New medical centre;
- Opening of the Mount Barker northern by-pass;
- Local planning strategy;
- Lowood Road redevelopment;
- Continuation of capital roadworks program with the Spencer Road upgrade being the highlight;
- New HACC building;
- Investigations for a new waste disposal facility;
- Strategic recreation plan;
- South Mount Barker Football Club negotiations;
- Decontamination of old depot site;
- Local government systemic sustainability study.

Rate revenue increased from \$3.41 million in 2006/2007 to \$3.62 million in 2007/2008. Outstanding borrowings reduced from \$5.09 million in 2006/2007 to \$4.88 million in 2007/2008. A sum of \$235,587.00 remained unspent on Loan 89 – Remedial Works – Saleyards.

Grants and contributions for the development of assets increased from \$1.23 million in 2006/2007 to \$2.20 million in 2007/2008. Total grants and contributions increased from \$2.65 million to \$3.92 million.

The level of reserve funds reduced from \$987,180.00 in 2006/2007 to \$481,397.00 in 2007/2008. The main changes related to roadworks carried forward funds being held in restricted funds instead of reserves. A sum of \$211,047.00 was transferred to a new Shire Development Reserve, these funds coming from the sale of three lots in Rocky Gully and sale of depot site land to Main Roads for the Mount Barker Bypass.

The 2007/2008 Income Statement shows a net result (increase in equity) of \$2,272,483.00, which is \$771,784.00 less than budgeted due to a number of reasons, summarised as follows:

- Operating expenditure was \$162,860.00 more than budget. This shows up clearly in 'Other Property and Services' where there was an unbudgeted sum of \$190,188.00 in private works (mainly done on behalf of Main Roads WA). There was also an unbudgeted transfer of cash in lieu of public open space funds to Trust totalling \$171,492.00. This was required by the auditors due to provisions within the Planning and Development Act. There were savings in other areas of expenditure which contribute to the overall over-expenditure mentioned above.
- Operating income was \$608,924.00 less than budget. The main reasons for this were the Rocky Gully fire truck (valued at \$225,000.00) not being received from the Fire and Emergency Services Authority, as provided for in the budget. The other reason was that a grant of \$400,000.00, included in the budget for the Plantagenet Medical Centre, had not yet been received.

The final surplus carried forward figure is \$594,196.00 which is \$27,793.00 more than the \$566,403.00 provided for in the 2008/2009 budget. However, an issue that the Council will need to give further consideration to is the amount of municipal funds available to the Council. The Council presently has an unusual financial situation where it has sold restricted assets, which have effectively inflated the cash at bank position.

A date/time for the Annual General Meeting of Electors of Wednesday 17 December 2008 at 8.00pm has been selected.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the 2007/2008 Annual Report be accepted.

CARRIED (9/0)

NO. 277/08

(Absolute Majority)

11.4.2 AUDIT REPORT – YEAR ENDING 30 JUNE 2008

File No:	FM/103/1
Attachments:	Letter from UHY Haines Norton Management Report Appendix 1
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	25 November 2008

Purpose

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2008.

Background

The Annual Financial Audit was performed on 9 and 10 September 2008 by Mr W Chai and Mr P Zhao of the Council's appointed auditors, UHY Haines Norton. The audit was finalised in November 2008.

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.*

Consultation

There has been consultation with the Shire's auditors in regard to this report.

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

Two issues have been raised by the auditors:

Depreciation of Infrastructure

The auditors have again suggested that the current method of recording and depreciating road infrastructure be reviewed with a view to implementing a system that will allow each road to be dissected into its component parts. Essentially they consider that the ROMAN system should be used as a basis for providing depreciation information. As reported previously, this issue will require further investigation in terms of the extent of detail and accuracy of current data in that system.

Corrected Mis-statements

There were three areas within the draft annual financial report provided to the auditors that required correction above \$3,000.00. These related to calculations on the provision for annual leave, Emergency Services Levy liability and corrections of profit/loss on disposal of minor items of plant. These have now been corrected in the final financial report.

The auditors are pleased with improvements to the Council's financial position, internal procedures and financial management. In particular they have made the following observations:

Financial Ratios

There has been an improvement in the Current Ratio and the Untied Cash to Trade Creditors Ratio as detailed below:

	2004	2005	2006	2007	2008
Current Ratio	1.148	1.149	1.671	0.682	0.885
Untied Cash to Trade Creditors Ratio	0.790	1.085	0.536	0.009	0.565

The Current Ratio gives an indication of short term liquidity. That is the ability to meet financial obligations when they fall due. It is calculated by:

Current assets minus restricted current assets

Current liabilities minus liabilities associated with restricted assets

The Untied Cash to Trade Creditors Ratio indicates the ability to meet immediate obligations to creditors with unrestricted / untied cash. It is calculated by:

Untied cash

Unpaid trade creditors

A value greater than 1 is desirable for both of these ratios and while both are currently below this value, they demonstrate a good trend. It is likely however, that at the end of the current financial year, they will worsen again as most of the Council's committed capital funds are spent on the HACC building and medical centre project.

