



ORDINARY MINUTES

DATE: Tuesday, 28 July 2009

TIME: 2.45 pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.45 pm The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

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	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President -Town Ward
Cr A Budrikis	Kendrup Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward

Cr M Skinner East Ward

In Attendance:

Mr Rob Stewart Chief Executive Officer
Mr John Fathers Deputy Chief Executive Officer
Ms Nicole Selesnew Manager Community Services
Mr Peter Duncan Manager Development Services
Mrs Kaye Skinner Executive Secretary

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

Previously Approved Leave of Absence:

Cr D Nye-Chart 3 July to 29 July 2009 (inclusive)

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR J MARK

Cr J Mark requested Leave of Absence from 13 August 2009 to 10 September 2009 inclusive.

Moved Cr B Hollingworth, seconded Cr K Clements:

That Cr J Mark be granted Leave of Absence from 13 August 2009 to 10 September 2009 inclusive.

CARRIED (8/0)

NO. 209/08

8 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 14 July 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 210/09

9 COMMITTEE MINUTES

Moved Cr J Mark, seconded Cr M Skinner:

[Minutes 14 July 2009 - Audit](#)

be received.

CARRIED (8/0)

NO. 211/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 16 July 2009 – Chaired meeting in Perth for TC Growers where investors were consulted as to the future direction of Timbercorp assets, with approximately 240 people in attendance.
- 20 July 2009 - at 11.00am landowners and lessors attended in Mount Barker with TC growers to discuss future direction of Timbercorp assets especially in relation to landowner leases. A landowner reference group was formed.
- Attended all five public meetings along with Cr Clements and CEO Mr Rob Stewart on structural reform and it was clearly indicated that no amalgamation should take place to the south of Mount Barker.
- Will be attending Local Government Week from 5 to 8 August 2009 in Perth.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr K Clements

- Attended a meeting of Denmark Water Planning Advisory Group in Denmark on 16 July 2009.
- Attended the Regional Road Group Meeting in Katanning and was advised that the funding for Woogenellup Road had been withdrawn and that we were first reserve. With the help of fellow VROC members we are now back on for the 2010/2011 funding round. The City of Albany will be releasing a paper advising that they believe that the distribution of capped funds was illegal.

Cr Grylls

- Attended the meeting in Mount Barker on Sunday in relation to Timbercorp leases and attended a meeting in Rocky Gully to discuss the future of the Rocky Gully oval.

Cr A Budrikis

- Attended a Recreation Centre Advisory Meeting on 21 July 2008 and advised that with new management in place there will be a big improvement and a plan was being made for out of hours access to the gymnasium.

Cr J Moir

- Attended the structural reform meeting in Narrikup.

Cr M Skinner

- Attended a Saleyards Committee Meeting and advised that 64,000 head of cattle went through the Saleyards during the last financial year. Operation costs were down and that they were \$60,000 under expenditure budget.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

Nil

12.2 WORKS AND SERVICES REPORTS

Nil

12.3 COMMUNITY SERVICES REPORTS

12.3.1 SPORT AND RECREATION PRECINCT PLANS - FROST AND SOUNNESS PARK

File No:	N12164
Attachments:	Precinct Plans Frost and Sounness Park
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	28 July 2009

PURPOSE

The purpose of this report is to obtain the Council's approval to seek public comment for the draft Sport and Recreation Precinct Plan - Frost and Sounness Park.

BACKGROUND

Planning for future of sport and recreation facilities throughout the Shire of Plantagenet has lacked clear direction in the past. To address the need for future planning, the Council appointed the Recreation Advisory Committee (RAC) at its Ordinary Meeting held on 14 October 2008. The duties of the Committee are to:

- i) Prepare a draft Shire of Plantagenet Recreation Strategic Plan for the consideration of the Council;
- ii) Utilise the July 2008 Plantagenet Sport and Recreation Needs Assessment prepared by Tricia Martin and any other report considered pertinent by the Committee; and
- iii) Liaise as necessary with community groups Recreation Centre Advisory Group, the Department of Sport and Recreation and other bodies.

The RAC worked through the recommendations outlined in the Plantagenet Sport and Recreation Needs Assessment and prioritised a number of activities, principally the preparation of Sport and Recreation Precinct Plans for Frost and Sounness Parks in Mount Barker and the whole of the Kendenup townsite.

