



MINUTES

PUBLIC COPY

Council Meeting held
on Thursday 17 December 2009

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 3.15 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Councillors Dunnet, Boulter, Camarri, Dean, Gilbert, Lorkiewicz, Mellema and Pinkerton.

Shane Collie – Chief Executive Officer.
Ewen Ross – Manager Development Services.
Chris Wade – Works Manager.
Craigie Waddell – Manager Corporate Services.

VISITORS

23

APOLOGIES

Nil.

LEAVE OF ABSENCE (previously approved)

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Mr S Boak asked

Questions on notice to Nannup Shire Councillors:
I sent a letter (by email) to councillors on the 30th of November 2009, formally requesting that each councillor who voted against agenda number 10.5 in the

agenda of 26th November 2009, provide reasons why they voted against granting planning approval of the Timewood Centre project.

As there has been no response from councillors to my letter, not even the common courtesy of acknowledgement of receiving my letter as a concerned ratepayer and resident of Nannup, I now formally ask each councillor individually again:

Firstly, drawing councillors attention to the fact that agenda 10.5 required councillors to **vote on issuing planning approval** to the Timewood Centre, **on what planning grounds did you vote against the motion** as proposed by the CEO?

Secondly, in light of the statement (at the electors meeting of the 14th of November) that the reasons given in the minutes (ref. 8282) of the council meeting of the 26th of November were provided by Cr. Dean alone some time after the council meeting: **Do all other councillors agree that the reasons as now printed in the minutes are a true and accurate record of the reasons given at the time the motion to 'not issue planning approval' was discussed?**

The Shire President responded that the question will be taken on notice.

Mr M Loveland asked if there was a report on the structural integrity of the Town Hall undertaken after the 1982 floods.

Cr Gilbert responded that he did not think so. The Shire President responded that the question will be taken on notice.

Mr R Lee asked how did Councillor Mellema know or not know who voted for him in the recent Council elections.

Cr Mellema responded that he did not.

Mr C Rutter asked when did Councillors Boulter and Mellema determine their view on the TimeWood Centre relative to the recent elections.

Mr Mellema responded after the election.

Mr C Rutter asked if Councillor Gilbert had written any grant applications recently.

Cr Gilbert responded no.

Mr C Rutter asked if Councillor Gilbert had checked with any funding bodies concerning their willingness to provide funds to the Shire in the future.

Cr Gilbert responded that he had not but he would be through the Chief Executive Officer.

Mr R Lee asked what the cost to rate payers was for the running of the waste management facility.

Council's Manager Development Services responded that the figures were contained in the 2009/10 Budget.

Mr M Loveland asked if the Waste Management facility contractor was paid by Council.

Council's Manager Corporate Services responded that they were.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Boulter left the meeting at 3.35pm

Ms M Lyon made a presentation to Council concerning agenda item 10.1.
Cr Boulter returned to the meeting 3.39pm.

Mr S Boak submitted a petition to Council concerning the Time Wood Centre.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8302 DEAN/MELLEMA

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 26 November 2009 be confirmed as a true and correct record.

CARRIED 8/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

Trees South West meeting
Blackwood River Valley Marketing Assoc meeting

Signed:

Dated: 28 January 2009

Waste Management meeting
Regional Road Group meeting
Warren Blackwood Strategic Alliance meeting

Signed:

Dated: 28 January 2009

10. REPORTS OF OFFICERS

Cr Boulter declared a financial interest in the following item and left the meeting 3.46pm.

AGENDA NUMBER: 10.1
SUBJECT: Application for Subdivision referral WAPC 140981
LOCATION/ADDRESS: Lot 6 Barrabup Road
NAME OF APPLICANT: Mr David Boulter
FILE REFERENCE: A1260
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 2 December 2009

Attachments: 1. Location/Zoning Plan.
 2. Subdivision Guidance Plan.
 3. Report for WAPC.

BACKGROUND:

The subdivision seeks to create two (2) lots of 1.65ha (Lot A) and 1.44ha (Lot B) respectively for the purposes of freehold lots, retaining the existing house on Lot B and creating a new dwelling site on Lot A. The land is zoned Special Rural 6 (SR6) under the Scheme.

COMMENT:

The Local Planning Scheme No3 clause 4.13.10 refers to Special Rural Zone and it should be noted that:

“4.13.10.8 Subdivision

Subdivision within the zone is to be generally in accordance with the development guide plan adopted by Council for the specific zone. No further subdivision of land within the zone, contrary to that shown on the approved development guide plan, shall be supported.”

This effectually makes further subdivision not supported as the proposal is contrary to this clause and contrary to the original subdivision guidance plan. A review of the original rezoning amendment 15 dated 18 April 1997, identified that subdivision was to be in accordance with the Subdivision Guide Plan (BY 95-62-8 dated 8 December 1998), that minimum lot size be 2ha and no further subdivision be permitted.

Since the approval of this subdivision the Shire of Nannup has developed and Council may consider an argument from the applicant that planning decisions

Signed:

Dated: 28 January 2009

should be based on current and future development, not rigidly adhered to past decision. In this eventuality the planning considerations would reflect the demand for subdivision, increasing density of "Special Rural" zones and the flow on effect of this approval, introduction of inconsistency in application of LPS No3.

With regards to demand, the Local Planning Strategy for the Local Planning Scheme No3 general supports development of the Shire of Nannup. It seeks to retain the current landscape and avoid high density development of rural areas. LPS No3 specific objectives for special rural zone could construe to encourage further subdivision.

"4.13.10.1 Specific Objectives of the Zone

- (a) To select land within the Scheme Area wherein closer subdivision may be permitted to provide for rural-residential retreats and hobby farms on land which is suitable for such purpose and does not result in the removal of prime agricultural land or impact upon the continuation of established or potential agricultural use;*
- (b) To provide for a range of land uses compatible with the residential occupation of the land while providing for agricultural production on smaller lots where such production does not interfere with the amenity or rural residential character of the area;*
- (c) To provide for a range of housing choice and hence, lifestyle opportunities, within relatively close proximity to the town centre or main transport connections to the town centre.*
- (d) To encourage alternative rural-residential settlement patterns, including cluster subdivision patterns that provide opportunities for agricultural production, landscape protection and conservation; and*
- (a) To establish minimum development standards to ensure development is consistent with, and does not detract from, the rural character or landscape qualities."*

Additionally, Council has recently approved rezoning and subdivision of agriculture zoned land into lots as small as 1.06 ha.

The acceptance of the argument that other lots of less than 2ha or further subdivisions have occurred contrary to LPS No3, have been approved for Special Rural areas reflects an inconsistency which should be addressed. This is not prime facia reason to continue to make decisions on further subdivisions that is contrary to LPS No3.

To ignore LPS No3 is not supported. Should Council wish to support this subdivision, then an amendment to LPS No3 should be initiated. This would effect a considered and consistent amendment to the scheme instead of decisions being made on a case by case basis. Council may initiate this amendment however it is recommended that it is initiated by the land owners concerned themselves.

The proposal from a pragmatic approach would not impinge significantly on the landscape of the area as it is providing lot sizes consistent with other subdivisions in the area, (Dean Road). It is increasing the density as the original subdivision was subject to an average lot size greater than 2 hectares. There would be minimal impact regards roads and disposal of stormwater and sewage on site is feasible.

Should Council support this application for subdivision then it is recommended that the following conditions be included with any approval.

1. Subdivision to be in accordance with the Development Guide Plan submitted dated 17 Nov 09.
2. The preparation and implementation of a fire management plan (prepared to the requirements of FESA and DEC) which amongst other things, requires individual fire breaks and doesn't rely upon strategic fire breaks on private property, identifies fire risk and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation.
3. All new buildings and structures shall be contained within the building envelope area as depicted on the Development Guide Plan.
4. Notwithstanding Clause 5.8.3 of the Scheme, each dwelling shall be provided with a water supply with a minimum capacity of 135,000 litres, and adequate roof catchment to supply the water tank, or alternative source of water approved by the Council. A total of 25% of this water is to be reserved for fire fighting and a fire coupling being fitted. This may be supplied from the Water Corporation licensed underground water supplies or rainwater storage systems to the satisfaction of Council and Health Department of Western Australia.
5. All dwellings shall be designed and constructed in accordance with the requirements of the Building Code of Australia and Standards of Australia AS3959 Construction of Buildings in Bush Fire Prone Areas" (Level 2) construction standards.
6. On-site effluent disposal systems will be provided to the satisfaction of the Department of Health and Council standards.

7. All stormwater shall be disposed of on-site to the satisfaction of the Local Government.
8. The building envelop proposed for Lot A is to be reduced to approximately 2000m² and set back a minimum of 20mtres from all boundaries.
9. Assess to Lot B is to be constructed with a culvert and sealed at the applicants cost, to the satisfaction of the Local Authority.
10. Existing vegetation is to be retained, unless required to be removed for bush fire control or are dead, diseased or dangerous.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

To approve the application would not be in accordance with Council's adopted local planning scheme and would be considered a precedent.

RECOMMENDATION:

That Council advise the WAPC that under Local Planning Scheme No3, clause 4.13.10.8 Council is unable to support subdivision application, WAPC 140981.

8303 DEAN/MELLEMA

That Council advise the WAPC that it supports the sub division application WAPC 140981 with the following conditions;

1. Subdivision to be in accordance with the Development Guide Plan submitted dated 17 Nov 09.
2. The preparation and implementation of a fire management plan (prepared to the requirements of FESA and DEC) which amongst other things, requires individual fire breaks and doesn't rely upon strategic fire breaks on private property, identifies fire risk and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation.

3. All new buildings and structures shall be contained within the building envelope area as depicted on the Development Guide Plan.
4. Notwithstanding Clause 5.8.3 of the Scheme, each dwelling shall be provided with a water supply with a minimum capacity of 135,000 litres, and adequate roof catchment to supply the water tank, or alternative source of water approved by the Council. A total of 25% of this water is to be reserved for fire fighting and a fire coupling being fitted. This may be supplied from the Water Corporation licensed underground water supplies or rainwater storage systems to the satisfaction of Council and Health Department of Western Australia.
5. All dwellings shall be designed and constructed in accordance with the requirements of the Building Code of Australia and Standards of Australia AS3959 Construction of Buildings in Bush Fire Prone Areas" (Level 2) construction standards.
6. On-site effluent disposal systems will be provided to the satisfaction of the Department of Health and Council standards.
7. All stormwater shall be disposed of on-site to the satisfaction of the Local Government.
8. The building envelop proposed for Lot A is to be reduced to approximately 2000m² and set back a minimum of 20mtres from all boundaries.
9. Assess to Lot B is to be constructed with a culvert and sealed at the applicants cost, to the satisfaction of the Local Authority.
10. Existing vegetation is to be retained, unless required to be removed for bush fire control or are dead, diseased or dangerous.

CARRIED 6/1

Councillors voting for the motion: Dean, Dunnet, Gilbert, Lorkiewicz, Mellema and Pinkerton.

Councillor voting against: Camarri.

The reasons for the change in Officer recommendation were:

The diminished lots will not be out of kilter with recently approved sub divisions in the area;

The subdivision would result in not unreasonable lot sizes; and

The existing and proposed building envelopes lend themselves to subdivision.

Cr Camarri left the meeting at 3.46pm.

Cr Boulter returned to the meeting at 3.47pm.

Signed:

Dated: 28 January 2009


This data is to be used for the processing of subdivision applications only.