Rates Debtors

The Shire's rate debtors have reduced from \$283,970.00 (7.5%) to \$246,132.00 (6.2%) this year. As reported previously, continued improvements in the level of rates debtors are expected this year.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

That the Annual Financial Audit and Management Report for the year ending 30 June 2008 as issued by Mr David Tomasi of UHY Haines Norton be received.

CARRIED (9/0)

NO. 278/08

11.4.3 BUDGET REVIEW - SEPTEMBER 2008

File No: FM/103/3
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 28 October 2008

Purpose

The purpose of this report is to adjust the adopted 2008/09 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

Background

The 2008/2009 annual budget was adopted by the Council at its meeting on 1 July 2008.

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 (Financial Management) Regulations 1996 governs budget requirements for local governments.

Regulation 33A now requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

Consultation

Consultation has occurred with department managers.

Financial Implications

The purpose of a budget review is to ensure that the 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 a saving of \$97,914.00.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Operating expenditure and income are both 94% of (year to date) budget which is acceptable. There are some areas which would appear to be well outside budget predictions, however as this is the first budget review for this financial year, it would be somewhat premature to do comprehensive changes and these issues are subject

to comment within the financial statements themselves. Nevertheless, a number of issues are worthy of a budget amendment and the following action is recommended:

OPERATING

- The final surplus carried forward figure for 2007/2008 was \$594,196.00 which is \$27,793.00 more than the \$566,403.00 provided for in the 2008/2009 budget.
- General Rate UV - Interim Rates and Adjustments (10001.0490, Budget \$12,000.00, Actual \$27,979.00) Additional income of \$15,979.00 is available for reallocation. It is recommended that this budget item be increased to \$30,000.00.
- Grants Commission Grant - Equalisation - (10007.0212, Budget \$404,539.00, Actual \$407,869.00) A sum of \$3,330.00 above budget will be received this year.
- Grants Commission Grant – Road Maintenance - (10008.0211, Budget \$703,189.00, Actual \$709,263.00) A sum of \$6,074 above budget will be received this year.
- Kendenup Kids Hub – A grant of \$7,000.00 has been received from the Great Southern GP Network for a community kids hub at the Kendenup Primary School. The proposal is designed to provide a connection for parents of young children to access information on early development, health and well being for young children. Income and expenditure accounts of \$7,000.00 are sought.
- Public Works Overheads - Conferences & Training (20260.0029, Budget \$10,000.00, Actual \$6,192.00). An inadequate amount was provided in this budget item. All new staff must have a workplace safety (blue) card and most need other tickets such as first aid, chainsaw and traffic control, at a cost of approximately \$2,000.00 per new employee. It is envisaged that an additional \$10,000.00 will be needed by the end of the financial year.

CAPITAL

- At its meeting held on 23 September 2008, the Council resolved *“That the Council’s light vehicle fleet be increased with the addition of one (1) vehicle to the standard of Mitsubishi Lancer or equivalent.”* It has been confirmed that a vehicle is required for the Council’s new Planning Officer. A four cylinder two litre vehicle is to be obtained, such as a Mitsubishi Lancer or equivalent, which could be purchased for \$20,000.00. Savings will be made of approximately \$15,000.00 in the Town Planning – Salaries budget, due to the extent of time without a Planning Officer on staff.
- Recreation Centre - Gym & Other Equipment (51111.0006, Budget \$12,650.00) and Recreation Centre - Minor Furniture & Equipment Purchases (21102.0085, Budget \$4,000.00). There was a need to purchase weights equipment for the Les Mills programs which exceeded \$1,000.00 in value and is therefore deemed capital expenditure. A reallocation of \$2,730.00 is sought from the operating account to the capital account.
- Standpipe Controllers. The Council will recall recent discussions on the over-expenditure on standpipe water and the desire for controls to be put in place to properly account for and charge persons responsible for water taken. In this regard, arrangements have been made for controllers to be installed on the standpipes in Marmion Street, Mount Barker, Kendenup and Narrikup, at a cost

of approximately \$16,000.00. It is requested that this amount be reallocated from the operating area to a new capital expenditure account (51340.0358). It is expected that there will be additional income (in account 11320.0400) to cover this expenditure.