Gerard Healy, a Recreation Planning consultant, was engaged in December 2008 to prepare the two Precinct Plans. Gerard's planning approach included:

- i) An initial meeting with the RAC to collect background data, visit Frost / Sounness Parks and Kendenup, commence site evaluations and a landscape analysis and to host an information meeting with all sport and recreation clubs that utilise (or had the potential to utilise) Frost Park, Sounness Park and all facility users in Kendenup;
- ii) Host a 'place study' workshop at Frost Park, Sounness Park and two key sites in Kendenup being the Agricultural Grounds and proposed Skate Park site with all existing and future facility users. The objective of the place study was to gather information from users regarding the 'feel' of the site, for example which attributes appealed to users and components that were undesirable;
- iii) Meet with the RAC to discuss the outcome of the place studies, to overview a future direction and sketch plans for workshops with facility users;
- iv) A two day workshop with existing and potential users of Frost Park, Sounness Park and Kendenup facilities. The aim of the workshops was to review the prepared sketch plans and for all participants to provide input, suggest alternatives / amendments and at the conclusion of the workshop, for all participants to sign off the draft (amended) plans promoting 'consensus agreement' for the future direction of the facility;
- v) Workshop with the RAC to review the draft plans prepared following the two day community workshops and to discuss the development priorities for facilities identified on the plans;
- vi) Preparation of draft sport and recreation plans for consideration by the Council and the community; and
- vii) Submission of the final Sport and Recreation Precinct Plans for Frost Park, Sounness Park and Kendenup.

The project has progressed to the preparation of a draft Sport and Recreation Precinct Plan for Frost and Sounness Parks for consideration by the Council and the community.

Work is still continuing on the preparation of a draft Sport and Recreation Precinct Plan for Kendenup.

STATUTORY ENVIRONMENT

The Recreation Advisory Committee has been established pursuant to Section 5.9 (2)(a) of the Local Government Act 1995.

There is no legislative requirement to forward the draft Sport and Recreation Precinct Plans for public comment, however the consultation process is recommended to ensure the community's support.

EXTERNAL CONSULTATION

All existing and potential users of Frost Park and Sounness Park were invited to contribute to the preparation of the Precinct Plans with a majority of users involved throughout the whole process.

All sport and recreation clubs identified in Kendenup were invited to participate in the planning process. There has been input from a broad range of sport and recreation representatives however some groups which will be largely affected by the outcomes of the process did not take part in the formulation of the plans. These groups have

since realised the importance of the plans and are working with Shire Officers to discuss their needs.

The process of advertising the sport and recreation plans for public comment will ensure the greater community has input to what will be a long term and significant development project.

FINANCIAL IMPLICATIONS

The draft Sport and Recreation Plans for Frost and Sounness Park identifies a number of new developments to make the facilities more appropriate to users, capitalise on rationalisation and co-location opportunities, minimise on-going maintenance, plan for future requirements and to achieve economic development opportunities by enhancing the race course facilities.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan, Community Services aims to:

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

In order to achieve this, the Council's current community services and facilities need to be reviewed to:

'Evaluate different options for providing community services and facilities'.

OFFICER COMMENT

A copy of the draft Sport and Recreation Precinct Plan for Frost and Sounness Park is attached.

Throughout the community workshops there was a great deal of co-operation between different user groups to identify areas where clubs could co-locate and share resources. The feedback from the different groups involved was very positive and there was no hesitation in signing off on the draft plan to emphasise the consensus with the planning outcomes.

However, the planning process involved current and future user groups (including groups that are located within the general precinct) and has not been presented to the wider public. Given the scale of development over Frost and Sounness Parks it is recommended to present the plans for public comment, prior to the Council being asked to endorse the Precinct Plans.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the draft Sport and Recreation Precinct Plan for Frost and Sounness Parks, as attached, be advertised for public comment for a period of 45 days.

COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That:

- 1. The draft Sport and Recreation Precinct Plan for Frost and Sounness Parks, as attached, be advertised for public comment for a period of 45 days.**
- 2. The draft Sport and Recreation Precinct Plan for Kendenup, as attached, be amended to show the passive recreation area including the skate park development on the western side of the railway line.**
- 3. The amended draft Sport and Recreation Precinct Plan for Kendenup be advertised for public comment for a period of 45 days.**

Reason for change

1. To also distribute the Kendenup Sport and Recreation Precinct Plan for public comment.
2. To ensure the adopted plan takes into account the reasoning for selecting the western side of the railway line rather than the eastern side because of:
 - a) The cost to fence along the entire length of the lease/railway boundary with fencing to be at least 1.8m high;
 - b) No pedestrian crossings are permitted across the railway line;
 - c) Lighting conditions within the leased area; and
 - d) The Shire has a pre-existing lease on the western side of the railway line.