REFUSED

R CODE BOUNDARY

HEATED COURSE

LOBJOLITUNE

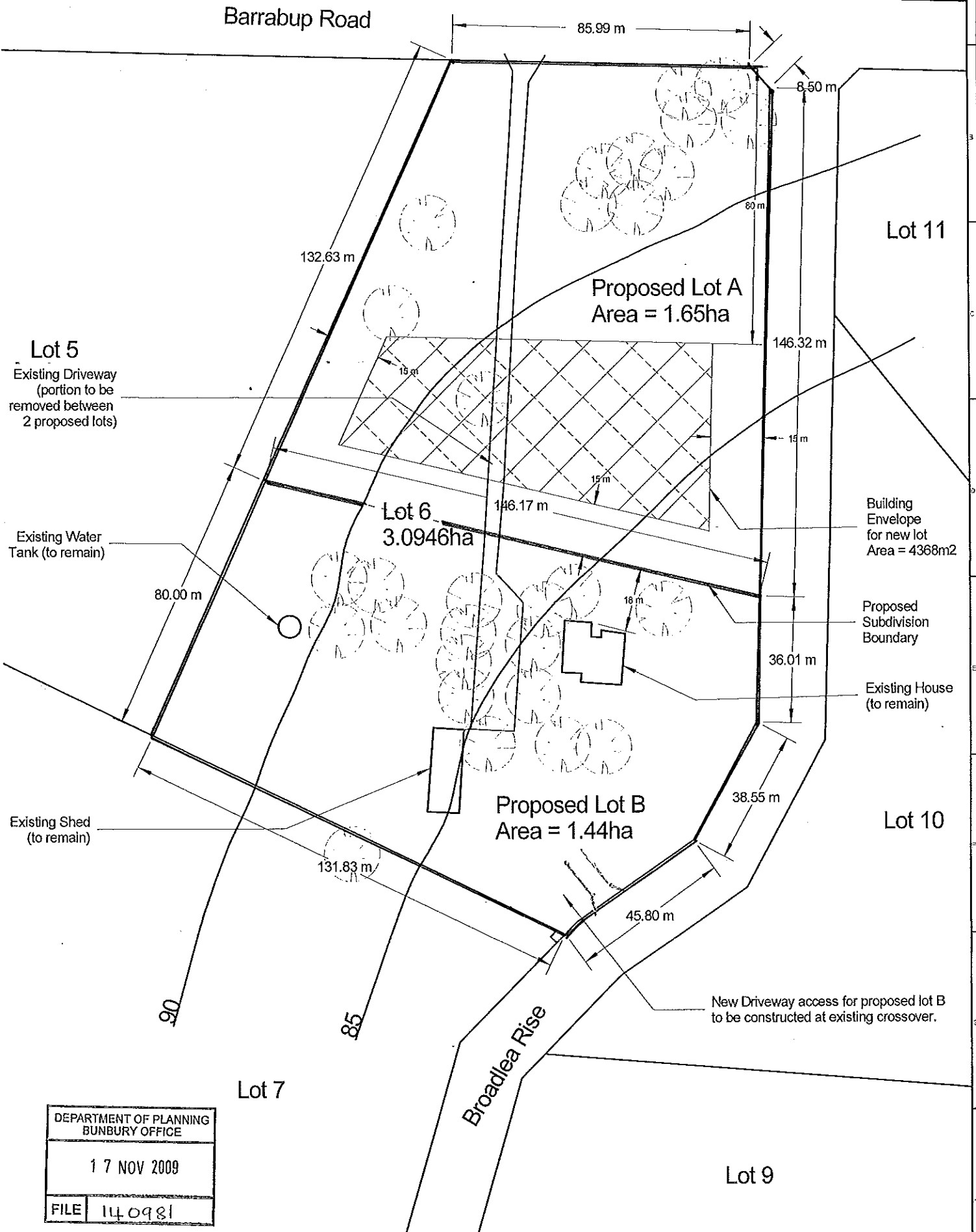
 PUBLIC PURPOSES
MUNICIPAL Hatched box symbol
ASCE SPECIAL USE MAJOR ROAD

 PUBLIC PURPOSES
RELIGIOUS

 PUBLIC PURPOSES
HOSPITAL **INDUSTRY**

**PUBLIC PURPOSES
WATER SUPPLY**

 PUBLIC PURPOSES
SCHOOL PUBLIC PURPOSES
CEMETERY



DEPARTMENT OF PLANNING BUNBURY OFFICE	
17 NOV 2009	
FILE	140981

DESIGNED:	DATUM:	PROPOSED SUBDIVISION OF LOT 6 BARRABUP ROAD	DRAWING No: 01/2009	HOR. SCALE 1:1000
DRN: D. MORGAN	BENCHMARK:		REVISION No: A	VERT. SCALE
AUTHORISED:	BENCHMARK R.L.		GEOCOMP FLT FILE No:	DATE DRN. 30/10/2009

REPORT ON: 6 BARRABUP ROAD WAPC 140981

1. Are there any provisions in Council's Town Planning Scheme Zoning By-laws or any adopted policies which would affect the proposed subdivision? If so, please state those provisions: Yes. See attached report regards Special Rural 6 and further subdivision.
2. Council's recommendation in respect of the plan so proposed (subdivision/ amalgamation) including conditions to be imposed. Please state reason for Council's recommendation. Recommend approval **not** provided as would be contrary to the Local Planning Scheme No3, previous scheme amendment (TPL No1 Amdt 5), and approved subdivision guidance plan.
3. Please advise as to the nature and topography of the site as per attached schedule.
5. Scheme Amendment number (if applicable): Town Planning Scheme No1 Amendment No5

6.

Serial					
1	TOPOGRAPHY:	Steep Slops Flat	No Yes	Undulating Low Lying	Yes No
2	DRAINAGE:	Well Drained Sandy Clay	Yes No No	Swampy Rocky Foam	No No No
3	VEGETATION AND USE:	Heavy timber Light Timber Scrub Grass	No No No Yes	Natural Bush Semi Cleared Cleared Bara Earth	No No Yes No
4	LAND USE:	Grazing Other	Yes	Farming (Hobby)	Yes
5	EXISTING SITE ACCESS:	Constructed Road Sealed Not Constructed	Yes Yes No	Unsealed No Road Access	No N/A
6	SERVICES AVAILABLE	Garbage Collection School Bus Other	No Yes	Main Drainage	No

7. Other comments: Nil

EWEN ROSS
MANAGER DEVELOPMENT SERVICES

AGENDA NUMBER: 10.2

SUBJECT: Relinquishing Reserve 14946 Brockman Highway – Exchange Lots

LOCATION/ADDRESS: Brockman Highway / Wilson Street

NAME OF APPLICANT:

FILE REFERENCE: Res14946

AUTHOR: Ewen Ross – Manager Development Services

DISCLOSURE OF INTEREST:

DATE OF REPORT: 2 December 2009

Attachment: Location Plan Wilson Street.

BACKGROUND:

Councillors will recall the consideration of relinquishing the Reserve 14946 Brockman Highway at the request of the Department of Regional Development and Lands in order that it may be reverted into the parent lot owned by the Department of Housing. Resolution 8267 was:

"That Council advise the Department of Regional Development and Land that it requests that the land in question being reserve 14946 be swapped for suitable land within the Townsite. This request also be forwarded to Terry Redman MLA Member for Blackwood-Stirling"

The Department of Regional Development and Land has advised:

1. Lot 88 Wilson Street could be vested in Council for the purpose of "Children's Playground"
2. Lots 175 and 178 could be released subject to agreement by LandCorp and that they would need to be purchased at current unimproved market value.
3. All these lots are subject to Native Title clearance.

COMMENT:

Council will need to confirm that it will accept Lot 88 Wilson Street for the purpose of a children's playground. Previously Council's view was that this section should not be developed as it was within the 1:100 flood plain. However, neighbouring lots are in private ownership and Council has no legislative grounds to refuse a development request for a dwelling provided it complies with the requisite planning and building requirements. The infill sewage program has recently been completed and there is already development on Wilson Street.

The provision of Lot 88 being vested in Council will ensure the retention of open space to enhance the landscape and to provide a recreation area for residents. This is an opportunity to secure a lot at no cost and retain it under Council control for future community development.

Signed:

Dated: 28 January 2009

Council will need to decide if it wishes to expend funds to acquire lots 175 and 178 for development of affordable houses. Already Council holds freehold properties and as yet not indicated that they intend to develop them therefore the purchase of these properties is not recommended.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Acceptance of Lot 88, no immediate cost incurred for vesting. Development of the site will necessitate fill, landscaping, fencing and development of play facilities and would be a future budget consideration item for Council.

Purchase of lots 175 and 178 together with development would make this an approximately \$500,000 project.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advise the WAPC as follows:

1. Council is prepared to accept Lot 88 Wilson Street (at no cost), vested in Council for the purposes of a children's playground in exchange for Reserve 14946 Brockman Highway.
2. Council is not prepared to purchase lots 175 and 178 Wilson Street at market valuation.

8304 PINKERTON/GILBERT

That Council advise the WAPC as follows:

1. Council is prepared to accept Lot 88 Wilson Street (at no cost), vested in Council for the purposes of a children's playground in exchange for Reserve 14946 Brockman Highway.
2. Council is not prepared to purchase lots 175 and 178 Wilson Street at market valuation.

Cr Camarri returned to the meeting at 3.59pm.

CARRIED 8/0

700
F82528
89.82

403

1704

12885
1214 m²

55
554

VIEW TCE

AGENDA NUMBER: 10.3
SUBJECT: Sale of Surplus Equipment
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: TEN 0209
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 7 December 2009

Attachment: Tender Submissions.

BACKGROUND:

Council at its October 2009 information session did not object to a tender being arranged for some items of surplus equipment as follows:

Chair clerical with arms
Personal Computer Asset # F 51
Personal Computer Asset # F 56
Printer Laser – Kyocera FS1000+
Printer Laser Colour - Hewlett Packard 4500

Items were available for viewing up until the tender closing date of 25 November 2009. One tender was received with the sole assessment criteria being price. A schedule of tenders received is attached.

COMMENT:

The attached table details the tender received for the surplus equipment. There was only one tender received for one item of equipment. No tenders were received for the chair, personal computers and one of the printers. These items have no value to Council from a financial (100% written down) or operational viewpoint and therefore will be appropriately disposed of.

Council's Delegation number 40 states in part:

"the holding of that sale is to result in an agenda item to the next Council meeting, whereby Council will confirm the items of surplus equipment to be sold, the successful tenderer and the price. Any Council member or staff member who has placed a tender for any item must not be part of the tender process and is to declare a financial interest when the matter comes before Council as would normally be the case."

Following the intent of this delegation, Council needs to determine that the items tendered are surplus to Council's requirements, and confirm the successful tenderer.

Signed:

Dated: 28 January 2009

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Delegation Number 40.

FINANCIAL IMPLICATIONS:

If the recommendation is accepted, Council will net (GST exclusive) \$40.00 for the surplus equipment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. Council determine that the following equipment is surplus to Council's requirements and that tenders received for the equipment be accepted per the table below:

LOT	EQUIPMENT	TENDERER	PRICE
5	Printer Laser Colour	L.Stokes	\$44.00

2. That the chair, personal computers and one of the printers, be appropriately disposed of as they have no value to Council.

8305 LORKIEWICZ/MELLEMA

1. Council determine that the following equipment is surplus to Council's requirements and that tenders received for the equipment be accepted per the table below:

LOT	EQUIPMENT	TENDERER	PRICE
5	Printer Laser Colour	L.Stokes	\$44.00

2. That the chair, personal computers and one of the printers, be appropriately disposed of as they have no value to Council.

CARRIED 8/0

Signed:

Dated: 28 January 2009

**SHIRE OF NANNUP
SURPLUS EQUIPMENT TENDER**

TENDER No. 02/09

LOT	EQUIPMENT	L. Stokes			
1	Chair clerical with arms				
2	Personal Computer Asset # F 51				
3	Personal Computer Asset # F 56				
4	Printer Laser				
5	Printer Laser Colour	\$44.00			

AGENDA NUMBER: 10.4
SUBJECT: Monthly Financial Statements for 30 November 2009
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 9
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 7 December 2009

Attachment: Monthly Financial Statements for the period ending 30 November 2009.

COMMENT:

The monthly Financial Statements for the period ending 30 November 2009 are attached.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34 (1)(a).

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the Monthly Financial Statements for the period ending 30 November 2009 be received.

8306 BOULTER/LORKIEWICZ

That the Monthly Financial Statements for the period ending 30 November 2009 be received.

