



ORDINARY MINUTES

DATE: Tuesday, 3 May 2011

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

Apologies:

Cr B Bell
Cr J Moir

Previously Approved Leave of Absence:

Cr G Messmer – 5 July 2011

Emergency Evacuation Procedures/Disclaimer:

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.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr S Grylls disclosed a Proximity (Section 5.60 (B) LGA) Interest – Location of Mother's house – in Item 10.1.2

Cr S Grylls disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Lease land to Australian Blue Gum Plantation Pty Ltd – in Item 10.1.3

Cr M Skinner disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Lease land to Australian Blue Gum Plantation Pty Ltd in Item 10.1.3

Cr Michael Skinner disclosed a Financial/Indirect Financial interest (Section 5.609A) and Section 5.61 LGA) Interest – Farming 400 head of cattle – in Item 10.4.3

Cr K Clements disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Use of car as Shire President – in Item 10.5.4

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 12 April 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (6/0)

NO. 110/11

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 14 April 2011 - Together with Councillors and staff undertook a road inspection of the eastern section of the shire.
- 14 April 2011 – Attended a TIRES meeting in Albany with Cr Handasyde and Mr Le Cerf.
- 15 April 2011 - Attended the Official Launch of the RDA Great Southern Regional Plan 2010-2020 in Denmark.
- 21 April 2011 – Mr Stewart and I attended a meeting with Mr Bruce Manning from the GSDC.
- 21 April 2011 - Mr Stewart, Ms Selesnew and I attended a meeting to discuss the Community fair funding.
- 24 April 2011 - Attended Art in the Park.
- 25 April 2011 - Attended the ANZAC day ceremony.
- 27 April 2011 - Cr Handasyde and I attended a TIRES meeting.
- 30 April 2011 - Attended the Official Opening of the Kendenup Skate Park.

9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 27 April 2011 – Attended the Opening of the Art in the Park.

Cr G Messmer

- 13 April 2011 – Attended the Opening of the Child Care Centre Extensions.
- 30 April 2011 – Attended the Official Opening of the Kendenup Skate Park.

Cr L Handasyde

- 14 April 2011 – Attended the Council Road Inspection – Eastern Section.
- 14 April 2011 – Attended the TIRES Meeting in Albany.
- 30 April 2011 - Attended the Official Opening of the Kendenup Skate Park.

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 DEVELOPMENT SERVICES REPORTS

10.1.1 COUNCIL REPRESENTATION - DEVELOPMENT ASSESSMENT PANELS

File No:	N18276
Attachments:	<u>Great Southern Joint Development Assessment Panel Map</u> <u>Letter from Director General Department of Planning</u> <u>WAPC Planning Bulletin 106/2011 - Development Assessment Panels</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	3 May 2011

PURPOSE

The purpose of this report is to recommend that the Council appoint two representatives and two alternate (deputy) representatives on the Great Southern Joint Development Assessment Panel.

BACKGROUND

Legislation enabling the creation of Development Assessment Panels in Western Australia has come into operation on 24 March 2011. This legislation formalised the process for establishing Development Assessment Panels.

The Parliament of Western Australia passed the Approvals and Related Reforms (No. 4) (Planning) Act 2010 (2010 Amendment Act). The provisions of the 2010 Amendment Act, except part three, commenced on 22 November 2010.

The 2010 Amendment Act contains a number of amendments to the Planning and Development Act 2005 that are designed to improve the planning system. Part 3 of the 2010 Amendment Act gazetted on 24 March 2011 contain the heads of powers required to introduce Development Assessment Panels in Western Australia through the making of regulations by the Governor. The details on how these panels are established, administered and operated are set out in the Planning and Development (Development Assessment Panels) Regulations 2011 also gazetted on 24 March 2011.

Following the gazetting of the Planning and Development (Development Assessment Panels) Regulations 2011 the Ministerial Order formally creating 15 Development Assessment Panels will be gazetted on 2 May 2011. These Development Assessment Panels however will not start to consider new applications until 60 days after their establishment with the first Development Assessment Panel meeting scheduled to sit from 1 July 2011.