CARRIED (8/0)

NO. 212/09

12.4 CORPORATE SERVICES REPORTS

12.4.1 FINANCIAL STATEMENTS (UNAUDITED) - JUNE 2009

File No: N12166
Attachments: Financial Statements
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 28 July 2009

PURPOSE

The purpose of this report is to present the unaudited financial position of the Shire of Plantagenet for the period ending 30 June 2009.

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the unaudited Financial Statement for the period ending 30 June 2009 be received.

CARRIED (8/0)

NO. 213/09

12.4.2 LIST OF ACCOUNTS - JUNE 2009

File No: N12165
Attachments: List of Accounts
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo Fawcett
Debtors/Creditors Officer
Proposed Meeting Date: 28 July 2009

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of June 2009.

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 B Hollingworth, seconded Cr K Clements:

That:

1. The payment of accounts for the month of June 2009 covering the following:
 - a) Electronic Payments and Direct Debits totalling \$716,825.95;
 - b) Municipal Cheques 40083 – 40118 and 40120 - 40184 totalling \$187,916.27; and
 - c) Trust Cheques 261 – 263 totalling \$6,619.00;be approved.
2. Spoiled Municipal Cheque 40119, be noted.

CARRIED (8/0)

NO. 214/09

12.4.3 WRITE OFF OF OUTSTANDING DEBTS

File No: N12162
Responsible Officer: John Fathers
 Deputy Chief Executive Officer
Author: Donna Jo Fawcett
 Debtors/Creditors Officer
Proposed Meeting Date: 28 July 2009

PURPOSE

The purpose of this report is to write off bad debts that have been outstanding for an excessive period of time and are considered unrecoverable.

BACKGROUND

Numerous attempts have been made to collect outstanding debts. Previously, the systems used to raise and collect sundry debts were informal and inconsistent which led to problems with old debts being recovered.

A schedule of sundry debts to be written off is detailed below.

Name	Details	Amount
D Baesjou	Outstanding from March 2006. This debt is for the purchase of uniforms invoiced in error.	\$229.09
Coates Hire	Outstanding from April 2006. Debt is for the hire of a pump originally purchased for the 2005 floods. This was later sold to Coates Hire and hire charges were never paid and are in dispute.	\$8,910.00
I Sheldon	Outstanding from April 2007. Administration Error. Debt is for an overcharge for standpipe water.	\$445.10
Southern Haulage	Outstanding from April 2007. Administration Error. Debt is for an overcharge for standpipe water.	\$217.80
Timbercorp	Outstanding from April 2007 and October 2007. Administration Error. Debt of \$122.76 is for an overcharge for standpipe water. Balance is a Feral Pig Contribution invoiced in error.	\$1,222.76
South Mount Barker Football Club	This is for outstanding ground rental fees. The Council previously agreed to enter into an agreement where outstanding ground rental fees would be written off by the Council.	\$8,097.91

J Duddles	Outstanding from June 2005. This was a standpipe water charge. Mr Duddles is no longer at the address we have on file and we have been unable to locate him.	\$110.62
G Wroth	Outstanding from September 2005. The debt is for unrecovered legal costs which would be time consuming and costly to recover in comparison to the amount owing.	\$82.49
	Total	\$19,315.77

STATUTORY ENVIRONMENT

Section 6.12(1) (c) of the Local Government Act states:-

- 1) Subject to subsection (2) and any other written law, a local government may –

(c) Write off any amount of money,

which is owed to the local government.

*Absolute majority required

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

It is recommended that a total of \$19,315.77 be written off. This will affect the Council's surplus/deficit position in the 2009/2010 financial year by reducing the amount of current receivables, which will provide a truer reflection than in previous years.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Significant attempts have been made to recover these bad debts with no success. As such, they are considered unrecoverable and if not written off, they will misrepresent the financial position of the Council.

Current debt recovery processes have been significantly improved. Recovery processes now occur on a regular basis and are documented with sufficient evidence if ever queried. This is evident in the relatively low amount of sundry debtors currently (excluding those proposed to be written off).

