



## ORDINARY COUNCIL MEETING

# MINUTES

Ordinary Meeting of the Council  
held in the Council Chambers  
2.45pm Tuesday 23 October 2007

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	2
	Nil .....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATION FOR LEAVE OF ABSENCE .....	2
7	CONFIRMATION OF MINUTES.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	COMMUNITY SERVICES REPORTS .....	4
	Nil .....	4
9.2	EXECUTIVE SERVICES REPORTS .....	5
9.2.1	PLANNING INSTITUTE OF AUSTRALIA 2008 NATIONAL CONGRESS - STAFF ATTENDANCE .....	5
9.3	CORPORATE SERVICES REPORTS .....	7
9.3.1	LIST OF ACCOUNTS - SEPTEMBER 2007 .....	7
9.3.2	FINANCIAL STATEMENTS - QUARTERLY - SEPTEMBER 2007 .....	8
9.3.3	MOUNT BARKER GRAPES AND GALLOPS FESTIVAL 2008 - FINANCIAL ASSISTANCE GRANT .....	10
9.3.4	MUIRS HIGHWAY RECONSTRUCTION AND PASSING LANE - DEDICATION.....	12
9.3.5	CODE OF CONDUCT REVIEW .....	13

9.3.6 LEASE - COMMUNITY AGRICULTURE CENTRE ..... 21

9.4 WORKS AND SERVICES REPORT ..... 24

9.5 DEVELOPMENT SERVICES REPORT ..... 25

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 26

Nil .....26

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF THE MEETING..... 26

12 CONFIDENTIAL..... 26

13 CLOSURE OF MEETING..... 26

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:48pm The Presiding Person declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

### Present

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

### Apologies

Nil

Staff

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

There were no members of the public present.

There were no members of the media present

### **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **4 PUBLIC QUESTION TIME**

Nil

### **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

### **6 APPLICATION FOR LEAVE OF ABSENCE**

Cr J Mark requested (by letter) Leave of Absence for the period 23 October to 11 December 2007 (inclusive).

**Moved Cr J Moir, seconded Cr M Skinner:**

**That Cr J Mark be granted leave of absence for the period 23 October to 11 December 2007 (inclusive).**

**CARRIED (8/0)**

**No.360/07**

### **7 CONFIRMATION OF MINUTES**

**Moved Cr B Hollingworth, seconded Cr K Clements:**

**That the Minutes of the Ordinary Meeting of the Council held 9 October 2007 be confirmed.**

**CARRIED (8/0)**

**No.361/07**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- Cr Forbes advised that he and Cr Hollingworth would be attending a Regional Saleyards Strategy Meeting to be held in Perth on Friday 26 October 2007.
- Cr Forbes advised that there would be a meeting of the Great Southern Zone Western Australian Local Government Association to be held in Jerramungup on Friday 23 November 2007.
- Cr Forbes advised that the Council Dinner would be held at Fios to farewell outgoing Councillors and to welcome in new Councillors on Friday 23 November 2007.

**9 REPORTS OF COMMITTEES AND OFFICERS**

**9.1 COMMUNITY SERVICES REPORTS**

Nil

## 9.2 EXECUTIVE SERVICES REPORTS

### 9.2.1 PLANNING INSTITUTE OF AUSTRALIA 2008 NATIONAL CONGRESS - STAFF ATTENDANCE

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CM/38/6</b>
<b>Author:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>11 October 2007</b>

---

#### **Purpose**

The purpose of this report is to seek authority for the Manager of Development Services, Mr Peter Duncan, to attend the Planning Institute of Australia 2008 National Congress to be held in Sydney from 13 – 16 April 2008.

#### **Background**

The Planning Institute of Australia is the peak body for Planning professionals in Australia and the annual congress attracts representatives and speakers from many different countries including, in 2008, London, New York, Paris and Tokyo.

#### **Policy Implications**

Council Policy CE/CS/1 Elected Members Expenses to be reimbursed refers.