Local Governments are required to submit their nominations to the Minister during a 40 day period closing on 13 June 2011. If Local Governments fail to provide the requisite nominations within the 40 day deadline, the Minister is empowered to nominate replacements from eligible voters in the district to which the Development Assessment Panel is established. The Minister and the Cabinet is expected to formally approve the Local Government nominations on or around 15 June 2011.

Local Government Development Assessment Panel members will be required to undergo training prior to attending a sitting of a Development Assessment Panel. The training will happen during May and June 2011, with a provision of an allowance of \$400.00 paid upon satisfactory completion.

STATUTORY ENVIRONMENT

Approvals and Related Reforms (No.4) (Planning) Act 2010

Planning and Development Act 2005

Section 171C - Establishes Development Assessment Panels

The Shire of Plantagenet is grouped into the Great Southern Joint Development Assessment Panel with the City of Albany, Shire of Broomehill-Tambellup, Shire of Cranbrook, Shire of Denmark, Shire of Gnowangerup, Shire of Jerramungup, Shire of Katanning, Shire of Kent, Shire of Kojonup and the Shire of Woodanilling (see map attached).

Planning and Development (Development Assessment Panels) Regulations 2011

Sections 25 and 28 - Membership of Development Assessment Panels includes two Local Government representatives with two alternate representatives to attend in lieu as required.

Section 29 - Members are appointed for a two year term and are eligible to be reappointed.

Section 30 - Local Government Development Assessment Panel members will be required to go through training during May and June 2011, with a provision of an allowance of \$400.00 paid upon satisfactory completion.

Section 31 - Members will be eligible for a fee of \$400.00 per Development Assessment Panel meeting, \$400.00 for attendance at any proceeding of the State Administrative Tribunal and \$100.00 for any determination in regard to any amendment or cancellation of an already approved application. Motor vehicle and travel expenses associated with Development Assessment Panel functions will be reimbursed.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Development Assessment Panels have been introduced by the State Government as part of amendments to legislation governing the planning system. These amendments to legislation of which Development Assessment Panels are a key component seek to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. Development Assessment Panels will consist of a mix of three technical experts (specialist members) and two Local Government representatives. Development Assessment Panels are responsible for determining all development applications in excess of \$7 million in value and optionally (at the election of the applicant) those applications between \$3 million and \$7 million in value.

On 2 May 2011 the Ministerial Order formally creating the 15 Development Assessment Panels will be gazetted. Development Assessment Panels will commence on 1 July 2011 and the frequency of Development Assessment Panels meetings will vary depending on the volume of applications received.

Nominated Local Government representatives will be required to undergo training organised by the Development Assessment Panel Secretariat with provision of an allowance of \$400.00 paid upon successful completion. Members are appointed for a two year term and are eligible to be reappointed. Members will receive a \$400.00 fee for each Development Assessment Panel meeting attended and \$100.00 for the determination of an amendment or cancellation of an existing approved application. Members will be required to attend proceedings of the State Administrative Tribunal with respect to determination of applications made by the Development Assessment Panel and are eligible for a fee of \$400.00 for such attendance. Development Assessment Panel meetings, as with State Administrative Tribunal attendances, are conducted during normal weekday business hours.

A number of Development Assessment Panel procedures manuals are currently being prepared and will be provided on the Development Assessment Panel website (www.daps.planning.wa.gov.au) in due course. These documents will provide further details on the procedures outlined in WAPC Planning Bulletin 106/2011 - New legislative provisions for development assessment panels.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr S Grylls:

That:

- 1. Cr Clements and Cr Messmer be appointed as the Council's representatives on the Great Southern Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.**

- 2. Cr Skinner and Cr Handasyde be appointed as the Council's deputy representatives on the Great Southern Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.**

CARRIED (6/0)

NO. 111/11

10.1.2 LOT 212 HASSELL STREET, MOUNT BARKER – OVERSIZE AND OVER HEIGHT OUTBUILDING

A Proximity (Section 5.60 (B) LGA) Interest was disclosed by Cr S Grylls. Nature of interest – Location of Mother's house.