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the following sundry debtors, totalling \$19,315.77, be written off:

1.	D Baesjou	\$229.09
2.	Coates Hire	\$8,910.00
3.	I Sheldon	\$445.10
4.	Southern Haulage	\$217.80
5.	Timbercorp	\$1,222.76
6.	South Mount Barker Football Club	\$8,097.91
7.	J Duddles	\$110.62
8.	G Wroth	\$82.49

CARRIED (8/0)

NO. 215/09

(Absolute Majority)

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 ROYALTY FOR REGIONS - COUNTRY LOCAL GOVERNMENT FUND - REGIONAL GROUPINGS

File No: N12038
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 28 July 2009

PURPOSE

The purpose of this report is to determine the Council's preferred regional grouping for the allocation of the regional portion of the Country Local Government Fund (CLGF) grant.

BACKGROUND

Thirty five percent (35%) of the Council's grant under the Royalty for Regions CLGF for year two (2009/2010) is allocated to regional groupings of local government.

The Department of Local Government, which administers the CLGF, has written to the Council requesting nomination of a preferred regional grouping for the allocations.

STATUTORY ENVIRONMENT

There is no specific legislation applicable to this item.

EXTERNAL CONSULTATION

At a meeting of Local Authorities organised by the Department of Local Government held in Mount Barker on 7 July 2009, it was noted that legislative amendments maybe necessary where a Voluntary Regional Organisation of Councils (VROC) is chosen as the allocation conduit, as a VROC does not enjoy corporate existence. This should not be seen as an impediment though, as an individual Council could accept funds on behalf of the others.

FINANCIAL IMPLICATIONS

As outlined in the Officer Comment section below, it is anticipated that \$910,809 of the Shire's CLGF grant over the next two financial years will be allocated to a regional grouping. It is therefore very important that the most appropriate grouping is selected and that the Council has adequate representation on that group to ensure as much of the \$910,809, if not more, returns to the Shire of Plantagenet.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan refers to the development of strategic partnerships and the fostering of regional cooperation partnerships with the coordination of long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.

OFFICER COMMENT

The Council's 2008/2009 CLGF grant was \$1,071,540 and therefore the regional component for 2009/2010 is anticipated to be \$375,039 (35%). The total CLGF allocation of 2008/2009 of \$100m has not changed in the 2009/2010 State Government budget and therefore there is no reason to expect this figure will not remain the same.

Should the CLGF extend into a third year as planned, the initial announcements at the release of the Fund in 2008 indicated that fifty percent (50%) of the 2010/2011 allocation would go to regional groupings. This would represent \$535,770 for the Shire of Plantagenet, all things being equal. As such the selection of the most suitable regional grouping for the Shire of Plantagenet is an important decision.

Although the guidelines for the CLGF year two allocations have not been released, it is expected to operate similarly to year one, i.e. expenditure on regional infrastructure projects.

Possible regional groupings for the CLGF are either:

- a) Southern Link Voluntary Regional Organisation of Council's (VROC) - Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet; or
- b) Great Southern Zone of WALGA - City of Albany, Shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, Woodanilling.

2008/2009 CLGF allocations for Great Southern Councils are as follows:

City of Albany	\$1,568,047	
Shire of Broomehill-Tambellup	\$676,507	(Southern Link VROC)
Shire of Cranbrook	\$605,275	(Southern Link VROC)
Shire of Denmark	\$1,076,771	
Shire of Gnowangerup	\$600,485	
Shire of Jerramungup	\$586,158	
Shire of Katanning	\$1,085,325	
Shire of Kent	\$586,470	
Shire of Kojonup	\$625,454	(Southern Link VROC)
Shire of Plantagenet	\$1,071,540	(Southern Link VROC)
Shire of Woodanilling	\$528,696	

The request to nominate a preferred regional grouping is due by 1 September 2009.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr S Grylls:

That the Department of Local Government and Regional Development be advised that the Shire of Plantagenet's preferred regional grouping of Councils for the Country Local Government Fund is the Southern Link VROC being the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet.

AMENDMENT:

Moved Cr J Mark, seconded Cr B Hollingworth:

That a Part 2. be added to the motion as follows:

'All members of the Southern Link VROC be advised that the Shire of Plantagenet is happy to act as the banker for the regional portion of the Country Local Government Fund'

and the motion be recast accordingly.

CARRIED (8/0)

NO. 216/09

COUNCIL DECISION

That:

1. The Department of Local Government and Regional Development be advised that the Shire of Plantagenet's preferred regional grouping of Councils for the Country Local Government Fund is the Southern Link VROC being the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet.
2. All members of the Southern Link VROC be advised that the Shire of Plantagenet is happy to act as the banker for the regional portion of the Country Local Government Fund.

CARRIED (8/0)

NO. 217/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

3:30 pm The Presiding Member declared the meeting closed.

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