- Heavy Plant Replacement Program (51411.0006, Budget \$1,001,715.00). Savings totalling \$67,837.00 have been made in recent purchases of heavy plant, as detailed below:

Vehicle	Budget (Net)	Actual (Net)	Difference
4x4 Backhoe Loader	\$168,000.00	\$122,485.00	\$45,515.00
9 Tonne Tip Truck	\$58,000.00	\$46,861.00	\$11,139.00
6x4 Tip Truck And Pig Trailer	\$159,715.00	\$141,814.00	\$17,901.00
4x2 Tip Truck	\$33,000.00	\$26,718.00	\$6,282.00
Tri Axle Low Loader	\$90,000.00	\$103,000.00	(\$13,000.00)
Total Saving			\$67,837.00

It is recommended that this budget item be reduced accordingly. It is requested that \$2,500.00 of these savings be reallocated to the Minor Plant Replacement Program (51413.0006; Budget \$14,000.00) to cover the purchase of a second hand Rodeo utility, being used to transport the excavator driver to and from site. In addition this vehicle can also be used as a fire tender if needed. It is further recommended that \$6,000.00 be allocated to a ride-on mower, as detailed in the next point.

There are a number of options for the re-use of these savings, ranging from allocation to another capital project, placing into a reserve fund such as the Plant Replacement Reserve or absorbing into general revenue to mitigate the adopted deficit budget. Unless the Council has a specific proposal, it is recommended that this saving be noted for further consideration towards the end of the financial year.

- At the meeting of the Great Southern Regional Cattle Saleyards Advisory Committee held on 25 October 2008, the expense of employing contractors to cut the grass was raised. A possible solution was thought to be the purchase of a ride on lawn mower. The Chief Executive Officer advised that this would be investigated.

In 2007/2008, the Council spent \$2,040.00 on contract lawn mowing services and \$800.00 on slashing. Investigations reveal that a new ride-on lawnmower could be purchased for Works and Services for approximately \$6,000.00, with a trade-in value of \$2,500.00 on the current Parks and Gardens mower. This second hand mower would be sufficient for the Saleyards' needs. More frequent mowing could be carried out (weekly instead of monthly in spring) and there is spare capacity within the staff to undertake this work. Given the uncertainty on the future of assets associated with the Saleyards, rather than the current mower being 'purchased' by the Saleyards, it is recommended that it be retained by Works and Services and rented to that trading activity.

- Plantagenet Medical Centre (50722.0252, Budget \$1,151,817.00). At its meeting held on 23 September 2008, the Council resolved that:
 - '1. *The tender from Mt Barker Building Service to construct the Plantagenet Medical Centre, based on the requirements detailed in Tender C01-0809 (including addendums) and including revisions detailed on the Revised*

Construction Cost provided by Mt Barker Building Service (dated 17 September 2008) with the exception of changes to the air conditioning system, be accepted.

2. *\$80,000.00 be made available from the Shire Development Reserve Fund for the Plantagenet Medical Centre contingency budget.*
3. *Pursuant to s6.20(3) of the Local Government Act 1995, unspent loan funds raised through Loan Number 89 (Remedial Works – Saleyards) amounting to \$143,000.00 be redirected to the Plantagenet Medical Centre project.'*

At that meeting, it was reported that the total construction cost for this project was expected to be \$1,462,839.00, plus a contingency of \$80,000.00.

Further, at its meeting held on 28 October 2008, the Council authorised entering into a debenture for an interest free loan from Plantagenet Community Financial Services Ltd for \$200,000.00 towards this project.

It is recommended that the Plantagenet Medical Centre budget item be formally increased and that new capital income items (Proceeds from Loan No. 92 - 40723.0213), the Saleyards Capital Improvements budget item (51321.0253 – Budget \$235,587.00) be reduced and a budget item for the transfer from unspent loan funds (40724.0073) be created to reflect these decisions.

- Funds allocated for road resumptions. The 2008/2009 budget includes a sum of \$10,000.00 for operational expenditure on outstanding road resumptions (21211.0306). This was a nominal sum allocated towards a road dedication through Locations 1597 & 2689, The Pass Road, Narrikup. An additional \$10,000.00 was put into the Outstanding Land Resumptions Reserve in accordance with the 2008/09 budget. It was understood that this fund was to be built up to cater for old road resumptions which the Council is unaware of, but may be required to provide compensation for at any time.