2:58pm Cr S Grylls withdrew from the meeting.

File No: N18332
Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan and Elevations](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 3 May 2011
Applicant: Kenweld Industries

PURPOSE

The purpose of this report is to consider a proposal for an oversize and over height outbuilding at Lot 212 Hassell Street, Mount Barker.

BACKGROUND

Council Records show the registered owners of Lot 212 are A and EM McNabb.

The proposal is for an outbuilding of 120.54m² with wall heights of 3.6m and 2.597m. Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3.0m together with the maximum cumulative total floor area for outbuildings in residential areas at 80.0m².

The reason given by the proponent for the oversize and over height outbuilding is to provide protection and secure parking for two family vehicles and a caravan.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2.5).

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

TPS Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 80m² for Residential Zones. The floor area of the proposed outbuilding is 120.54m² with wall heights for the proposed outbuilding being 3.6m and 2.597m. Given the large size of the lot (4,010m²), the total floor area and wall height of the outbuilding is considered acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 212 is 4,010m² in area and is zoned Residential (R2.5). The proposed outbuilding is setback 24.57m from the west rear boundary and 7.5m from the north side boundary abutting Lot 112 and 20.5m from the south boundary abutting Lot 213. The proposed outbuilding location meets the setback requirements of the Residential Design Codes (RCodes).

Development at Lot 212 consists of a house currently under construction and approaching completion. The proposed outbuilding will be constructed in Colorbond® with external walls to be finished in classic cream colour and the roof is to be zincalume.

No difficulties are seen with the floor area of the outbuilding being 120.54m² and wall heights of 3.6m and 2.597m given the size of the lot being 4,010 m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Town Planning Scheme Policy No. 16 (Outbuildings) be varied and the proposed outbuilding at Lot 212 Hassell Street Mount Barker be approved with a total floor area of 120.54m² and wall heights of 3.6m and 2.597m in accordance with the plans dated 28 March 2011.

CARRIED (5/0)

NO. 112/11

2:59pm Cr S Grylls returned to the meeting.

10.1.3 LOT 150 CHESTER PASS ROAD, PORONGURUP - AFFIX COMMON SEAL

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr S Grylls. Nature of Interest – Lease land to Australian Blue Gum Plantation Pty Ltd.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner. Nature of Interest – Lease land to Australian Blue Gum Plantation Pty Ltd.

2:59pm Cr M Skinner and Cr S Grylls withdrew from the meeting.

File No: N18274
Attachments: [Location Plan](#)
[Deposited Plan](#)
[Notification Under Section 70A](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 3 May 2011
Applicant: John Kinnear and Associates

PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lot 150 on Deposited Plan 70818 Chester Pass Road, Porongurup.

BACKGROUND

Council records show the registered owner of Lot 4706 Chester Pass Road is Australian Bluegum Plantations Pty Ltd.

The Manager Development Services considered the proposed two lot rural subdivision of Lot 4706 Chester Pass Road in March 2010 in accordance with Council Delegation LG035.

The subdivision application was supported subject to the following conditions and advice notes:

- 1. All buildings and effluent disposal systems having the necessary clearance from the new lot boundaries.*
- 2. A crossover being constructed, sealed and drained to the satisfaction of the Manager Works and Services.*

Advice Notes:

1. *Compliance with the Shire of Plantagenet Annual Firebreak Notice and this will require modification to the plantation to ensure a 15m fire break is installed along the new boundary.*
2. *The installation of an external water spray system for the house to aid in bush fire protection is highly recommended.'*

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 1 July 2010 subject to a number of conditions including:

'Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed Lot A advising that this lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.'

On 13 April 2011 the Council received this application to clear the conditions of subdivision imposed by the WAPC (WAPC 141727).