CARRIED 8/0

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2009 TO 30 NOVEMBER 2009

	Y-T-D Actual	Y-T-D Budget	2009/10 Budget	Variances Y-T-D Budget to Actual %
<u>Operating</u>	\$	\$	\$	%
Revenues/Sources				
Governance	0	0	0	0%
General Purpose Funding	1,310,976	1,275,697	807,500	3%
Law, Order, Public Safety	20,763	22,782	89,690	(9%)
Health	839	830	2,000	1%
Education and Welfare	5,535	0	0	0%
Housing	12,376	12,885	30,940	(4%)
Community Amenities	97,103	84,925	82,400	14%
Recreation and Culture	62,072	277,172	1,691,742	(78%)
Transport	585,474	1,664,815	5,367,683	(65%)
Economic Services	15,787	7,080	17,000	123%
Other Property and Services	27,733	10,415	25,000	166%
	<u>2,138,658</u>	<u>3,356,601</u>	<u>8,113,955</u>	<u>(36%)</u>
(Expenses)/(Applications)				
Governance	(87,654)	(102,373)	(240,234)	(14%)
General Purpose Funding	(57,746)	(59,775)	(146,284)	(3%)
Law, Order, Public Safety	(115,462)	(56,917)	(212,889)	103%
Health	(12,621)	(13,259)	(32,970)	(5%)
Education and Welfare	(44,042)	(48,857)	(110,196)	(10%)
Housing	(11,540)	(14,835)	(46,556)	(22%)
Community Amenities	(122,463)	(227,276)	(510,493)	(46%)
Recreation & Culture	(218,458)	(241,943)	(626,026)	(10%)
Transport	(380,572)	(285,516)	(2,107,877)	33%
Economic Services	(71,320)	(93,658)	(230,376)	(24%)
Other Property and Services	92,454	31,148	(21,017)	197%
	<u>(1,029,423)</u>	<u>(1,113,261)</u>	<u>(4,284,918)</u>	<u>(8%)</u>
Adjustments for Non-Cash				
(Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	0	0	2,861	0%
Depreciation on Assets	469,890	434,834	1,782,936	8%
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	(164,583)	(4,160)	(2,286,404)	3856%
Purchase Infrastructure Assets - Roads	(339,282)	(562,565)	(4,906,000)	(40%)
Purchase Plant and Equipment	(57,381)	(183,330)	(495,400)	(69%)
Purchase Furniture and Equipment	(1,216)	0	(12,500)	0%
Proceeds from Disposal of Assets	32,954	72,915	211,000	(55%)
Repayment of Debentures	(5,428)	(8,065)	(19,375)	(33%)
Proceeds from New Debentures	0	0	449,209	0%
Leave Provisions	136,165	136,165	136,165	0%
Depreciation - Plant Reversal	0	0	(56,542)	0%
Accruals	23,728	23,728	23,728	0%
Transfers to Reserves (Restricted Assets)	0	0	(265,000)	0%
Transfers from Reserves (Restricted Assets)	0	0	620,500	0%
ADD Net Current Assets July 1 B/Fwd	87,271	87,271	87,271	
LESS Net Current Assets Year to Date	2,343,899	0	0	
Amount Raised from Rates	<u>(1,052,546)</u>	<u>2,240,133</u>	<u>(898,514)</u>	

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2009 TO 30 NOVEMBER 2009

	2009/10 Actual \$	Brought Forward 01-July-2009 \$
NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	2,416,518	327,890
Cash - Restricted	95,134	1,662,903
Cash - Reserves	908,257	900,232
Receivables	304,938	325,478
Inventories	0	0
	<u>3,724,847</u>	<u>3,216,503</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(377,557)</u>	<u>(566,097)</u>
	3,347,290	2,650,406
Less: Cash - Reserves - Restricted	(1,003,391)	(2,563,135)
NET CURRENT ASSET POSITION	<u><u>2,343,899</u></u>	<u><u>87,271</u></u>

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2009 TO 30 NOVEMBER 2009

REPORT ON MATERIAL VARIANCES BETWEEN YEAR TO DATE BUDGET ESTIMATE AND YEAR TO DATE ACTUAL.

All except six of the variances shown in the above named statement of financial activity are outside of the adopted variance of 10%.

The main reason for the variances is that expenditure and income is not occurring as predicted by Officers during the budget development stage. This is due to a number of reasons, the main one being not accurately projecting cashflows throughout the year, i.e. predicting when the budgeted income or expenditure will occur as opposed to when it actually occurs. Other reasons are not receiving a grant for grant dependant expenditure, projects controlled by Advisory Committees, suppliers/contractors not having the capacity to undertake the works within Council's timeframes, altered Council priorities, etc.

The following provides the major reasons for the programs that have variances outside of the adopted variance:

REVENUE:

Community Amenities: Received more Local Planning Scheme amendments than budgeted (\$13,000).

Recreation and Culture: An accrual for a grant for the refurbishment of the Town Hall chairs (\$10,000) has not been received when anticipated. Three grants for outdoor gym equipment (-\$10,400), Royalties for Regions (-\$50,000) and bicycle racks (-\$7,710) were not budgeted for.

Transport: Income from various Main Roads WA grants not received as predicted in budgeting process (-\$1,080,000). Income from Sale of Assets not received as budgeted.

Economic Services: Received more fees for building licenses and sale of material than predicted in budgeting process (\$8,500).

Other Property and Services: Received more Private Works income than budgeted for (\$17,000).

EXPENDITURE

Governance: Councillor Allowances (-\$15,000) expended not as predicted in budgeting process.

Law, Order and Public Safety: Assistance to brigades (\$36,000), SES donation (\$9,000), Insurance for various Bush Fire Brigade related categories (10,000), and brigade expenditure (\$5,000) more than predicted in budgeting process

Housing: Maintenance expenditure not undertaken as predicted through the budget process (-\$3,000).

Community Amenities: Expenditure not occurring as predicted in budgeting process in the areas of Contractors Collection Fees (-\$5,000), Parking Strategy (-\$8,000), Town Planning Scheme (\$5,000), Town Planning Services (-\$48,000), Administration Expenses (-\$12,000), rubbish site maintenance (-\$12,000), community infrastructure plan (-\$6,000), Local Planning Scheme amendments (-\$8,500) and cemetery operations (-\$8,000).

Transport: Expenditure not occurring as predicted in budgeting process in the area local road maintenance (\$120,000) and Gravel Pit rehabilitation (-\$8,000).

Economic Services: Expenditure not occurring as predicted in budgeting process in the areas of functions and events (-\$8,000) and salaries (-\$14,000).

Other Property and services: Recovery of expenses via Public Works Overheads and Plant Operating Costs not occurring as budgeted.

OTHER ITEMS

Purchase Land and Buildings: Expenditure not occurring as predicted in budgeting process in the areas of co location building (\$46,000), foreshore Park and Balingup Rd Caravan Park ablution blocks (\$111,000), Bush Fire Brigade and depot construction (-\$4,000).

Purchase Infrastructure Assets Roads: Expenditure not occurring as predicted in budgeting process in the areas of Council Road Program (\$21,000), Mowen Road (-\$34,000), MRWA bridge program (-\$73,000), Balingup Rd blackspot (-\$80,000) and TIRES projects (\$-56,000).

Purchase Plant and Equipment: Purchase not undertaken as budgeted (-\$130,000).

Proceeds From Disposal of Assets: Sale of plant not occurring as budgeted (-\$40,000).

Repayment of Debentures: Expenditure not occurring as predicted in budgeting process (-\$3,000).

AGENDA NUMBER: 10.5
SUBJECT: Rate Advisory Committee
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: RAT 9
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 7 December 2009

BACKGROUND:

Council resolved at its October 2009 meeting to establish a Rates Advisory Committee with the objectives of the Committee to be as per resolutions C1, C2 and C2a of minute number 8243 of Council meeting of August 2009 which reads as follows:

- C1 *That the Council adopt the principle the future rate increases should be at or above CPI and more closely linked to the LGCI given that the latter has more relevance to local governments' costs, and that Council actively seek to achieve the Grants Commission overall assessed rate capacity by reasonable incremental rate increases*
- C2 *That the Council review the relativities in rate contributions from the GRV and UV sectors to bring these more in line with the Local Government Grants Commission's assessment of the shire's rating capacity and with rates levied by neighbouring and regional local governments.*
- C2a *Council also analyse and assess the minimum rate against operating revenue to achieve the required benchmark for a local government of this size.*

A report was submitted to Council's Information session at its November 2009 meeting, with a request to have the report submitted via an agenda item.

COMMENT:

The purpose of this report is to determine the involvement required of an advisory committee in fulfilling the objectives.

Objective C1 basically refers to Council raising more income from rates. It is suggesting two approaches to achieve this:

1. Aligning future increases in rates to the Local Government Cost Index (LGCI) rather than the Consumer Price Index (CPI) as it is more in line with changes to costs within Local government; and
2. By use of incremental increases, achieve the Grants Commission overall assessed rate capacity for this Council.

Signed:

Dated: 28 January 2009

The table below shows the yield in rates budgeted by Council for the previous five years, the change in yield over the previous year, and the CPI and the LGCI for the year ended 31 March.

	2005/06	2006/07	2007/08	2008/09	2009/10
YIELD	\$759,199	\$805,627	\$824,934	\$851,629	\$896,514
CHANGE IN YIELD		6.1%	2.4%	3.2%	5.3%
CPI		3.0%	2.4%	4.2%	2.5%
LGCI		6.7%	5.5%	5.1%	2.4%

As can be seen, there is no correlation between CPI, which was used as a starting point in the rates deliberations, and the budgeted increase in yield. It is interesting to note the differences in CPI and LGCI over this period.

In assessing grant allocations, the WA Local Government Grants Commission (WALGGC) produce assessed and actual revenues based on a three year average. The following table shows these comparisons for the last three years that the commission has provided this information along with the variation:

	2005/06	2006/07	2007/08
ASSESSED	\$755,944	\$797,357	\$885,302
ACTUAL	\$646,557	\$689,170	\$726,543
VARIATION	\$109,387	\$108,187	\$158,759
% VARIATION	14%	14%	18%

Councillors will note a difference in the actual rates raised in this table compared to the prior table. This is explained by the fact that the WALGGC figures are based on three year rolling averages which will be different to the actual for the year, however this is compared to a three year rolling average of the assessed capacity which means that like for like is being compared. This information clearly shows that this Council has been under achieving in its raising of rates.

To achieve this objective, a target needs to be set whereby, for example, Council decides to increase budgeted rates by LGCI plus 3% per annum until the yield is within 5% of the rating capacity as assessed by the WALGGC. Any variation on this example could be used, however to achieve the objective (C1), a medium term decision is required by Council similar to this example.

Objective C2 is stating that the rate yield from the GRV and UV sectors should be brought into line with the WALGGC assessment of the shire's rating capacity and with rates levied by neighbouring and regional local governments. The information contained in the following table is from the WALGGC.

This information clearly shows that Council is under rating in the UV sector and over rating in the GRV sector.

	2005/06		2006/07		2007/08	
	GRV	UV	GRV	UV	GRV	UV
Assessed	\$211,980	\$543,964	\$227,139	\$570,218	\$295,760	\$589,542
Actual	\$314,917	\$331,640	\$338,162	\$351,008	\$364,124	\$362,419
Variation	\$102,937	-\$212,324	\$111,023	-\$219,210	\$68,364	-\$227,123
% Variation	49%	-39%	49%	-38%	23%	-39%

The following table also highlights the issue raised in this objective. It shows that the GRV rate in the dollar is about middle of the range, but the UV rate in the dollar is some 26% lower than the next lowest, and some 43% lower than the average. The minimum rate for each of the Shires is also shown.

Shire	GRV Rate-in-Dollar	UV Rate-in-Dollar	Minimum GRV	Minimum UV
Augusta-Margaret River	12.0533c	0.2805c	\$867	\$974
Boyup Brook	13.8600c	0.4414c	\$560	\$560
Bridgetown-Greenbushes	8.2330c	0.2875c	\$616	\$616
Busselton	11.2560c	0.2440c	\$761	\$761
Donnybrook-Balingup	8.8312c	0.2665c	\$586	\$615
Manjimup	9.1520c	0.3949c	\$590	\$590
Nannup	9.9300c	0.2120c	\$507	\$521
Average	10.4736c	0.3038c	\$641	\$662

To achieve this objective, a target needs to be set whereby, for example, in five years time, the GRV and UV rates in the dollar will be within, say, 5% of the rating capacity as assessed by the WALGGC. Any variation on this example could be used, however to achieve the objective (C2), a medium term decision is required by Council similar to this example.

Objective C2a states that Council also analyse and assess the minimum rate against operating revenue to achieve the required benchmark for a local government of this size.

This objective was not part of the recommendation put forward as part of the Officer's report to the Council meeting of August 2009, and has therefore not been considered by Officers or Councillors previously. If it proposes determining a minimum rate based on non rate modelling information, (e.g. against operating revenue to achieve the required benchmark for a local government of this size), then the modelling from that point on will be challenging. One assumes that any analysis of the minimum rate in isolation to other rating constraints would see the minimum rate rise. It is not recommended to use a minimum rate as a starting point in developing a rate model.