These budget items have been framed in accordance with the administration's understanding of the Council's intentions. It is possible that this was more than the Council intended.

The realignment of The Pass Road originated many years ago and was co-ordinated by the City of Albany. The consultant surveyor has been asked to progress a range of things to finalise this, and a recent meeting was held with the property owners to discuss the matter. The final cost to the Shire is not known at this stage, although the owners are claiming around \$23,000.00 in compensation. The final amount will be subject to an independent valuation. It is expected that this matter will be finalised later this financial year and therefore both sums may be required to fund this.

The adjustments outlined above result in operating savings of \$78,937.00 and capital savings of \$18,977.00. Given the adopted deficit budget of \$100,000.00, it is suggested that these be noted for further consideration towards the end of the financial year.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr A Budrikis:

That the adopted 2008/09 Annual Budget be amended as follows:

Account	Account Type	Description	Original Budget	Amended Budget	Net Amount
10001.0049	Operating Income	General Rate UV - Interim Rates and Adjustments	\$12,000.00	\$30,000.00	\$18,000.00
10007.0212	Operating Income	Grants Commission Grant - Equalisation	\$404,539.00	\$407,869.00	\$3,330.00
10008.0211	Operating Income	Grants Commission Grant - Road Maintenance	\$703,189.00	\$709,263.00	\$6,074.00
20221.0397	Operating Expense	Kendenuk Kids Hub	\$0.00	(\$7,000.00)	(\$7,000.00)
10126.0397	Operating Income	Grant Revenue - Kendenuk Kids Hub	\$0.00	\$7,000.00	\$7,000.00
20260.0029	Operating Expense	Employee Costs - Conferences & Training	(\$10,000.00)	(\$20,000.00)	(\$10,000.00)
21102.0085	Operating Expense	Other Expenses - Minor Furniture & Equipment Purchases	(\$4,000.00)	(\$1,260.00)	\$2,740.00
20171.0130	Operating Expense	Town Planning Salaries	(\$167,045.00)	(\$152,045.00)	\$15,000.00
New	Capital Expense	Purchase of Vehicle – Town Planner	\$0.00	(\$20,000.00)	(\$20,000.00)
51111.0006	Capital Expense	Gym & Other Equipment	(\$12,650.00)	(\$15,390.00)	(\$2,740.00)
51340.0358	Capital Expense	Standpipe Controllers	\$0.00	(\$16,000.00)	(\$16,000.00)
11320.0400	Operating Income	Other Income - Sale of Water	\$30,000.00	\$46,000.00	\$16,000.00
51411.0006	Capital Expense	Heavy Plant Replacement Program	(\$1,001,715.00)	(\$933,878.00)	\$67,837.00
51413.0006	Capital Expense	Minor Plant Replacement Program	(\$14,000.00)	(\$22,500.00)	(\$8,500.00)
50722.0252	Capital Expense	Plantagenet Medical Centre	(\$1,151,817.00)	(\$1,494,817.00)	(\$343,000.00)
40723.0213	Capital Income	Proceeds from Loan No. 92	\$0.00	\$200,000.00	\$200,000.00
51321.0253	Capital Expense	Saleyards Capital Improvements	(\$235,587.00)	(\$92,587.00)	\$143,000.00

CARRIED (9/0)
NO. 279/08
(Absolute Majority)

11.4.4 FINANCIAL STATEMENTS OCTOBER 2008

File No:	FM/65/1
Attachments:	Financial Statements – October 2008 (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	25 November 2008

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 October 2008.

Statutory Environment

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

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

The Statement is to be accompanied by:

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

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

That the Financial Statements for the period ending 31 October 2008 be received.

CARRIED (9/0)

NO. 280/08

11.4.5 LIST OF ACCOUNTS - OCTOBER 2008

File No: FM/65/3
Attachment: List of Accounts
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo Fawcett
Accounts Officer
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to present the list of payments that were made during the month of October 2008.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the List of Accounts.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That:

- 1) The payment of accounts for the month of October 2008 covering the following:**
 - a) Electronic Payments and direct debits totalling \$673,437.55; and**
 - b) Municipal Cheques 39371 – 39377, 39379 – 39384, 39386 – 39408, 39412 – 39437 and 39439 – 39472 totalling \$227,181.39.**
- be approved.**

2) Municipal Cheques:

a) Spoiled – 39378, and 39409 – 39411;

b) Cancelled – 39385 and 39438.

be noted.