STATUTORY ENVIRONMENT

Transfer of Land Act 1893 (as amended)

Local Government Act 1995

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

FINANCIAL IMPLICATIONS

The subdivision clearance fee of \$134.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The WAPC issued a conditional approval requiring a Notification under Section 70A of the Transfer of Land Act 1995 to be prepared. The notification on the deposited plan will inform prospective owners proposed Lot 150 is located in an agricultural area and may be adversely affected by agricultural operations on surrounding land holdings.

Council Delegation LG035 does not allow the Shire President and Chief Executive Officer to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1995.

This authority is now sought for a subdivision clearance to be issued.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) between Australian Bluegum Plantations Pty Ltd and the Shire of Plantagenet pertaining to the creation of proposed Lot 150 Chester Pass Road, Porongurup.

LOSS OF QUORUM

The Chief Executive Officer advised the presiding Member that as a quorum was no longer present the meeting stood adjourned until a quorum was present.

Councillors present were:

Cr K Clements
Cr S Etherington
Cr L Handasyde
Cr G Messmer

2:30pm Cr S Grylls and Cr M Skinner returned to the meeting.

RESUMPTIONMembers Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

10.2 WORKS AND SERVICES REPORTS

Nil

10.3 COMMUNITY SERVICES REPORTS

Nil

10.4 CORPORATE SERVICES REPORTS**10.4.1 AUDIT COMMITTEE – AMENDMENTS TO BRIEF AND MEMBERSHIP**

File No:	N18291
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	3 May 2011

PURPOSE

The purpose of this report is to amend the brief and membership of the Audit Committee and to disband the Long Term Financial Plan Working Group.

BACKGROUND

At its meeting held on 23 June 2009, the Council resolved *‘that a working group be established comprising three Elected Members, the Chief Executive Officer and Deputy Chief Executive Officer to develop a Long Term Financial Plan and report back to the Council no later than 22 September 2009.’*

The Council further resolved *‘that Cr K Clements, Cr J Moir and Cr M Skinner be appointed to the working group ... (Resolution No. 182/09).’*

The Council adopted Stage 1 of the Long Term Financial Plan on 13 October 2009. Since then, the working group has progressed with a number of initiatives.

On 12 April 2011 a meeting of the Audit Committee was held in conjunction with members from the Long Term Financial Planning Working Group. At that meeting it was resolved to recommend to the Council that:

1. The role of the Audit Committee be expanded to include the development and review of the Shire’s Long Term Financial Plan and Forward Capital Works Plan; and
2. The membership of the Audit Committee be amended such that it is a committee of the whole.

STATUTORY ENVIRONMENT

Sections 5.9 to 5.25 of the Local Government Act 1995 relate to Committees. Local Government (Administration) Regulations 1996 also relate (in part) to the Committees.

Section 7.1A of the Local Government Act 1995 states that:

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.'*

Section 16 of the Local Government (Audit) Regulations 1996 states that:

'An audit committee -

- (a) *is to provide guidance and assistance to the local government —*
- (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) *may provide guidance and assistance to the local government as to —*
- (i) *matters to be audited;*
 - (ii) *the scope of audits;*
 - (iii) *its functions under Part 6 of the Act; and*
 - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management.'*

Part (iv) especially can relate to long term financial management.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The original intention was to establish a working group for a discrete period to prepare a Long Term Financial Plan (LTFP). This has largely been completed, with the adoption of Stage 1 in October 2009. The LTFP and Forward Capital Works Plan (FCWP) are documents that the Council should maintain and review each year. This commitment has been given to the Department of Regional Development in regard to the FCWP.