#### **Financial Implications**

Early Bird registration for the Congress is \$925.00 for a Planning Institute of Australia member. Further costs of approximately \$800.00 for accommodation and \$600.00 return air fare also apply. Sufficient funds are available at Budget Line 20171.29.52 (Training).

#### **Strategic Implications**

The Council noted during the formation of its Strategic Plan that one of the Shire's strengths is its staff. There is a need to ensure that staff members are exposed to new thoughts, trends and opportunities in their particular profession.

#### **Officer Comment**

The Planning Institute of Australia National Congress would be of undoubted benefit to the Manager Development Services and sufficient funds have been allocated to training in the Council's adopted Budget.

Key issues to be addressed at the congress include: climate change, housing affordability, demographic and intergenerational shifts, sustainability, urban design and renewal, economics and planning.

#### **Voting Requirements**

Simple Majority



---

Planning Institute Of Australia 2008 National Congress – Staff Attendance (Cont.)

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Nye-Chart, seconded Cr K Clements:**

**That the Manager of Development Services be authorised to attend the 2008 Planning Institute of Australia National Congress in Sydney NSW from 13 – 16 April 2008 and the costs be charged to Budget Line 20171.29.52.**

**CARRIED (8/0)**

**No.362/07**

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 LIST OF ACCOUNTS - SEPTEMBER 2007

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>List of Accounts</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/65/3</b>
<b>Author:</b>	<b>Rayona Evans - Accounts Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>15 October 2007</b>

---

#### **Purpose**

The purpose of this report is to present the list of payments that were made during the month of September 2007.

#### **Statutory Environment**

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

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Voting Requirements**

Simple Majority

#### **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr J Moir:**

**That the payment of accounts for the month of September covering electronic payments and cheques 37626 – 37753 totalling \$763,041.87 be approved.**

**CARRIED (8/0)**

**No.363/07**

**9.3.2 FINANCIAL STATEMENTS - QUARTERLY - SEPTEMBER 2007**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>September 2007</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/65/1</b>
<b>Author:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>15 October 2007</b>

---

**Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2007.

**Statutory Environment**

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

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

The Statement is to be accompanied by:

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

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr M Skinner:**

**That the Quarterly Financial Statements for the month ending 30 September 2007 be received.**

**CARRIED (8/0)**

**No.364/07**

### 9.3.3 MOUNT BARKER GRAPES AND GALLOPS FESTIVAL 2008 - FINANCIAL ASSISTANCE GRANT

A Financial Interest was disclosed by Cr A Budrikis for Item 9.3.3  
Nature of Interest: Mount Barker Grapes and Gallops Committee Member.  
2.58pm Cr A Budrikis withdrew from the meeting.

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** GS/125/8  
**Author:** John Fathers – Deputy Chief Executive Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 11 October 2007

---

#### Purpose

The purpose of this report is to advise the Council that Goundrey Wines is not able to host the D'Vine Wine Festival for 2008 and that the Grapes and Gallops Festival 2008 will be held in its place. The organisers, Mount Barker Wine Producers Association Inc has requested that the financial assistance grant allocated in the Council's budget for the D'Vine Wine festival be made available for this event.

#### Background

At its meeting held on 24 July 2007, the Council agreed to be a reserve sponsor for the 2008 Mount Barker D'Vine Wine Festival at a cost of \$550.00, in conjunction with the adoption of the 2007/08 annual budget. The Council also agreed to sponsor the Mount Barker Wine Producers Annual Dinner to a value of \$1000.00.

#### Statutory Environment

There are no statutory implications for this report.

#### Policy Implications

The Council's Policy No. CS/CG/2 relating to Financial Assistance Grants (Operating) applies, which in part states:

'The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Generally, preference will be given to applications for funding from organisations or clubs which meet as many of the following criteria as possible:

- (1) Based in the Shire of Plantagenet, or benefit residents within the Shire;
- (2) Can clearly identify the group(s) who will benefit from the funding;
- (3) Be actively operating and meeting on a regular basis; and
- (4) Can demonstrate that the funding from the Council will improve their ongoing financial viability and financial independence and / or the promotion of the district.'