CARRIED (9/0)

NO. 281/08

11.5 EXECUTIVE SERVICES REPORTS**11.5.1 COMMITTEE MINUTES**

File No: CA/103/1
Attachments: [Great Southern Regional Cattle Saleyards Advisory Committee Meeting - 28 October 2008](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Cobie MacLean
Administration Officer Planning
Proposed Meeting Date: 25 November 2008

Purpose

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

- Great Southern Regional Cattle Saleyards Advisory Committee Meeting – 28 October 2008.

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr S Grylls:

That the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee Meeting – 28 October 2008 be received.

CARRIED (9/0)

NO. 282/08

11.5.2 EXTENDED TRADING HOURS - MOUNT BARKER TOWNSITE

A Financial Interest was declared by Cr K Clements.

3.29pm Cr Clements withdrew from the meeting.

File No: GR/97/76
Attachments: [Letters to Businesses Responses](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 25 November 2008

Purpose

The purpose of this report is to present to the Council the result of canvassing in the Mount Barker Townsite regarding a proposed adjustment to retail trading hours within Mount Barker to include Sundays.

Background

At its meeting held on 9 September 2008 the Council resolved:

'That:

- 1. The Mount Barker Cooperative Limited be advised that the Shire of Plantagenet is pleased to authorise the commencement of canvassing in the Mount Barker Townsite to seek feedback regarding an adjustment to retail trading hours in Mount Barker to include Sundays.*
- 2. A further report be presented to the Council at the conclusion of advertising and, in any case, no later than the Council meeting to be held on 28 October 2008.'*

Statutory Environment

Retail Trading Hours Act 1997

Consultation

Substantial consultation has been undertaken with regard to this matter.

Letters were sent to all those listed at attachment (1).

Further, advertisements were placed in the Albany Advertiser on 28 October 2008 and the Plantagenet News on 29 October 2008.

Financial Implications

Advertising and postage costs were approximately \$430.00. A contribution towards these costs will not be sought from the Cooperative in order to maintain independence.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes a Council aim to:

'attract and retain small to medium sized enterprises to Plantagenet'.

Further at Key Result Area 4 (Development Services) notes a Council aim to:

'retain local business and encourage new businesses that will create long term sustainable local employment.'

Officer Comment

All responses received are attached to this report for the information of Councillors. Responses were received from:

- Fios Café – in favour;
- Stephen Carter and Staff – in favour;
- Plantagenet Hotel – in favour;
- Plantagenet Meats - against;
- Health 'n' Herbs – undecided, tending to against;
- Artistic Glass Frosting – undecided, tending in favour;
- Plantagenet Community Financial Services Limited – in favour;
- Mount Barker Grocery Store against; and
- Mount Barker Tourist Bureau Inc – in favour.

Two of the submissions received are against the proposal.

Five are in favour of the proposal.

Two see both the positive and the negative, with one tending towards 'in favour' and the other tending 'against'.

The Mount Barker Cooperative sells such a broad range of merchandise that it is, in effect, in competition with most other businesses. Should all retail establishments be permitted to open on Sundays, will this be competitive or anti-competitive? The Cooperative is much larger than other businesses and has the capacity to absorb the overhead increase that would result in Sunday opening hours. Smaller businesses may not have the capacity to absorb such increases unless substantial increased turnover resulted.

From the Cooperative's point of view, grocery selling organisations in both Albany and Denmark open on Sundays creating a real potential for retail leakage to those locations.

Having more businesses open on a Sunday could create a more lively town atmosphere potentially generating additional retail dollars rather than simply spreading those dollars over seven days. However, seven days trading for a sole trader leaves virtually no free time for recreation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That:

- 1. The Department of Consumer and Employment Protection be advised that after canvassing businesses within Mount Barker and considering all submissions received, the Shire of Plantagenet is of the opinion that Sunday trading should be permitted within the townsite of Mount Barker.**
- 2. The Department be provided with copies of advertisements, correspondence and submissions.**

CARRIED (8/0)

NO. 283/08

3.32pm Cr Clements returned to the meeting.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

14 CONFIDENTIAL**14.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS****MOTION TO GO BEHIND CLOSED DOORS**

Moved Cr J Moir, seconded Cr J Mark:

3.35 pm That the meeting move into Confidential Session to discuss an item under the terms of the Local Government Act 1995 Section 5.23 (2) as follows:

‘(a) a matter affecting an employee or employees.’

CARRIED (9/0)

NO. 284/08

MOTION TO PROCEED IN PUBLIC

Moved Cr J Mark, seconded Cr B Hollingworth:

4.09 pm That the meeting proceed in public.

CARRIED (9/0)

NO. 285/08

15 CLOSURE OF MEETING

4:10 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____