As Councillors would be aware, the nature of the minimum rate is such that it cannot apply to more than 50% of properties in any one rating category, or all

categories. This Council has, as one of the challenges in striking its rate in the dollar each year, the fact that the GRV sector has been very close to having 50% of the properties contained within it on the minimum.

Using a pre determined (higher?) minimum rate as a starting point in rate modelling, and then applying rates in the dollar to the balance of the GRV properties will see an even larger increase in the rate in the dollar in this category. Unless this is offset by a greater rise in the UV rate in the dollar, this will work against objective C2 as above.

As the intent of Objective C2a will work against Objective C2, it is believed that it should not be considered further.

If the foregoing is accepted, there is no need to convene the Rates Advisory Committee as the actions required to achieve the objectives of the committee can be determined by a resolution of Council during the normal rating determination process. This is the basis of the recommendation to this item.

If Council would like to see the Rating Advisory Committee discuss other issues associated with rates, then an amendment to the Terms of Reference restating the objectives of the committee is required. If this is the case, then a motion from Council would be appropriate stating the amendment to the Terms of Reference of the Rates Advisory Committee.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Nil, outcomes of any decision will be fed into 2010/11 budget process.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council disband the Rates Advisory Committee as the objectives of the committee can be met via the normal rating determination process.

8307 DUNNET/CAMARRI

That Council's Rates Advisory Committee convene to look at the 3 objectives C1, C2 and C2a from Council's August 2009 meeting minute number 8243 and differential rates and alternative rate models.

CARRIED 8/0

The reasons for the change in officer's recommendation was to discuss other options for rating models.

AGENDA NUMBER: 10.6
SUBJECT: Policy Review – Capitalisation of Fixed Assets
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: ADM9
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 7 December 2009

Attachment: Current Policy FNC1 Capitalisation of Fixed Assets

BACKGROUND:

Current policy FNC1 Capitalisation of Fixed Assets has not been reviewed by Council since March 1997 and is therefore presented for review.

COMMENT:

The current policy, as per the attachment to this item, is predominantly valid. The third paragraph which reads:

“A separate minor Asset List shall also be kept for items with a value in excess of \$100 or an expected benefit of greater than 3 years.”

should be removed as it has lost relevance to modern organisational accounting practice.

Other than this change, the policy is still valid and relevant.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Policy FNC1

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council adopt the following updated policy FNC1 Capitalisation of Fixed Assets:

Capitalisation of Fixed Assets

Signed:

Dated: 28 January 2009

FNC 1

Fixed Assets shall be capitalised where their value exceeds \$1,000. Assets may also be capitalised where they can be easily grouped and where the total value of the assets so grouped exceeds the \$1,000 threshold.

Where assets are so grouped a separate register of the numbers and value of the assets shall be kept exclusive of the Asset Register.

8308 LORKIEWICZ/CAMARRI

That Council adopt the following updated policy FNC1 Capitalisation of Fixed Assets:

<p>Capitalisation of Fixed Assets</p>
--

FNC 1

Fixed Assets shall be capitalised where their value exceeds \$1,000. Assets may also be capitalised where they can be easily grouped and where the total value of the assets so grouped exceeds the \$1,000 threshold.

Where assets are so grouped a separate register of the numbers and value of the assets shall be kept exclusive of the Asset Register.

CARRIED 8/0

Signed:

Dated: 28 January 2009

Capitalisation of Fixed Assets

FNC 1

Fixed Assets shall be Capitalised where their value exceeds \$1000. Assets may also be capitalised where they can be easily grouped and where the total value of the assets so grouped exceeds the \$1000 threshold.

Where assets are so grouped a separate register of the numbers and value of the assets shall be kept exclusive of the Asset Register.

A separate minor Asset List shall also be kept for items with a value in excess of \$100 or an expected benefit of greater than 3 years.

Policy Adopted at a Council Meeting on 26 May 1994.

Policy Reviewed at a Council Meeting on 27 March 1997.

FNC 1
(Page 1/1)

AGENDA NUMBER: 10.7

SUBJECT: Policy Review – Depreciation Rates of Fixed Assets

LOCATION/ADDRESS: Nannup

NAME OF APPLICANT:

FILE REFERENCE: ADM9

AUTHOR: Craige Waddell – Manager Corporate Services

DISCLOSURE OF INTEREST:

DATE OF REPORT: 7 December 2009

Attachment: Current Policy FNC2 Depreciation Rates of Fixed Assets

BACKGROUND:

Current policy FNC2 Depreciation Rates of Fixed Assets has not been reviewed by Council since August 1997 and is therefore presented for review.

COMMENT:

The current policy requires updating to reflect current practices.

The classes of assets and their depreciation rates need to be updated to reflect what has been reported in Council's annual financial statements since 2005/06.

The method and frequency of revaluations of assets also needs to be updated to reflect modern organisational accounting practice.

This recommendation to this item reflects these changes.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Policy FNC2

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council adopt the following updated policy FNC2 Depreciation Rates of Fixed Assets:

Depreciation Rates of Fixed Assets

FNC 2

Council's Fixed Assets are to be depreciated in accordance with the following rates, as a percentage of written down value:

Buildings	2.5%	straight line
Furniture	10%	straight line
Office Equipment	20%	straight line
Plant and Equipment	10%	reducing balance
Infrastructure Assets		
clearing		
and		
earthworks	not depreciated	
pavement	2.	straight line
seal	6.7%	straight line
kerb	1%	straight line
drainage	2%	straight line
parks & gardens	2%	straight line
footpaths	2%	straight line

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ significantly from that determined using fair value at reporting date.

8309 BOULTER/PINKERTON

That Council adopt the following updated policy FNC2 Depreciation Rates of Fixed Assets:

Depreciation Rates of Fixed Assets

FNC 2

Signed:

Dated: 28 January 2009

Council's Fixed Assets are to be depreciated in accordance with the following rates, as a percentage of written down value:

Buildings	2.5%	straight line
Furniture	10%	straight line
Office Equipment	20%	straight line
Plant and Equipment	10%	reducing balance
Infrastructure Assets		
clearing and		
earthworks	not depreciated	
pavement	2.	straight line
seal	6.7%	straight line
kerb	1%	straight line
drainage	2%	straight line
parks & gardens	2%	straight line
footpaths	2%	straight line

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ significantly from that determined using fair value at reporting date.

CARRIED 8/0

Signed:

Dated: 28 January 2009

Depreciation Rates of Fixed Assets

Australian Accounting Standard No. 27

FNC 2

Council's Fixed Assets are to be depreciated in accordance with the following rates, as a percentage of written down value:

Buildings	2.5% per annum - Straight Line Method
Office Equipment	20% per annum - Straight Line Method
Furniture	10% per annum - Straight Line Method
Plant (Graders, Trucks, etc)	10% per annum - Reducing Balance Utilities Method
Sedans	10% per annum - Reducing Balance
Method	

Infrastructure Assets: Clearing & Earthworks:	2% Straight Line Method.
Infrastructure Assets: Pavement:	2% Straight Line Method.
Infrastructure Assets: Seal:	6.7% Straight Line Method.
Infrastructure Assets: Kerbs:	1% Straight Line Method.

An in-house revaluation of Council's Buildings is to be done every five years.

An external valuation is to be undertaken on Council Buildings every ten years.

Policy Adopted at a Council Meeting on 26 May 1994.

Policy Reviewed at a Council Meeting on 27 March 1997.

Policy Reviewed at a Council Meeting on 28 August 1997.

AGENDA NUMBER: 10.8
SUBJECT: Policy Review – Tourism Based Rural Properties – Rating Basis
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: ADM9
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 7 December 2009

Attachment: Current Policy FNC4 Tourism Based Rural Properties – Rating Basis

BACKGROUND:

Current policy FNC4 Tourism Based Rural Properties – Rating Basis has not been reviewed by Council since February 1999 and is therefore presented for review.

COMMENT:

The current policy is valid and still reflects what should occur for rating purposes when the predominant use of a property changes from rural to tourism. No change to the policy is recommended.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Policy FNC4

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council reaffirm the following policy FNC4 Tourism Based Rural Properties – Rating Basis:

**Tourism Based Rural
Properties – Rating Basis**

FNC 4

POLICY OBJECTIVE

Signed:

Dated: 28 January 2009

To provide guidelines to establish when the classification of a rural rateable location should change from traditional "rural", to "rural GRV"; ie its use is predominantly tourism based.

POLICY

As per the intent of S 6.28 of the Local Government Act 1995, where land is used predominantly for rural purposes, the property shall be valued based upon its unimproved value.

Where tourism development has occurred on a location to the extent that its use is predominantly non rural, the location shall be valued based upon its gross rental value.

The following should be taken into consideration when determining whether a location is being used for tourism related activities as opposed to rural:

1. When tourism related activity produces the majority of the income for a location, then this activity takes over as the "predominant use".
2. The predominant use must be definable within a rateable lot or location.
3. Tourism based activities include Chalets, Lodging Houses, Guest Houses, Wineries, door sales of produce (eg marron, wine, cheese, craft, woodwork, etc), Restaurants, etc., or a combination of these.
4. As a guide, five or more chalets on a property would indicate the predominant use has changed.

8310 BOULTER/PINKERTON

That Council reaffirm the following policy FNC4 Tourism Based Rural Properties – Rating Basis:

<h2>Tourism Based Rural Properties – Rating Basis</h2>

FNC 4

POLICY OBJECTIVE

To provide guidelines to establish when the classification of a rural rateable location should change from traditional "rural", to "rural GRV"; ie its use is predominantly tourism based.

POLICY

As per the intent of S 6.28 of the Local Government Act 1995, where land is used predominantly for rural purposes, the property shall be valued based upon its unimproved value.

Where tourism development has occurred on a location to the extent that its use is predominantly non rural, the location shall be valued based upon its gross rental value.

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2. The predominant use must be definable within a rateable lot or location.
3. Tourism based activities include Chalets, Lodging Houses, Guest Houses, Wineries, door sales of produce (eg marron, wine, cheese, craft, woodwork, etc), Restaurants, etc., or a combination of these.
4. As a guide, five or more chalets on a property would indicate the predominant use has changed.

CARRIED 8/0

Tourism Based Rural Properties – Rating Basis

FNC 4

POLICY OBJECTIVE

To provide guidelines to establish when the classification of a rural ratable location should change from traditional "rural", to "rural GRV"; ie its use is predominantly tourism based.

POLICY

As per the intent of S 6.28 of the Local Government Act 1995, where land is used predominantly for rural purposes, the property shall be valued based upon its unimproved value.

Where tourism development has occurred on a location to the extent that its use is predominantly non rural, the location shall be valued based upon its gross rental value.

The following should be taken into consideration when determining whether a location is being used for tourism related activities as opposed to rural:

1. When tourism related activity produces the majority of the income for a location, then this activity takes over as the "predominant use".
2. The predominant use must be definable within a ratable lot or location.
3. Tourism based activities include Chalets, Lodging Houses, Guest Houses, Wineries, door sales of produce (eg marron, wine, cheese, craft, woodwork, etc), Restaurants, etc., or a combination of these.
4. As a guide, five or more chalets on a property would indicate the predominant use has changed.

Policy Adopted at a Council Meeting on 25 February 1999.

FNC 4
(Page 1/1)

AGENDA NUMBER: 10.9
SUBJECT: Policy Review – Rate Rebates for Pensioners
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: ADM9
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 7 December 2009

Attachment: Current Policy FNC5 Rate Rebates for Pensioners

BACKGROUND:

Current policy FNC5 Rate Rebates for Pensioners has not been reviewed by Council since December 2001 and is therefore presented for review.

COMMENT:

The current policy is valid and still reflects what should occur for rating purposes when an eligible pensioner or senior resides on a property that has a non residential component.

For Councillors information, an example of when this policy would apply is when an eligible pensioner or senior resides on a rural property which is valued based on its unimproved valuation. Applying the rates rebate to the whole of the rates which are applicable to the whole of the property is not the intent of the rebate. Therefore this policy states the maximum of the rebate to be aligned to Council's minimum rate applicable to gross rental valuation properties.