---

**Mount Barker Grapes & Gallops Festival 2008 – Financial Assistance Grant (Cont.)****Financial Implications**

The Council allocated \$550.00 for the 2008 Mount Barker D'Vine Wine Festival event.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The organisers of the proposed event have advised that the aims of the festival and associated benefits to the Shire are follows:

- Two (2) volunteer organisations joining forces to present an event that is a showcase of regional achievement, horse racing and premium wine production.
- The social health of a community is enhanced when the community can celebrate in a responsible manner together. Grapes and Gallops Mount Barker will provide this occasion.
- This event will strengthen the regional economy by attracting investment in two industries, namely horse racing and the wine industry (Mungrup Stud sale is scheduled to occur around this time also). Key wine industry media and personnel will be invited to Grapes and Gallops.
- This event will involve the employment of youth / involvement in security, hospitality tents etc who otherwise would have to travel to gain such experience.
- The inland region of the Great Southern is capitalising on the 'summer tourist crowds' along the coast during January. This event will draw them inland along with their spending tourism dollar.

The same level of sponsorship is available for this event as approved previously and the proposal is in line with the Council's Policy No. CS/CG/2.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr D Nye-Chart:**

**That the annual sponsorship for the 2008 Mount Barker D'Vine Wine Festival as budgeted be transferred to the Mount Barker Grapes and Gallops event to be held on 20 January 2008.**

**CARRIED (7/0)**

**No.365/07**

3.00pm Cr Budrikis returned to the meeting.

**9.3.4 MUIRS HIGHWAY RECONSTRUCTION AND PASSING LANE - DEDICATION**

<b>Location / Address:</b>	<b>Muirs Highway</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RO/92/1</b>
<b>Author:</b>	<b>John Fathers and Ian Bartlett</b>
<b>Authorised By:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 July 2007</b>

---

**Purpose**

The purpose of this report is to recommend the dedication of land associated with the reconstruction of Muirs Highway.

**Background**

Main Roads WA is currently increasing the formation width of Muirs Highway to 11 metres and providing a 1.6km east bound passing lane between the Hay River Bridge and the Mount Barker bypass.

The Council has received a request from Main Roads WA seeking support for land requirement plans and their land resumption letters to adjoining landowners.

**Statutory Environment**

Section 56(1) of the Land Administration Act 1997 requires that where land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government...and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

**Financial Implications**

There are no financial implications for this report.

**Officer Comment**

The widening of Muirs highway is currently being undertaken by Main Roads and the associated dedication of adjoining parcels of privately owned land as road reserve can be supported.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr M Skinner:**

**That no objection be raised for the dedication of the land contained in Main Roads Drawings 200701 – 023 to 030 and 200701 – LD1 and LD2 as road under Section 56 of the Land Administration Act.**

**CARRIED (8/0)**

**No.366/07**

### 9.3.5 CODE OF CONDUCT REVIEW

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GO/44/5</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>16 October 2007</b>

---

#### **Purpose**

The purpose of this report is to review and adopt the Council's Code of Conduct to ensure its relevance for the organisation and maintain compliance with the Local Government Act 1995.

#### **Background**

The Council's Code of Conduct was last reviewed at its meeting held 14 February 2006.

A review of the Local Government Act, the Local Government (Rules of Conduct) Regulations and the Local Government (Administration) Regulations was undertaken earlier this year with changes taking affect on the 21 October 2007. As a result of these changes the Rules of Conduct are now enforceable under the Local Government (Official Conduct) Amendment Act 2007.

Minor changes have been made to the current Conduct of Conduct to ensure it is consistent with the Local Government (Rules of Conduct) 2007. These include:

##### Section 1.1 – Conflict of Interest

The words 'Members and' has been inserted at beginning of sub-section b and e.

##### Section 2.4 – Gifts and Acts of Hospitality

The amount of \$300 is to replace \$200 each time it appears in section 2.4.

The amount of \$50 is to replace \$100 each time it appears in section 2.4.

#### **Statutory Environment**

Section 5.103(2) of the Local Government Act 1995 states:

'A local government is to review its code of conduct within 12 months after each ordinary election day and make such changes to the code as it considers appropriate.'