Given the financial focus of the Audit Committee, it is appropriate that the Council expand the role of the Audit Committee to include the development and review of the Shire's LTFP and FCWP. The Long Term Financial Plan Working Group could therefore be formally disbanded.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. The role of the Audit Committee be expanded to include the development and review of the Shire's Long Term Financial Plan and Forward Capital Works Plan;
2. The membership of the Audit Committee be amended such that it is a committee of the whole;
3. Councillors Clements, Skinner, Bell, Budrikis, Etherington, Grylls, Handasyde, Messmer, Moir be appointed as members of the committee; and
4. The Long Term Financial Plan Working Group be disbanded.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

1. **The role of the Audit Committee be expanded to include the development and review of the Shire's Long Term Financial Plan and Forward Capital Works Plan; and**
2. **The Long Term Financial Plan Working Group be disbanded.**

CARRIED (6/0)

NO. 113/11

Absolute Majority

Reason for change.

Councillors believed that a committee of the whole may be unwieldy.

10.4.2 ADOPTION OF BUDGET PREPARATION POLICY

File No: N18292
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to adopt a new Council Policy F/FM/10 - Budget Preparation.

BACKGROUND

A key conclusion of the Western Australian Systemic Sustainability Study (SSS) was that there are shortcomings in existing financial governance policies and practices of WA Councils. Some of the deficiencies relate to services policies, revenue and financing policies, financial monitoring and accountability.

Local governments have been encouraged to support an industry wide approach to:

- Encouraging prudent and sustainable borrowing programs to provide an equitable share of asset maintenance and renewal between generations;
- Calculating a sustainable rate revenue regime to meet likely expenditure requirements; and
- Developing budgetary policies and programs to provide a cushion and to avoid unexpected financial shocks and rate increases or service delivery cuts.

The policy provisions, in the main, reflect many current practices, although these should be formalised so that future Councillors and staff have a clear understanding of those practices and the reasoning behind them.

The policy provisions have largely been endorsed by the Long Term Financial Plan Working Group. On 12 April 2011 a meeting of the Audit Committee was held in conjunction with members from the Long Term Financial Planning Working Group. At that meeting it was resolved to recommend to the Council that the attached Budget Preparation Policy F/FM/10 be adopted.

STATUTORY ENVIRONMENT

No specific statutory or legal implications arise from this policy. The Local Government Act 1995 states in Section 1.3(3) that *'In carrying out its functions a local government is to use its best endeavors to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.'*

Section 3.1(1) further provides that *'The general function of a local government is to provide for the good government of persons in its district.'*

This policy seeks to address those ideals.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for the Council in regard to this report however the policies proposed are drafted so as to ensure the Council adopts sound and sustainable financial management practices.

POLICY IMPLICATIONS

The adoption of a new financial management policy for budget preparation is proposed.

STRATEGIC IMPLICATIONS

This policy will provide guidelines for the preparation of future budgets.

OFFICER COMMENT

Some research was undertaken into the WA SSS Report, and similar reports from other states, the results of which have been built into this and other policies being developed. Reference was also made to the notes made in a Council financial sustainability workshop held in January 2007.

Financial sustainability is achieved when service and infrastructure levels and standards are delivered in accordance with a long term plan without the need to substantially increase rates or reduce services.

Long term financial sustainability is important if the Council is to deliver the services and programs expected by the community. It is also important that community assets are maintained so that the cost does not become a burden for future ratepayers.

Responsible long term financial management:

- Ensures that public resources are distributed fairly between current and future ratepayers.
- Means the Shire will remain in a healthy financial position.
- Gives greater stability and certainty to financial outcomes.
- Ensures consistent delivery of essential community services and the efficient development and maintenance of infrastructure.
- Gives ratepayers and residents a fair degree of stability and predictability when it comes to current and future rates and charges.

The Shire's annual budget is its primary financial planning tool. The principles involved in preparing the budget are outlined below:

Fees and Charges

The Council has traditionally established fees and charges at levels it considers the community can afford or has based them on charges for comparative services. There is a balance to be achieved between implementing the principle of self funding (user pays) versus seeking maximum use from facilities through discounted pricing.