No change to the policy is recommended.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Policy FNC4

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council reaffirm the following policy FNC5 Rate Rebates for Pensioners:

Rate Rebates for Pensioners

FNC 5

Rebates for eligible pensioners or seniors who reside on a property with a non-residential component will be applied to the minimum rate applicable to a residence in the townsite, on the condition that State Treasury fully reimburses Council the total amount of the rebate applicable.

8311 BOULTER/MELLEMA

That Council reaffirm the following policy FNC5 Rate Rebates for Pensioners:

Rate Rebates for Pensioners

FNC 5

Rebates for eligible pensioners or seniors who reside on a property with a non-residential component will be applied to the minimum rate applicable to a residence in the townsite, on the condition that State Treasury fully reimburses Council the total amount of the rebate applicable.

CARRIED 8/0

Signed:

Dated: 28 January 2009

Rate Rebates for Pensioners

FNC 5

Rebates for eligible pensioners or seniors who reside on a property with a non-residential component will be applied to the minimum rate applicable to a residence in the townsite, on the condition that State Treasury fully reimburses Council the total amount of the rebate applicable.

Policy Adopted at a Council Meeting on 20 December 2001.

FNC 5
(Page 1/1)

AGENDA NUMBER: 10.10
SUBJECT: Accounts for Payment
LOCATION/ADDRESS: Nannup Shire
FILE REFERENCE: FNC 8
AUTHOR: Tracie Bishop – Administration Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 08 December 2009

Attachment: Schedule of Accounts for Payment.

COMMENT:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are detailed hereunder and noted on the attached schedule are submitted to Council.

Municipal Account

Accounts Paid By EFT EFT 1019- 1051	\$179,387.28
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Accounts Paid By Cheque Vouchers 17894 – 17930	\$23,249.78
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Direct Debits Vouchers 99148 – 99153	\$ 25,466.06
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Trust Account

Accounts Paid By Cheque Voucher - 22719	\$ 150.00
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STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

Signed:

Dated: 28 January 2009

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$228,103.12 in the attached schedule be accepted.

8312 BOULTER/CAMARRI

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$228,103.12 in the attached schedule be accepted.

CARRIED 8/0

Signed:

Dated: 28 January 2009

SCHEDULE OF ACCOUNTS PAYABLE SHIRE OF NANNUP SUBMITTED TO COUNCILS DECEMBER 2009 MEETING			
Chq/EFT	Name	Description	Amount
MUNICIPAL PAYMENTS			
EFT1019	WADIFARM CONSULTANCY SERVICES	CONSULTANCY SERVICES	\$1,430.00
EFT1020	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$10,026.42
EFT1021	AUSTRALIAN TAXATION OFFICE	OCT 09 BAS	\$27,326.00
EFT1022	PHOENIX BUILDING COMPANY	RIVERBEND/FORESHORE PARK ABLUTION BLOCKS	\$22,000.00
EFT1023	JJJ PAINTING AND DECORATING	PAINTING WORKS	\$4,620.00
EFT1024	EWEN ROSS	REIMBURSEMENT OF EXPENSES	\$95.88
EFT1025	CJD EQUIPMENT PTY. LTD.	GRADER REPAIRS	\$2,486.66
EFT1026	D & J MILLER (DO YOUR BLOCK CONTRACTING)	HIRE OF MACHINERY AND LABOUR HIRE	\$3,377.00
EFT1027	INSIGHT CCS PTY LTD	MONTHLY SERVICE FEE	\$116.16
EFT1028	K & C HARPER	SKATE PARK MAINTENANCE	\$656.15
EFT1029	GREG MADER EARTHWORKS	DOZER AND EXCAVATOR HIRE	\$40,194.00
EFT1030	NANNUP TELECENTRE	ADVERTISING NOVEMBER 09	\$99.00
EFT1031	THE PAPER COMPANY OF AUSTRALIA PTY LTD	STATIONERY SUPPLIES	\$17.33
EFT1032	WML CONSULTANTS	PROFESSIONAL FEES	\$4,334.17
EFT1033	WORTHY CONTRACTING	MONTHLY NWF CONTRACT	\$9,657.83
EFT1034	THE MARQUE HOTEL - PERTH	ACCOMODATION	\$360.95
EFT1035	GARPEN PTY LTD	5.5KVA PETROL GENERATOR	\$1,900.00
EFT1036	THE CANCER COUNCIL	SUNSCREEN	\$243.00
EFT1037	AGRA FORCE	MULTI GROW & DOLOMITE FERTILISERS	\$1,023.00
EFT1038	HOLCIM AUSTRALIA PTY LTD	SEALING AGG.	\$11,674.78
EFT1039	D & J MILLER (DO YOUR BLOCK CONTRACTING)	BOBCAT AND TRUCK HIRE	\$343.75
EFT1040	K & C HARPER	SHIRE OFFICE MAINTENANCE	\$104.50
EFT1041	HIP POCKET WORKWEAR	SAFETY WEAR	\$899.70
EFT1042	AUSTRALIAN TAXATION OFFICE	NOV BAS	\$1,345.00
EFT1043	COURIER AUSTRALIA	FREIGHT CHARGES	\$165.08
EFT1044	HOLCIM AUSTRALIA PTY LTD	SEALING AGG	\$2,039.40
EFT1045	CORPORATE EXPRESS	STATIONERY SUPPLIES	\$87.22
EFT1046	LANDGATE	GRV INTERIMS G2009/11	\$603.84
EFT1047	GL HAPP PTY LTD	FUEL EXPENSES	\$231.03
EFT1048	LOUISE STOKES	REIMBURSEMENT OF EXPENSES	\$256.50
EFT1049	IT VISION	UPGRADE TO 7.1	\$660.00
EFT1050	WARREN BLACKWOOD WASTE	BIN PICKUPS	\$4,950.60
EFT1051	WORTHY CONTRACTING	WIDENING OF AGG ROAD	\$26,062.33
TOTAL EFT PAYMENTS:			\$179,387.28
17894	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	\$670.86
17895	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$277.46
17896	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	\$350.05
17897	NORWICH UNION SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$277.46
17898	COMMONWEALTH SUPER SELECT	SUPERANNUATION CONTRIBUTIONS	\$240.18
17899	IIML ACF IPS APPLICATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$302.40
17900	HOSTPLUS EXECUTIVE	SUPERANNUATION CONTRIBUTIONS	\$78.04
17901	SHIRE OF NANNUP	PAYROLL DEDUCTIONS	\$100.00
17902	LANDGATE	HEADWORKS COST RIVERBEND CARAVAN PARK	\$110.00
17903	LOCAL GOVERNMENT PLANNERS ASSOCIATION	BRIEFING ON STRATA TITLES	\$45.00
17904	FR & LF PROSSER	SPRAYING OF ROADSIDE WEEDS	\$101.48
17905	TOY AND BABY KINGDOM	SUNDRY PURCHASES	\$104.98
17906	COMFORT INN BEL EYRE	ACCOMMODATION	\$249.00
17907	BUNNINGS- BUSSELTON	SEEDLING PURCHASE	\$62.65
17908	BDA TREELOPPING SERVICE	FOR STUMP GRINDING	\$1,276.00
17909	BUSSELTON TELEPHONES	MOBILE PHONE ACCESSORIES	\$190.00
17910	THE GOOD FOOD SHOP	REFRESHMENTS	\$94.00
17911	NANNUP LIQUOR STORE	REFRESHMENTS	\$57.99
17912	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$506.40
17913	SIGNSMITHS	ADDITIONS AND ALTERATIONS TO HONOUR BOARD	\$95.00
17914	SHIRE OF BUSSELTON	BUSHFIRE INFORMATION SESSION	\$80.00
17915	SYNERGY	ELECTRICITY EXPENSES	\$3,146.85
17916	TOTAL EDEN WATERING SYSTEMS	SUNDRY GARDEN SUPPLIES	\$605.32
17917	WATER CORPORATION	ADDITIONS/ALTERATIONS BALINGUP/NANNUP ROAD	\$170.00
17918	WARREN BLACKWOOD STRATEGIC ALLIANCE	TRAILS PROJECT	\$4,400.00
17919	ALL PROPERTY CONVEYANCING	SETTLEMENT FEES - BOGADILLUP ROAD	\$3,378.00
17920	DEPARTMENT OF TREASURY AND FINANCE	GOVT GAZETTE ADVERTISING TPS NO 3 AMEND 1	\$1,390.72
17921	JASON SIGNMAKERS	STREET SIGNAGE	\$748.00
17922	JEM TRUCK SALES	SUNDRY SPARE PARTS	\$1,663.77
17923	TOTAL EDEN WATERING SYSTEMS	GARDENING SUPPLIES	\$578.28

**SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCILS DECEMBER 2009 MEETING**

Chq/EFT	Name	Description	Amount
17924	LAUREN CARTLEDGE	FITNESS ACTIVITIES	\$200.00
17925	BLACKWOOD CAFE - ARIHIA PTY LTD	CATERING FOR SHIRE MEETING	\$348.00
17926	COUNTRY WOMEN'S ASSOCIATION	LEMAC MTG REFRESHMENTS	\$97.53
17927	PIONEER CREDIT MANAGEMENT SERVICES	LEGAL FEES	\$95.70
17928	R & J POTTS PLUMBING	RECREATION CENTRE MAINTENANCE	\$572.00
17929	TOTAL EDEN WATERING SYSTEMS	CONTROLLER - RAINDIAL OUTDOOR	\$256.66
17930	WESTSIDE WINDSCREENS	WINDSCREEN FOR NISSAN NAVARA	\$330.00
TOTAL CHEQUE PAYMENTS:			\$23,249.78

99148	SG FLEET AUSTRALIA P/L	LEASE VEHICLE	\$1,274.59
99149	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN REPAYMENT	\$5,034.96
99150	BP AUSTRALIA	FUEL EXPENSES OCTOBER 09	\$16,555.27
99151	CALTEX AUSTRALIA	FUEL EXPENSES - OCTOBER 09	\$1,205.58
99152	TELSTRA	TELEPHONE EXPENSES	\$1,275.77
99153	WESTNET	INTERNET EXPENSES	\$119.89
TOTAL DIRECT DEBITS:			\$25,466.06

TRUST PAYMENTS

22719	BRAD CRAIGIE	BOND REFUND	\$150.00
TOTAL CHEQUE PAYMENTS:			\$150.00

TOTAL MUNICIPAL PAYMENTS: \$228,103.12
TOTAL TRUST PAYMENTS: \$150.00

TOTAL PAYMENTS FOR THE MONTH OF DECEMBER: \$228,253.12

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

8313 CAMARRI/GILBERT

That new business of an urgent nature be introduced to the meeting

CARRIED 8/0

(a) OFFICERS

AGENDA NUMBER: 11.A.1
SUBJECT: Appointment of Authorised Officers – Food Act 2008 and Food Regulations 2009
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: AHLT4
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 15 December 2009

Attachments:

1. Legislation summary
2. Food Act 2008 Fact Sheet
3. Guidelines on the Appointment of Authorised Officers
4. Format of certificate

BACKGROUND:

Currently the Shire has two Environmental Health Officers (Mr Wayne Jolly and Mr Ewen Ross) whom are appointed by the Department of Health of Western Australia under the Health Act 1911. With the new legislation "Food Act 2008" and "Food Regulations 2009", as of the 31st December 2009 these appointments will no longer be valid (with regards the Food Act and Regulations). It is a requirement that all Environmental Health Officers be reappointed under the Food Act 2008 and Food Regulation 2009.

COMMENT:

Under s8 of the "**Food Act 2008**" an "**enforcement agency**" means — "**(b) a local government**"; "accordingly, the Shire of Nannup can appoint "**authorised officers**" (Environmental Health Officers). The guidelines provided from the Department of Health of Western Australia has advised that an enforcement agency may appoint a person to be an authorised officer for the purpose of the Act if – "*The person holds or is suitable to be appointed to a position as an environmental health officer under the Health Act 1991.*"

Signed:

Dated: 28 January 2009

Both Mr Wayne Jolly and Mr Ewen Ross has satisfied the Department of Health of Western Australia that they have the prerequisite qualifications for appointment as an Environmental Health Officer in Western Australia and have both been previously appointed as Environmental Health Officers under the Health Act 1911.