The Code of Conduct is also governed by the Local Government (Rules of Conduct) Regulations 2007 and the Local Government (Administration) Regulations 1996.

#### **Consultation**

There has been no consultation regarding this report.

#### **Policy Implications**

This report is a review of Policy OP/HRP/2 – Code of Conduct.

---



---

**Code Of Conduct Review (Cont.)****Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The Code of Conduct provides for good governance by requiring transparent, accountable and honest conduct of both members and officers of the Shire of Plantagenet.

The Chief Executive Officer intends to workshop this matter prior to Christmas with Councillors.

This should be especially useful to new Councillors and a reminder to existing Councillors and Senior Staff.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

That the following amended Code of Conduct:

**OBJECTIVE:** The Code of Conduct provides the general principles to guide the behaviour of Council members and staff.

**POLICY:****PREAMBLE**

The Code of Conduct provides elected members and staff in the Shire of Plantagenet with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual local governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations, which incorporates four fundamental aims to result in:

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for elected members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

---

**Code Of Conduct Review (Cont.)****ROLE OF ELECTED MEMBERS**

A Councillor's primary role is to represent the community and the effective translation of the community's needs and aspirations into a direction and future for the local government will be the focus of the elected member's public life.

The role of staff is governed by staff member's conditions of employment and other statutory requirements.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is, therefore, entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- (a) Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- (b) Achieving sound financial management and accountability in relation to the Shire's finances;
- (c) Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- (d) Working with other governments and organisations to achieve benefits for the community at both a local and regional level; and
- (e) Having an awareness of the statutory obligations imposed on Councillors and on local governments.

**CONFLICT AND DISCLOSURE OF INTEREST****1.1 CONFLICT OF INTEREST**

- (a) Members and staff will ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Members and staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Plantagenet, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality which may be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Members and staff will refrain from partisan political activities, which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain

---

**Code Of Conduct Review (Cont.)**

their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

**1.2 Financial Interest**

Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

**1.3 Disclosure of Interest**

- (a) In addition to disclosure of financial interests, members and staff, including persons under a contract for services –
- (i) Attending a council or committee meeting; or
  - (ii) Giving advice to a council or committee meeting; and
  - (iii) Are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.
- (b) Where an interest must be disclosed under (a) above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the meeting.

**PERSONAL BENEFIT****2.1 Use of Confidential Information**

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

**2.2 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Plantagenet upon its creation unless otherwise agreed by separate contract.

**2.3 Improper or Undue influence**

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

**2.4 Gifts and Acts of Hospitality**

- (a) Members and staff are not to accept a gift, other than a gift of or below \$300.00 from a person who is undertaking, or is likely to undertake business-
- (i) that requires the person to obtain any authorisation from the local government;

---

**Code Of Conduct Review (Cont.)**

- (ii) by way of contract between the person and the local government; or
  - (iii) by way of providing any service to the local government.
- (b) Members and staff who accept a gift of or below \$300.00 from a person referred to in (a) above are to record in a register of token gifts-
  - (i) the names of the persons who gave and received the gift;
  - (ii) the date of receipt of the gifts; and
  - (iii) a description and the estimated value of the gift.
- (c) Members and staff who accept a gift by way of hospitality of any nature, below \$50.00 do not need to record such hospitality in a register of token gifts.  
NB: In respect to hospitality between \$50.00 and \$300.00 the provision of clause (a) and (b) above apply.
- (d) This clause does not apply to gifts received from a relative (as defined in section 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- (e) The CEO is to keep a register of token gifts that are recorded pursuant to sub regulation 4 of regulation 34 B of the Local Government (Administration) Amendment Regulations 1999.

**CONDUCT OF MEMBERS AND STAFF****3.1 Personal Behaviour**

- (a) Members and staff will:
  - (i) Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  - (ii) Perform their duties impartially and in the best interests of the Shire uninfluenced by fear or favour;
  - (iii) Act in good faith (i.e.; honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community;
  - (iv) Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
  - (v) Always act in accordance with their obligation of fidelity to the Shire;
  - (vi) Abide and be directed by the vision mission and values of the Shire of Plantagenet Strategic Plan; and
  - (vii) Treat matters of a confidential nature in accordance with this code.
- (b) Members will represent and promote the interests of the Shire while recognising their special duty to their own constituents.