The Local Government Act 1995 provides that for most fees and charges, *'In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:*

- (a) the cost to the local government of providing the service or goods;*
- (b) the importance of the service or goods to the community; and*

(c) *the price at which the service or goods could be provided by an alternative provider.'*

From a merit viewpoint, the self funding approach is appropriate in that it recognises the situation where certain services are consumed by a discrete part of the community, who may or may not be ratepayers or residents. This approach does not necessarily mean that every service or function is subject to this principle, nor does it constrain the Council from exempting some sectors of the community from paying for the service under a community service obligation.

Community service obligations are those services provided by the Council at a subsidised cost by legislative requirement or agreement in order to meet social, equity, governance or environmental goals associated with the delivery of services.

It is considered that the objective for setting fees and charges should be to adopt the self funding approach as the preferred revenue collection method where a direct recognisable service is provided. The Council should continue to review all fees and charges on an annual basis in conjunction with the budget adoption process with the aim of increasing the overall level of fees and charges by the Local Government Cost Index averaged over a three-year period.

The Council should also set appropriate levels for infringements which balance a fair cost and a deterrent factor.

Works Program

The following parameters are recommended for efficient and effective financial management in relation to interim overdraft conditions which may prevail in the early and closing parts of each financial year:

- Defer procurement of new budgeted plant items until after January each year.
- Discourage the programming of materially intensive works in the early and closing parts of each financial year.
- Not to procure fixed assets within the last month of the financial year unless extenuating circumstances exist.

Rating Levels

The following policy objectives are proposed for the setting of rating levels, in order place the Council in a sound financial position and to provide a framework for financial sustainability.

The Council's primary aim in the raising of rates should be to set fair and reasonable property rating levels and achieve equity in the maintenance of its infrastructure between generations. The Council should aim to adopt a balanced budget or such surplus (to be placed in Reserve Funds) as may be required under the projections of a LTFP and phase out any overall financial shortfall over a defined period. The budget should represent a realistic assessment of likely income and expenditure for the forthcoming financial year.

Rates will be reviewed annually with the following factors being considered:

- Levels of the Consumer Price Index (All Groups) Perth and the Western Australian Local Government Cost Index and in particular, consider a minimum standard rating level of 1% above Local Government Cost Index in order to keep pace with increasing costs and to build in a component to overcome infrastructure backlogs;
- Sector growth and prevailing economic conditions;

- Comparison with other local governments in the region;
- Rates on vacant land (minimum rates) to have a penalty factor levy to encourage development and discourage reduced amenity;
- Waste Management Rate and Rubbish Collection charges should be based on the self funding principle; and
- The Council will set and maintain a ratio upon which the proportion of rates raised between property valuation categories will be based, regardless of re-valuations undertaken by the Valuer General's Office. The primary reason for this is to maintain equity and smooth out timing differences in re-valuations. Notwithstanding this, the Council should satisfy itself that respective rating levels on each category are equitable. Those ratios are:
 - Unimproved Value 70% of rates raised; and
 - Gross Rental Value 30% of rates raised.

The major source of funds outside of rates and user charges are government grants. The strategic approach the Council has taken for government grants is to ensure that an equitable share of funding is provided to local government. Whilst the Council should attempt to become less reliant on government grants, they are important to continue developing and maintaining Shire assets. The Council should therefore continue enable the Shire to seek an equitable share of funding for local government from the Commonwealth and State Governments.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That Council Policy F/FM/10 – Budget Preparation as follows:

OBJECTIVE:

To provide guidance in relation to preparation of the annual budget and the programming of major works and asset purchases.

POLICY:

Fees and Charges

- 1.1 The objective for setting fees and charges is to adopt a self funding approach as the preferred revenue collection method where a direct recognisable service is provided. A balance is to be achieved between implementing the self funding principle versus discounted pricing to recognise a community service obligation.**
- 1.2 The Council annually, in conjunction with the budget adoption process, review all fees and charges levied for services with the aim of increasing the overall level of fees and charges by the Local Government Cost Index averaged over a three year period. The review of the fees and charges is to consider:**
 - a) The cost of providing the service;**

- b) The purpose of the service and in particular whether it is consumed by a discrete part of the community or is general public service;
- c) The extent to which a subsidy should apply for reasons of community affordability, comparative pricing to private or neighbouring local government facilities/services or encouragement of greater use of Council facilities; and
- d) An appropriate level for infringements which balances a fair cost and a deterrent factor.