STATUTORY ENVIRONMENT:

Food Act 2008 and Food Regulations 2009

POLICY IMPLICATIONS:

Ensures compliance with legislative requirements and those officers can enforce the legislation as required.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

Local Government becoming more accountable for Health related legislation

RECOMMENDATION:

That Council endorses the appointment of Mr Wayne Jolly and Mr Ewen Ross as "**Authorised Officers**" (Environmental Health Officers) under the "**Food Act 2008**" and the "**Food Regulations 2009**"

8314 PINKERTON/CAMARRI

That Council endorses the appointment of Mr Wayne Jolly and Mr Ewen Ross as "**Authorised Officers**" (Environmental Health Officers) under the "**Food Act 2008**" and the "**Food Regulations 2009**"

CARRIED 8/0

ATTACHMENT 1

Food Act 2008

s8 *enforcement agency* means —

- (a) the CEO;
- (b) a local government; or
- (c) a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations for the purposes of this definition;

s122. Appointment of authorised officers

- (1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if —
 - (a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or
 - (b) the person holds office as an environmental health officer under the *Health Act 1911*.
- (2) The CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer.
- (3) Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency.

s123. Certificates of authority

- (1) An enforcement agency must provide each authorised officer appointed by the agency with a certificate of authority as an authorised officer.
- (2) The certificate of authority must —
 - (a) state that it is issued under this Act;
 - (b) state the name of the person to whom it is issued and bear a photograph or digital image of that person and the person's signature;
 - (c) state the date, if any, on which it expires;
 - (d) specify any conditions or limitations to which the person's authority is subject; and
 - (e) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.

- (3) An authorised officer is required to produce the certificate of authority —
- (a) if asked to do so by the proprietor of a food business whose premises are entered by the authorised officer; or
 - (b) if asked to do so by a person whom the authorised officer requires to produce anything or to answer any question.

Food Regulations 2009

s56. Environmental health officers

- (1) In this regulation —

environmental health officer means a person who holds office as an environmental health officer —

- (a) having been appointed as an environmental health officer by a local government for the purposes of the Health Act; or
- (b) having been appointed as an environmental health officer by 2 or more local governments under the Health Act section 30; or
- (c) having been designated as an environmental health officer under the *Health Legislation Administration Act 1984*;

Executive Director, Public Health has the meaning given in the Health Act section 3(1).

- (2) A person holding office, immediately before the commencement day, as an environmental health officer is to be taken to have been appointed as an authorised officer under section 122 of the Act —
- (a) if subregulation (1)(a) applies — by the relevant local government; or
 - (b) if subregulation (1)(b) applies — by each of the relevant local governments; or
 - (c) if subregulation (1)(c) applies — by the CEO.

s57. Certificates of authority

- (1) A certificate of authority (however described) issued by a local government or the Executive Director, Public Health to an environmental health officer who is to be taken to be an authorised officer under regulation 56(2) has effect as a certificate of authority provided to the officer under section 123 of the Act until —
- (a) a certificate of authority is provided to the officer under section 123 of the Act; or
 - (b) 31 December 2009,
- whichever occurs first.

(2) A certificate of authority (however described) issued jointly by 2 or more local governments (***authorising local governments***) to an environmental health officer who is to be taken to be an authorised officer under regulation 56(2) has effect as a certificate of authority provided to the officer under section 123 of the Act by an authorising local government until —

(a) a certificate of authority is provided to the officer under section 123 of the Act by the authorising local government; or

(b) 31 December 2009,

whichever occurs first.



Government of Western Australia
Department of Health

Food Act 2008 FACT SHEET 4

Authorised Officers

Information for enforcement agencies

Version 1 December 2009

Purpose:

To explain how authorised officers may be appointed under the *Food Act 2008* (the Act) by enforcement agencies.

Background:

Sections 122 and 123 of the Act provide the mechanism for enforcement agencies to appoint authorised officers for the purposes of the Act. This is an important responsibility; necessary compliance and enforcement activities may only be undertaken by authorised officers that have a valid certificate of authority.

Regulations 56 and 57 of the *Food Regulations 2009* (the Regulations) contain provisions developed to assist enforcement agency with the transition from the administrative process prescribed under the *Health Act 1911* food legislative regime to that necessary under the Act.

Guidance:

Sections 122 and 123 must be interpreted together. Section 122 provides the power to appoint authorised officers and section 123 deals with the content and issue of certificates of authority. The certificate of authority limits the generality of powers conferred by section 122. The certificate of authority is required to; among other things; contain any conditions or limitations to which the person's authority is subject, including any expiry date.

Any certificate of authority issued to an environmental health officer and accepted for purposes related to the Act under the transitional arrangements provided for by regulation 56 of the Regulations only has effect until the 31st December 2009 or when a certificate of authority is issued under the Act (whichever comes first).

This means that any appointment issued under the *Health Act 1911* will not be valid for the purposes of the *Food Act 2008* from the 31st December 2009. All environmental health officers must be appointed under the Act prior to this date. Any appointment must be in accordance with the guidelines issued by the CEO of the Department of Health; which are available for viewing here:

http://www.public.health.wa.gov.au/3/1002/3/implementation_of_the_food_act_tools_for_local_g.p.m.



Government of Western Australia
Department of Health

Contact the Food Unit:

Any feedback or concerns please utilise the "Food Unit Query Form" which can be downloaded from our website http://www.public.health.wa.gov.au/2/786/3/food_informatio.pm

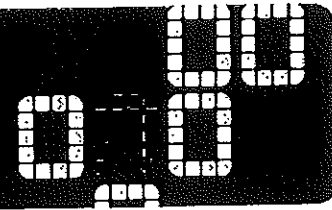
Email: foodunit@health.wa.gov.au

Phone: (08) 9388 4999

Fax: (08) 9382 8119

www.public.health.wa.gov.au

Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.



Guideline on the Appointment of Authorised Officers

Food Unit / Version 02 / 09 November 2009

1.0 OBJECTIVE

To provide enforcement agencies with guidance on the appointment of authorised officer as per Division 3 section 122 of the *Food Act 2008* (the Act)

2.0 GUIDELINES

The Chief Executive Officer may issue guidelines on appropriate qualifications and experience to perform the functions of an authorised officer under the Act. The following has been issued for enforcement agencies to utilise when issuing certificates of authority for their staff:

2.1 An enforcement agency may appoint a person to be an authorised officer for the purpose the Act if –

- The person holds or is suitable to be appointed to a position as an environmental health officer under the Health Act 1911 or
- The person is designated under Section 7 of the Health Legislation Administration Act 1984

2.2 An enforcement agency may appoint a person to be an authorised officer for the purposes of requirements of Regulation 21 of the *Food Regulations 2009*, 'Inspection of animals and carcasses at abattoirs', for the inspection of sheep, cattle and pigs if –

- The person holds a position as an environmental health officer (meat) under the *Health Act 1911*, or
- The person holds a Certificate III in Meat Processing (Meat Safety)

2.3 An enforcement agency may appoint a person to be an authorised officer for the purposes of requirements of Regulation 21 of the *Food Regulations 2009*,





'Inspection of animals and carcasses at abattoirs', for the inspection of game meat and ratites if –

- The person holds a position as an environmental health officer (meat) under the *Health Act 1911*, or
- The person holds a Certificate IV in Meat Processing (Meat Safety)

3.0 ACCOUNTABILITY

Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency

Maintenance of lists of authorised officers and compliance with appointment guidelines will form part of the annual reporting requirements to the Chief Executive Office of the Department of Health

4.0 REFERENCES/ RELATED DOCUMENTS

The Food Act 2008

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html
(external site)

The Food Regulations 2009

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11233_homepage.html
(external site)

SIGNED

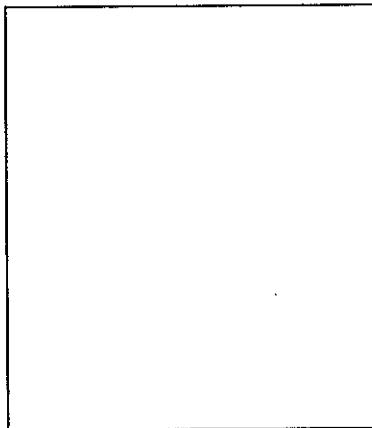
Jim Dodds
**Delegate of
CHIEF EXECUTIVE OFFICER
DEPARTMENT OF HEALTH**
November 2009

ATTACHMENT 4

Mr Wayne Jolly
Shire of Nannup
PO Box 11,
Nannup, WA 6275

RE: CERTIFICATE OF AUTHORITY

In accordance with the *Food Act 2008* (s122 – s123) and *Food Regulations 2009* (s56 – s57), Mr Wayne Jolly is appointed as an “**Authorised Officer**” (Environmental Health Officer) for the Shire of Nannup for the period 1st January 2010 until he ceases employment with the Shire.



Wayne Jolly

This certificate is issued by:

Resolution of Council:

SHANE COLLIE
CHIEF EXECUTIVE OFFICER

AGENDA NUMBER: 11.A.2
SUBJECT: Annual Electors Meeting Minutes
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 17
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 17 December 2009

- Attachments:
1. Annual Electors Meeting Minutes 14 December 2009.
 2. Assessment and Site Analysis – Extract from TimeWood Centre Business Plan Adopted by Council 24 May 2007.
 3. Community Consultation and Research – Extract from TimeWood Centre Business Plan Adopted by Council 24 May 2007.
 4. Consultation Summary – Extract from Planning Approval Documentation TimeWood Centre 26 November 2009.

BACKGROUND:

The Annual Electors Meeting for the Shire of Nannup was held Monday 14 December 2009. Meeting minutes are attached. Other relevant documentation regarding this matter is attached as raised at the electors meeting including the TimeWood Centre site analysis and consultation.

COMMENT:

There was one resolution from the meeting requiring Council's consideration as follows:

“J Scott/R Lee

That Council have a referendum to determine the electors views on the TimeWood Centre building.”

A show of hands indicated that the majority of the 145 attendees agreed.

Council members would have also received the following email from the Shire President this morning 17 December 2009 stating:

On Monday night it was clear from both sides of the Timewood debate that the people wanted a referendum on the project. I would like to propose a way forward that would satisfy both sides of the debate.

Signed:

Dated: 28 January 2009

My suggestion is that

"Council allow the Timewood Centre Project to go to tender and if the tender comes in somewhere near the mark then we hold a referendum to decide whether the project goes ahead." This will remove the impasse from council and give a logical conclusion one way or other to the project.

Council will need to be mindful of potentially conflicting resolutions. By this it is meant that proceeding to tender in the circumstances where Council still has on its books a resolution from 26 November 2009 to *"write to the funding bodies outlining reasons why the Shire can no longer participate in this project and thank them for their patience with this process"* clearly conflicts.

It is hence important that if Council wishes to proceed to tender/referendum as suggested by the Shire President and requested by the majority of electors present at the electors meeting a decision on the proposed rescission motion item 12.1 today should be consistent with that.

Likewise if the proposed rescission motion is not passed the position remains that there is no project and any referendum would not be relevant to the project in its present form. It may be to a new project.

In terms of a specific officer recommendation (aside from the receipt of the electors meeting minutes) this is as per agenda item 10.5, Council meeting November 26, 2009 which was to issue planning approval and proceed to tender consistent with prior Council direction.

STATUTORY ENVIRONMENT:

Section 5.33 of the Local Government Act 1995 states:

"Decisions made at elector's meetings

1) *All the decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable*

a) *At the first ordinary council meeting after that meeting;*

Or

b) *At a special meeting called for that purpose,
Whichever happens first.*

2) *If at a meeting of the council a local government makes a decision in response to a decision made at an elector's meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

Signed:

Dated: 28 January 2009

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

There are minor costs such as postage and staff time in conducting a referendum/poll.

STRATEGIC IMPLICATIONS:

Council's adopted Forward Plan contains Action Item 13.2B "Construct the Nannup TimeWood Centre". Council has budgeted to construct the building in the 2009/10 financial year.

RECOMMENDATION:

That Council receive the Annual Electors meeting minutes of 17 December 2009.

(Any motions from Council members can be dealt with here or per the proposed rescission motion item 12.1 in today's agenda).

8315 DEAN/BOULTER

That Council receive the Annual Electors meeting minutes of 17 December 2009.