**3.2 Honesty and Integrity****Members and staff will:**

---

---

**Code Of Conduct Review (Cont.)**

- (a) Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;
- (b) Bring to the notice of the President any dishonesty or possible dishonesty on the part of any other members, and in the case of an employee to the Chief Executive Officer;
- (c) Be frank and honest in their official dealings with each other; and
- (d) Bring to the notice of Council any dishonesty or possible dishonesty on the part of the Shire President or Chief Executive Officer. These matters should always be treated as confidential in accordance with the code.

**3.3 Performance of Duties**

- (a) While on duty, staff will give their whole time and attention to the Shire's business and ensure that their work is carried out efficiently, economically and effectively and that their standard of work reflects favourably both on them and on the Shire; and
- (b) Members will, at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

**3.4 Compliance and Lawful Orders**

- (a) Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer; and
- (b) Members and staff will give effect to the lawful policies of the Shire, whether or not they agree with or approve of them.

**3.5 Administrative and Management Practices**

Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

**3.6 Corporate Obligations**

- (a) **Standard of Dress**
  - (i) Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff; and
  - (ii) Councillors are expected to comply with neat and responsible dress standards at all times. The Shire President reserves the right to raise the issue of dress with Council Members.
- (b) **Communication and Public Relations**
  - (i) All aspects of communication by staff (including verbal, written or personal), involving the Shire's activities should

---

**Code Of Conduct Review (Cont.)**

reflect the status and objectives of the Shire. Communications should be accurate, polite and professional; and

- (ii) As a representative of the community, members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, members should acknowledge that:
- As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
  - Information of a confidential nature must not be communicated until it is no longer treated as confidential;
  - Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council; and
  - Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

### **3.7 Relationships between Members and Staff**

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position members need to:

- (a) Accept that their role is one of leadership, and not of administrative management;
- (b) Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- (c) Refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility; and
- (d) Staff will refrain from publicly criticising Councillors in a way that casts aspersions on their professional competence and credibility.

### **3.8 Appointments to Committees**

As part of their representative role, members are often asked to represent the Council on external organisations. It is important that members:

- (a) Clearly understand the basis of their appointment; and

## **DEALING WITH COUNCIL PROPERTY**

### **4.1 Use of Local Government Resources**

Members and staff will:

- (a) Be scrupulously honest in their use of the Shire's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

---

**Code Of Conduct Review (Cont.)**

- (b) Use the Shire's resources entrusted to them effectively and economically in the course of their duties; and**
- (c) Not use Shire's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract or employment) unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).**

**4.2 Travelling and Sustenance Expenses**

**Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire in accordance with Shire policy and the provisions of the Local Government Act.**

**4.3 Access to Information**

- (a) Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members; and**
- (b) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.'**

**be endorsed.**

**CARRIED (8/0)**

**No.367/07**

**9.3.6 LEASE - COMMUNITY AGRICULTURE CENTRE**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CP/5/3</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Deputy Chief Executive Officer</b>
<b>Date of Report:</b>	<b>15 October 2007</b>

---

**Purpose**

The purpose of this report is to consider continuing the subletting of a portion of the Mount Barker Railway Station building to the Department of Agriculture and Food for the Community Agriculture Centre (CAC).

**Background**

The current sublease agreement between the Shire and the Department of Agriculture and Food expired on 30 September 2007.

The Shire subleases a portion of the Mount Barker Railway Station to the Department for a Community Agriculture Centre. The office space is utilised by groups such as the Wilson Inlet Catchment Committee and the Oyster Harbour Catchment Group.

The Shire was advised by Lynn Heppell, NRM Coordinator for the Wilson Inlet Catchment Group that the Mount Barker CAC also services both the Cranbrook CAC and the Mount Barker Research Station with remote computer access.