CARRIED 8/0



MINUTES

**Of the General Meeting of Electors
Of The Shire of Nannup**

**Held in the Shirley Humble Room
15 Adam St Nannup
Monday 14 December 2009**

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That the Shire of Nannup Annual Report for 2008/09 be received.	
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5. Meeting Closure	2

1. Attendance and Apologies

Councillor Dunnet welcomed members of the public and declared the meeting open at 6.05pm.

Attending:

Cr B Dunnet – Shire President
Councillors Boulter, Lorkiewicz, Mellema, Gilbert, Camarri, Pinkerton and Dean.

S Collie – Chief Executive Officer
C Waddell – Manager Corporate Services
E Ross – Manager Development Services
C Wade – Works Manager

Attendance Register

Cheryle Brown	Keith Vickory	Meryl Clarke
Gerald Brown	Christine Vickory	Bob Clarke
Hayden Brown	Alan Chambers	W Brenkman
Pam Sewell	Athie Chambers	J Brenkman
C Williamson	Maureen Thomas	Tony Sewell
Jacinta Wilson	Susan Pickup	Liz Williamson
Cath Jolley	Michael Pickup	B Puckey
Wayne Jolley	Karlene Newnham	M Laidley
Val Russell	Heather Roach	Norm Steer
Laraine Raynel	Tony Sheppard	Bill Stopforth
Grant Raynel	Anne Brockman	Anne Fitzsimmons
Gloria Millward	Graeme Brockman	B Pennock
Denise Green	Terese Levick-Godwin	S Boak
Laurie Green	Alister Broughton	P Watts
Phaedra Watts	Noel Broughton	Julie Kay
D Tomasi	Elizabeth Jones	Michael Loveland
Paul Omodei	Bethwyn Trainer	E Genoni
F Ewing	Kurt Wiegler	Bob Longmore
Trish Brockman	Avis Wiegler	Maggie Longmore
Liz Collins	Jan Steer	Rob Taylor
Louise Stokes	Janet Gray	Leanne Lucas
Chris Rutter	Derek McNutt	Isabelle Green
Andy Pash	Colin Bothmore	James Innes
Chris Pash	E Pellicaan	Marilyn Wells
Vic Lorkiewicz	Rita Stallard	G Wells
Kevin Bird	Margaret Bird	Brett Furness
Lyn Porter	Arthur Porter	Louise Furness
Geoff Kemp	Judy Kemp	Kate Scott

Chris Scott
Dirk Avery
Christine Ludkins
Dave Dunnet
Ann Stallard
M Bottomore
Kate Happ
Jean Petersen
Karen Carroll
Athol Humble
M Clarke
Brownie Dickens
P Hemsworth
Susan Scott
Colin Styles
C Puckey
Peter Brown

D Brown
Judith Molenuex
Geoff Ludkins
Sandy Dunnet
Bill Stallard
C McKittrick
Baden Happ
Phil Laird
Hayden Brown
Gwen Goodreid
Eileen West
Peter Dickens
Beryl Hemsworth
Dave Pratter
Jenny Styles
Je Rae

M Gibb
Noelene Brown
Anita Brough
R Lee
Pat Twiss
GL Happ
Jim Pinkerton
Serena Terry
Shirley Humble
Daphne Clarke
David West
Carol Falks
Joan Scott
Debbie King
R Tyrell
A Williams

Apologies:

Nil

2. Receiving of Annual Report

R Taylor/T Levick-Godwin

That the Shire of Nannup Annual Report for 2008/09 be received.

Carried

3. Questions on Notice

Questions from Athie Chambers;

- 3.1. "Were all Councillors present at the last Nannup Shire Council meeting aware at the time of voting of the consequence of cancelling the Timewood Centre project in regard to the withdrawal of the allocated funding for the project by its funding bodies and the fact that those funds would not be transferrable to other projects within the Shire?"

Response by Cr Pinkerton;

That she was aware of the consequences of the position.

Response by Cr Gilbert;

The reason that some funding bodies may withdraw their funding is that Council had prolonged the process of this project and he didn't believe that a responsible funding body would hold back future funds based on this decision.

Response by Cr Dunnet:

That all Councillors were aware of the consequences of the decision.

- 3.2. "Can Councillors now comment on the consequences of giving back funds allocated to Timewood and what affect this action will have on any future opportunities for funding allocations to the Nannup region?"

Response by Council's Community Development Officer

That in the eyes of the funding bodies Council would not be looked upon favourably for future funding.

Response by Cr Dunnet

That this Council has previously had some late acquittals with funding bodies which is not desirable.

Ms M Dobbin asked what the balance of funds required was to complete the project.

Cr Dunnet responded:

That this would not be known until Council went out to tender.

Questions from Rita Stallard:

- 3.3 How does the volume of recycling (collected in the yellow bins) and transport to Manjimup, relate to volume actually retrieved in the processing plant?

Response by Manager Development Services:

Currently the recyclables are 22m³ per fortnight to Warren Blackwood Waste, Manjimup. There have been no rejected loads although a number of minor illegal dumping (food scraps/nappies) and approximately 5% waste to the Manjimup Waste Management Facility.

- 3.4 Is there any further follow up re; subsequent transport, disposal, sale etc of same with regard to calculating ecological soundness of the project.

Response by Manager Development Services:

The reduction of 572m³ annually from the Nannup Waste Management Facility provides for waste reduction to landfill. The system relies on bulk compacted transport to Perth and based on cost benefit analysis. The contractor is SAI Global and AS/NZ9001 Waste Management accredited.

Question from Business Initiative Group Nannup (BIGN):

The Business Initiative Group Nannup (BIGN) is a group of Nannup regional business owners and operators and not for profit organizations who share a common desire to promote, support and encourage business in our area.

BIGN puts out the following statement to ALL councillors in regard to the vote against the Timewood Centre, which occurred at the last Nannup Shire Council meeting:

- 3.5 "The Business Initiative Group Nannup insists that each councillor validate and explain their reasons for their individual decision on their vote at the last Shire Council meeting which resulted in the killing off of the Timewood project."

Response from Cr Gilbert:

Advised would respond by a future newsletter.

Questions from Dr Bob Longmore:

I refer the following statements and questions arising to my North Ward Councillors David Boulter and Robin Mellema *and seek their individual responses* at the Electors Meeting on Monday, December 14th.

In the Government of Western Australia, Department of Local Government booklet, Standing for Council, information for candidates, page 15, 2.1.1 in an overview of Local Government, it states:

* "the community is the reason that a local government exists. All decisions made by a local government should be aimed at meeting the needs of the community.

item, 2.1.2.3 Councillors:

* "represent the interests of electors, ratepayers and residents"

item 2.2.1:

* "under a ward system. (Here)" the councillor has both a duty to present the views of electors in his or her ward and also to consider the good of the district as a whole when making a decision".

Response from Cr Mellema:

Stated that he had conferred with his constituents and voted accordingly.

Cr Camarri responded:

That she disagreed with the site however it was obvious that the project was needed and the real issue was that Council should not send back \$1,000,000.

My questions are relatively simple:

- 3.6 Did you as a North Ward Councillor contact electors in your ward prior to the Council meeting of November 26th, 2009, to be made aware of their views with regard to recommending or not recommending planning permission for the Timewood Centre to be granted?
- 3.7 Given that you voted against planning permission be granted to the Timewood Centre, on what grounds did you make your decision, given the above statements, that you were supposed to be presenting the views of electors?
- 3.8 Do you believe, and can it be verified that you did "represent the interests of electors, ratepayers and residents" in a fair and honest manner or did you act to represent only the views of you as an individual or as a member of an interest group within Council?
- 3.9 Concerning said representation of the interests/views of electors, ratepayers and residents, have you or your Councillor colleagues or Shire staff carried out any statistically valid survey of the North Ward electorate to adequately assess the views of the electorate?

Cr Boulter responded:

My reply to Dr Longmores questions on notice

1. No

Please be aware that the agenda is delivered on the Friday before the council meeting. To contact 408 electors personally in a week is stretching a fertile imagination.

2. The grounds for my decisions are attached.

3a Please read answer 1.

3b Not to my knowledge.

To the NORTH WARD electors.

Herewith my reasons for voting in the negative to the timewood tower proposal.

1. *The estimators price tag is out of reach.* By the way, I did not have a chance to read the report prior to the council meeting 26.11.09.
2. No Clock
3. No estimation of cost of clock.

4. No estimate in estimators price tag in 1 above for the clock
5. No guarantee that the project will be contained in the budget.
6. No guarantee that the shire electors will foot the shortfall
7. The owners of Templemore oppose the clocktower on the proposed site. I will not be party to a proposal that rides roughshod over individual landholders rights.
8. Purchase of Templemore is not an option.
9. I foreshadow long and protracted legal argument with the owner of Templemore.
10. I foreshadow long and protracted argument with assessment of heritage and cultural values of the surrounding precinct and streetscape.

Cr Mellema responded:

- 3.6 No,
3.7 views of constituents,
3.8 yes then no,
3.9 he requested that the Shire President respond on behalf of all electors in respect of a statistically valid survey.

Cr Dunnet responded:

That the project commenced 6 years ago after numerous consultation and community surveys.

4. Other Business at the Discretion of the Presiding Person

- 4.1. Ms J Gray asked how many written objections were received to the project through the planning process and did the owners of Templemore object?

Manager Development Services responded:

He explained the formal planning approval process where consultation resulted in one negative response to the project which did not come from the owners of Templemore.

- 4.2. Ms E Pellicaan asked how much had been spent on the project to date.

The Chief Executive Office responded:

That to date \$148,743 had been spent on the project.

- 4.3. Ms J Molenuex asked what had been achieved by the architect because working drawings have not been produced yet and therefore accurate estimates cannot be derived.

The Chief Executive Officer responded;

The architect's brief included the development of all contract documentation including final working drawings. Council was to pay direct for the various engineering reports such as structural, hydraulic and mechanical.

- 4.4. Mr A Chambers asked how does this decision affect this Council and possible amalgamations.

The Chief Executive Officer Responded;

By detailing the amalgamation process indicating that it is difficult to draw comparisons between the two issues though people may draw their own conclusions or form their own perceptions.

- 4.5. Dr B Longmore asked if Councillors Boulter and Mellema stated that they were not going to vote for the TimeWood project in their election profile.

Cr Boulter responded;

That he did not mention it.

Cr Mellema responded;

That he noted it as an issue for discussion.

- 4.6. Mr M Ladley asked on what grounds was planning approval rejected.

Manager Development Services responded;

The three planning issues raised for Council consideration were associated with setbacks, parking and flood plain levels. The reasons given did not relate to planning approval.

- 4.7. Ms J Kemp asked if TimeWood does not proceed is there a requirement for an upgrade of the Telecentre.

Manager Development Services responded;

That Council recently held a Community Infrastructure Planning day which prioritised future projects which saw some upgrading work for the Town Hall and Telecentre planned for the 2012/13 year.

- 4.8. Ms B Hemsworth asked if the location of the proposed building were different would the project be in a different situation at the moment.

Cr Dunnet responded;

That the chosen location was the best option after a site selection process was gone through which is contained in the business plan adopted by Council.

Ms C McKittrick asked whether the Visitor Centre had withdrawn from the project.

Cr Dunnet responded;

That they had.

Ms C McKittrick then asked based on this if the building could be located elsewhere?

Cr Dunnet responded;

That a lot of planning had gone into the project and it was not a simple matter to just shift location.

- 4.9. Ms L Raynel asked if there had been any liaison between Council and the Visitor Centre recently.

The Chief Executive Officer responded;

Discussion on the caravan parks and Visitor Centre lease agreement had been initiated.

- 4.10. Ms L Lucas asked for the reasons that the planning approval for the building was rejected.

The Chief Executive Officer read from the November 2009 draft Council minutes as follows;

The reasons for the change in officer recommendation was:

1. No longer a tourist attraction with the withdrawal of the clock and no costing on a replacement. It would have become expensive commercial space when clearly there is an excess of commercial space in town.
 2. The withdrawal of the Nannup Visitor Centre from the project. It is no longer a co-location project and would not draw visitors to our town.
 3. Still the lack of a business plan in light of the above changes with basic questions such as the commercial rent to be charged for co tenants.
- 4.11. Mr N Steer asked if the issue of this building could be put to a referendum.

Cr Dunnet responded;

That this would have to occur straight away because of funding body limitations.

- 4.12. J Scott asked if a referendum could occur as well.

Cr Dunnet responded;

That this would be a Council decision which may be discussed by Council at its next Council meeting on Thursday 17/12/09.

J Scott/R Lee

That Council have a referendum to determine the electors views on the TimeWood Centre building.

A show of hands indicated that the majority of the attendees agreed.

- 4.13. Mr S Boak asked about the process of the minutes being developed from a Council meeting regarding the reasons given for a change from an officer's recommendation.

The Chief Executive Officer responded;

Explained the process and its development up until the point in time that the minutes are accepted as a true and correct record by Council at the next Council meeting.

- 4.14. Mr G Happ asked when the upgrade of the West side of Adam Street was going to occur.

Works Manager responded;

That works on Adam Street was dependant on the works to be undertaken on the laneway between Brockman Street and Adam Street and until that was resolved works on Adam Street could not occur.

- 4.15. Mr R Lee asked about the process associated with the replacement of a Councillor that resigns.

The Chief Executive Officer responded;

He explained the extraordinary election process and the fact that time frames associated with this can result in a vacancy for a short period of time.

- 4.16. Cr Gilbert asked the General public if they had experienced low internet speeds in the mornings.

The general consensus was that they were not.

5. Meeting Closure

There being no further business to discuss the Shire President thanked everyone for their attendance and declared the meeting closed at 8.00 pm.

ASSESSMENT & SITE ANALYSIS

Address	Location	Comment	A	B	C	D	E	F	G	H	I
2 Brockman Street	Existing community house site	Suggestion by community member - bulldoze or relocate	Y	Y	Y	N	Y	N	N	N	Y
2-4 Brockman Street	Between existing community house & Visitors Centre	Suggestion by community member	Y	Y	Y	N	Y	N	N	N	
Lot 31 Warren Road	Existing Telecentre	Suggestion to knockdown or relocate	Y	N	N	Y	Y	N	N	Y	Y
Warren Road	Between Baldies & furniture gallery	Owned privately	N	N	N	Y	N	N	NA	Y	N
Warren Road	Between Liquor Store & Catholic Church	Owned by Catholic Church	N	N	N	Y	N	N	NA	Y	N
Warren Road	Between Ampol & Uniting Church	Owned by Uniting Church	N	N	N	Y	N	N	NA	Y	N
Warren Road	Cnr Adam & Warren Road	Owned by Anglican Church	N	N	N	Y	N	N	NA	Y	N
Cnr Kearney St	Opposite BP	Suggestion by community member	N	N	N	N	N	N	Y	N	N
Warren Road	In front of Recreation Centre	Hockey oval	Y	N	N	Y	N	N	Y	Y	N
Brockman Street	Foreshore Park	Suggestion by community member	Y	Y	Y	N	Y	N	Y	N	N
Grange Road	Between "The Shed" & garden centre	Suggestion by community member	N	N	N	N	Y	N	Y	N	N
Grange Road	Opposite Holberry House entrance	Sewage plant underground	Y	N	N	N	N	N	Y	N	N
Warren Road	Old Roads Board Building	"Bulldoze all & start again" - suggestion by community member	Y	Y	Y	Y	Y	N	N	Y	Y
Warren Road	Between Templemore Gallery & Roads Board	Suggestion by community member	Y	Y	Y	Y	Y	Y	Y	Y	Y

Priority Location Requirements of tenanted organisations

A	Shire owned land	Priority Location Requirements of tenanted organisations
B	Proximity to Caravan Park	Proximity to caravan park for management & bookings
C	Pedestrian safety to Caravan Park	Main road frontage - maximum exposure to tourists
D	Main Road Frontage	Main road frontage - maximum exposure Clock project
E	Heritage Peceinct	Main road frontage - maximum passing customer trade
F	Access to Historical Society	Shire owned land - lack of funding for land purchase
G	Maximum use of community asset	Maximum community organisation collocation
H	Maximising income stream potential	Ability to collocate Historical Society
I	Suitable to TC, VC & Icon	

7. COMMUNITY CONSULTATION AND RESEARCH

7.1. Co-location Project Community Consultation

Extensive community consultation over a period of more than two years has shown strong community support for a facility to provide a focus for new and improved services to the community. These have included community workshops, surveys, media releases, displays, presentations and one to one interviews and the following -

- Council letter-drop (conducted December 2004)
- Nannup Times (Jan, Feb, March 2005, Aug 2006)
- Council Meetings (Nov 2004, Feb, May, July 2005)
- Static display – Nannup Telecentre & Visitors Centre
- Community Comment book at Telecentre & Visitors Centre

There has been substantial research in other WA Regional communities showing the benefits to the community and its organisations by providing purpose built co-located facilities. The Co-location of Services in Regional Western Australia is a key initiative of the Regional Development Policy and is supported by the State Government. The policy recognizes that Regional Communities should have access to the range of services and facilities needed to maintain and enhance their quality of life.

The Nannup Community Planning Day, held on 25 February 2005 with 76 residents in attendance highlighted the need for the following 17 developments and philosophies within the Shire:

1. *Promote cultural diversity*
2. *Preserve Nannup's heritage and history*
3. *Promote Nannup's heritage and history*
4. *Continue promotion of "garden village" concept – festivals and events*
5. *Maintain heritage look to town*
6. *Grow the local paper (Nannup Times)*
7. *Promote timber heritage of Nannup – a bold timber theme for the town*
8. *Develop a tourist icon – wooden clock*
9. *To co-locate the Telecentre, Tourist Centre and Historical Society*
10. *Better banking services*
11. *Improve communication between businesses*
12. *Improve out of school educational facilities and opportunities*
13. *Encourage a diversity of people to Nannup – residents and visitors*
14. *Improve meeting and conference facilities*
15. *Sustain and support existing industries*
16. *Encourage new ventures*
17. *Mowen Road to be sealed*

Consultation

The Shire has conducted an extensive consultation process which commenced with the initial "Timewood" in 2004 with a letter drop. There have been advertisements in the Nannup Times, Jan, Feb, Mar 05 and Aug 06 through to 09. Council meetings Nov 04, Feb, May, Jul 05, Feb 07, Mar 07, Oct 07, Jan 08, Mar 08, Apr 08, Sep 08, Nov 08, Mar 09, May 09, static display at the Nannup Community Resource Centre, Visitors Centre and Eziway. Additionally, there has been a "Timewood Project" sign on the site for some years.

In 2007 there was extensive consultation on the then completed plans with Schwanke Consulting, Jade projects Australia, Heritage and Conservation Professionals, FESA and Department of Water.

The "Timewood Committee" has consulted with the community, individuals and provided in numerous agenda items over the past 5 years. It would be fair to say that there has been over consultation and that the community and individuals therein have been afforded every opportunity to convey comments to the Shire regarding the project.

Formal consultation with regards to this planning approval commenced on 18 September 2009 and includes the required referrals listed below.

Referrals

Referrals/Notices Required by Clause 9.1 and 10.1 of LPS 3:

Referrals/Notice	Advice/Response/Conditions
DEC	N/A
DPI – Owners of land	Proposal - 22 Sep 09
EPA	N/A
FESA	N/A at this stage, previous comments noted
Department of Water – Flood plain	Proposal - 22 Sep 09,
Adjoining Owners - Templemore	Proposal - 22 Sep 09, Amended drawings -05 Oct 09
Regional Heritage Advisor – Mainstreet Heritage Precinct/Municipal Inventory	Proposal - 22 Sep 09, Amended drawings - 12 Oct 09
DonneyBrook- Bridgetown Mail	29 Sep 09
Manjimup – Bridgetown Times	30 Sep 09
Busselton – Dunsborough Times	25 Sep 09
Nannup Telegraph	Oct 09
Internal Council Referrals	Advice/Response/Conditions
Engineering	N/A
Administration/Finance	N/A
Streetscape Committee	11 Aug 09

(b) ELECTED MEMBERS

Nil

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of Motion 1 (TimeWood Centre Planning Approval)

Moved Cr Dunnet, seconded by Cr Pinkerton and Cr Camarri

"That Council resolution 8282 from the November 26, 2009 meeting of Council be rescinded, and that the three officer recommendations contained in Council agenda item 10.5, Council meeting November 26, 2009, be endorsed."

Officer Comment

1. Procedure

Local Government (Administration) Regulation 10 requires a rescission motion to have the support of 3 elected members (in the case of this council) to be introduced and an Absolute Majority vote to pass being 5. The above motion has the support of 3 elected members and is therefore introduced to the meeting.

In terms of Council decision implementation as Council does not have standing orders prior practice is referred to when determining when an action is taken to implement a Council decision if a rescission motion is received. This prior practice is contained in a set of draft standing orders as follows:

14.1 Implementation of a Decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with.*

This position was supported by advice from the Department of Local Government received 8 December 2009. Hence funding bodies have not yet been written to as per resolution 8282 from Council's 26 November 2009 meeting.

This issue remains a concern as there is the potential for an impasse to occur on any item before Council if there are three elected members who oppose a motion and decide to put up a rescission motion. Regardless of where one sits on the specific matter of the TimeWood Centre this potential repetitive deadlock is an

Signed:

Dated: 28 January 2009

issue in respect of providing good governance and needs to be addressed whether through Standing Orders or legislative change.

2. Public Interest

Council members would be aware that there has been significant public interest in this matter and a number of letters have been received since the November 26 meeting. These letters have been collated and delivered with the Council agenda for today's meeting.

3. Officer Recommendations

With no new information received on this matter subsequent to the November 26 decision of Council the officer recommendation on the TimeWood Centre Planning Approval remains as per agenda item 10.5, Council meeting November 26, 2009.

8316 CAMARRI/DEAN

That the motion be put

CARRIED 8/0

The motion was put;

"That Council resolution 8282 from the November 26, 2009 meeting of Council be rescinded, and that the three officer recommendations contained in Council agenda item 10.5, Council meeting November 26, 2009, be endorsed."

LOST 3/5

Councillors voting for the motion: Camarri, Dunnet, and Pinkerton.

Councillor voting against: Boulter, Dean, Gilbert, Lorkiewicz and Mellema.

Notice of Motion 2 (Crepe Myrtles)

Cr Gilbert has put forward the following Notice of Motion:

"That we move the Crepe Myrtles back to their original position in keeping with the heritage value guidelines of the precinct."

Officer Comment

This motion proposed is relevant to Notice of Motion 1 above, however should be dealt with after Notice of Motion 1 as the outcome of Notice of Motion 1 will determine if Notice of Motion 2 can be enacted.

MOTION WITHDRAWN

Notice of Motion 3 (WALGA Membership)

Cr Boulter has put forward the following Notice of Motion:

"That Nannup local government withdraw post haste from WALGA."

Rationale

1. This is not about money. It is about demonstrating to WALGA that they are about as weak as boarding house tea.
2. Where were they when Minister Castrilli announced last year there would be a cull in local government. Nowhere to be seen.
3. Why have not the executive been in contact with group 3 local authorities to seek their comments and bring Mr Castrilli to account.
4. The argument of local government insurance is a red herring. Surely Council can advertise for another insurance broker to act on our behalf. It would also test the market.

Officer Comment

It is recommended that an officer report be prepared if Council was to consider this matter.

MOTION WITHDRAWN

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Questions on Notice by Cr David Boulter

1. What is the number of staff/both full/part time of WALGA?

Number of full time employees is 85.

Number of Grant funded employees is 24.

(Source – Western Australian Local Government Directory page 15).

2. The total wages/salaries paid per annum

Unknown. Total revenue is \$23,741,735 forecast 2007/08.

(Source – Western Australian Local Government Directory page 15).

3. Nannup local government annual subscription

2009/10:

General Subscription: \$5,008

Signed:

Dated: 28 January 2009

Fee for Service:

Romans:	\$ 761
Website Maintenance:	\$5,295
Secure Gateway:	\$1,300

8317 PINKERTON/LORKIEWICZ

That the meeting be closed to the public to discuss the confidential item

CARRIED 8/0

The meeting was closed to the public at 5.11pm

The members of the public, Manager Corporate Services, Manager Development Services and Works Manager left the meeting at 5.11pm.

AGENDA NUMBER: 10.11 SUBJECT: 2010 Premier's Australia Day Active Citizenship Awards LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: ASS1 AUTHOR: Louise Stokes –Community Development Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 1 December 2009
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8318 LORKIEWICZ/MELLEMA

Decision embargoed until 26th January 2010

CARRIED 8/0

14. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 5.15pm.

Signed:

Dated: 28 January 2009