Albany Valuation Services undertook a market rental valuation on 4 October 2007. It is their opinion that the current fair market rental value for the CAC is \$8,225 per annum.

The Shire currently subleases this building to the Department for \$5,048.72 per annum.

However the Council also subsidises the Department to cover fifty percent (50%) of the rental, making the total rental currently paid by the Department \$2,524.36.

The Shire leases the railway land that the Railway Station is located on from the Public Transport Authority Western Australia (PTAWA).

In January 2007 the PTAWA undertook a rental review of this land and the Shire is now charged an annual rental of \$1,051.55. The Shire did not previously pay rent on this land.

**Statutory Environment**

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing.

**Consultation**

Consultation has occurred with the Department's Ross McLeod and the Shire's Chief Executive Officer Rob Stewart.

---



---

**Lease – Community Agricultural Centre (Cont.)****Policy Implications**

There are no policy implications for this report.

**Financial Implications**

This report recommends that the Council increase the annual rental of the building to six thousand five hundred dollars (\$6,500) to reflect the additional charges the Council pays to the PTAWA and bring the rental more in line with the rental valuation.

Should the Council continue with its fifty percent (50%) donation towards the rental the increase to the Department would be approximately seven hundred and twenty five dollars (\$725).

**Strategic Implications**

By renewing this sublease the Council is effectively promoting 'the decentralisation of government offices and departments in the Shire and the region' to achieve the initiative of developing 'partnerships to encourage appropriate economic development and employment opportunities within the Shire and the region' as set out in Key Result Area 5 of the Strategic Plan.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr B Hollingworth:**

**THAT:**

- (1) A sublease be entered into with the Department of Agriculture and Food for the lease of office space at the Mount Barker Railway Station, known commonly as the Community Agriculture Centre, with the following terms:**
  - (a) for a period of three (3) years;**
  - (b) the rent being set at \$6,500 per annum and adjusted by the Consumer Price Index (all groups Perth) annually;**
  - (c) A donation equivalent to 50% of the annual rent be made to the Department of Agriculture and Food for year one (1) of the lease;**
  - (d) consideration be given to making a donation to the Department of Agriculture and Food to cover fifty percent (50%) of the rental for years 2 and 3 of the lease;**
  - (e) all outgoings be the responsibility of the Department of Agriculture and Food;**
  - (f) all cleaning expenses be reimbursed to the Council annually; and**
  - (g) the Council be responsible for all security costs.**
- (2) Authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's Common Seal to the agreement between the Shire of Plantagenet and the Department of Agriculture and Food for the lease of the Community Agriculture Centre.**

**AMENDMENT:**

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the number '6,500' be deleted and replaced with the number '7,100' in part (1) (b) of the motion.

**CARRIED (8/0)**

**No.368/07**

**COUNCIL DECISION****THAT:**

- (1) A sublease be entered into with the Department of Agriculture and Food for the lease of office space at the Mount Barker Railway Station, known commonly as the Community Agriculture Centre, with the following terms:
  - (a) for a period of three (3) years;
  - (b) the rent being set at \$7,100 per annum and adjusted by the Consumer Price Index (all groups Perth) annually;
  - (c) A donation equivalent to 50% of the annual rent be made to the Department of Agriculture and Food for year one (1) of the lease;
  - (d) consideration be given to making a donation to the Department of Agriculture and Food to cover fifty percent (50%) of the rental for years 2 and 3 of the lease;
  - (e) all outgoings be the responsibility of the Department of Agriculture and Food;
  - (f) all cleaning expenses be reimbursed to the Council annually; and
  - (g) the Council be responsible for all security costs.
- (2) Authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's Common Seal to the agreement between the Shire of Plantagenet and the Department of Agriculture and Food for the lease of the Community Agriculture Centre.

**CARRIED (8/0)**

**No.369/07**

**9.4 WORKS AND SERVICES REPORT**

Nil

**9.5 DEVELOPMENT SERVICES REPORT**

Nil

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

3.15pm The Presiding member declared the meeting closed.

**CONFIRMED: CHAIRPERSON \_\_\_\_\_ DATE: ...../...../.....**