Works Program

- 2.1 The following parameters are recommended for efficient and effective financial management in relation to interim overdraft conditions which may prevail in the early and closing parts of each financial year:
- a) Defer procurement of new budgeted plant items until after January each year.
 - b) Discourage the programming of materially intensive works in the early and closing parts of each financial year unless extenuating circumstances exist.
 - c) Not to procure fixed assets within the last month of the financial year unless extenuating circumstances exist.

Rates

- 3.1 Rates will be reviewed annually with the following factors being considered:
- a) Levels of the Consumer Price Index (All Groups) Perth and the Western Australian Local Government Cost Index and in particular, consider a minimum standard rating level of 1% above Local Government Cost Index in order to keep pace with increasing costs and to build in a component to overcome infrastructure backlogs;
 - b) Sector growth and prevailing economic conditions;
 - c) Comparison with other local governments in the region;
 - d) Minimum rate to be imposed as all ratepayers should contribute equally to basic Council services. Minimum rates should also have a penalty factor levy to encourage development and discourage reduced amenity;
 - e) Over time, the setting of a General Waste Levy, rubbish collection and recycling charges should be based on the self funding principle; and

- f) The Council will set and maintain a ratio upon which the proportion of rates raised between property valuation categories will be based, regardless of re-valuations undertaken by the Valuer General's Office. The primary reason for this is to maintain equity and smooth out timing differences in re-valuations. Notwithstanding this, the Council should satisfy itself that respective rating levels on each category are equitable. Those ratios are currently:
- i) Unimproved Value: 70% of rates raised; and
 - ii) Gross Rental Value: 30% of rates raised.'

be adopted.

CARRIED (6/0)

NO. 114/11

10.4.3 BUDGET REVIEW – MARCH 2011

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M. Skinner. Nature of Interest – Farming 400 head of cattle.

3:13pm Cr M Skinner withdrew from the meeting.

File No: N18125
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Brendan Webb
Accountant / Office Manager
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to review and where appropriate, adjust the adopted 2010/2011 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

BACKGROUND

The 2010/2011 annual budget was adopted by the Council at its meeting on 6 July 2010. This is the third quarterly review of the 2010/2011 Annual Budget.

STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

Section 33A of the Local Government (Financial Management) Regulations 1996 requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended effect on the budget is a nil dollar impact.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

In terms of operating result, as at the end of March operating income was currently in line with (year to date) budget and operating expenditure was 4% below (year to date) budget. The capital works program was 25.6% under (year to date) budget, although some of this relates to the community centre project, which is not being controlled by the Shire.

A number of issues are worthy of a budget amendment and the following action is recommended, which overall have a nil dollar cash impact:

- Various fees and charges accounts have been adjusted upwards in line with current balances. Various expenditure accounts have also been adjusted to cover current or expected minor increases. Notable increases are detailed below.
- There has been a greater requirement for advertising than anticipated in the budget. An extra \$4,000.00 is sought for this budget item.
- The Fire and Emergency Services Authority provided a grant of \$1,218.10 for the provision of a hand winch and recovery supplies for the State Emergency Service. Appropriate capital income and expenditure accounts have been established with a nil dollar impact.
- Funding has been sourced for an emergency external power supply for the Recreation Centre, which will cost a total of \$3,200.00. A Lotterywest Grant of \$1,900.00 has been received and \$235.00 will be reimbursed from the Department of Education. A contribution from the Council of around 1,065.00 will be charged to Budget Item Local Area Management Committee.
- Increases to expenses for Refuse Collection and Waste Management of \$12,000.00 and \$20,000.00 are sought, as additional expenditures have been required during the year.
- The Wilson Park/Centenary Park Redevelopment (Toilets) project has come in under budget by \$44,130.00. This is a Royalties for Regions (R for R) funded project so these funds need to be allocated to other R for R projects. It has previously been reported that the Cemetery Land Design / Development project was \$19,893.00 over budget. It is proposed that part of the surplus be allocated to the cemetery project. Plans have been created for a Visitor Signage Board at the front of the Visitor Centre which will incorporate a map of the Shire, together with accommodation and business details. A quotation for around \$30,000.00 has been obtained for the construction of this board. The remaining sum above together with \$5,763.00 from R for R project 'Implement Signage Policy' will be recommended to be allocated to the tourism signage board.
- The Skate Park projects both have over-expenditures. The Kendenup Skate Park will be around \$9,000.00 overspent as Shire staff and equipment were used to transport a majority of the fill to the site as the community in-kind donations to move the fill were not available. A community truck broke down, a loader was not available to load trucks and the one truck that was available was not able to move all the fill required within the necessary timeframe. The Mount Barker Skate Park will be around \$13,500.00 over budget. The main costs relate to additional soil testing being required due to the site classification and the amount of fill required to landscape the site following the construction was more than anticipated.

-
- The Council recently conducted a workshop to discuss the Redevelopment of Frost and Sounness Parks in line with the Shire's Recreation Development Plan. It was noted that it would be necessary to engage a detailed design of the development plans in order to progress further and in particular to seek grants for the development. This budget review provides a sum of \$190,000.00 for these plans to be carried out.
 - A reallocation of \$4,000.00 is sought from surplus funds in the Community Programs Area to the Recreation Centre salaries account, so that a member of staff can undertake some discrete projects, such as organising the Kendenup Skate Park opening, helping with the move from the old Library to the new, preparation of Sounness Park design plan tender documentation and organising resources for the Nature Play playground.
 - The Pool Building Maintenance account has exceeded budget due to a burst pipe and building wall partially falling down. Other minor under and over expenditures have been resolved for this cost centre.
 - The Recreation Centre salaries account will exceed budget by the end of the financial year. A number of casuals have been employed for cleaning and delivery of programs such as gymnastics. The Department of Education reimburses the cleaning component and the entry fee for the gymnastics covers some other costs. Some adjustments to relevant accounts have been made with an overall nil result.
 - The Municipal Inventory Review will not be commenced this financial year and the funds in this budget item (and associated grant income account) can be reallocated.
 - The Cemetery Maintenance account requires an additional \$4,000.00 due mainly to additional maintenance requirements for the extended Mount Barker cemetery.
 - Budget Item Public Works Overheads – Minor Equipment requires an additional \$2,000.00 due to plant purchases which were originally to be allocated to capital items, but do not meet the \$2,000.00 minimum capitalisation figure. Budget Item Works Vehicles / Minor Plant Replacement Program can be reduced accordingly.
 - Budget Item Road Maintenance – Edge Patching had an allocation of \$30,000.00. The usual contractor has not been in the district this year and therefore this work will not be able to be programmed again until 2011/12. A sum of \$29,500.00 is available for reallocation.
 - There is an underspend on the project to widen and re-sheet Moorilup Road, resulting in a sum of \$20,000.00 for reallocation.
 - There is an underspend on the Drainage Maintenance budget item as negotiations for the purchase of a block in Webster Street for drainage purposes have stalled.
 - Sums of \$5,000.00 in Budget Item Asset Management Strategy and Road Safety Audits will not be required this year.
 - The Feral Pig Eradication Group has received several grants for work to be carried out in other areas which has necessitated increases in income and expenditure. This has a nil dollar impact on municipal funds.

- In the December 2010 budget review, the Council was presented with a list of adjustments as a result of the State Government's contribution towards the saleyards. Due to the later than expected receipt of the State Government's contribution, the principal and interest accounts need to be re-adjusted due to updated loan payout figures and additional loan payments having been made in the meantime. As advised in a memorandum dated 23 February 2011, the end result is still a windfall amount to the saleyards in the region of \$150,000.00. Savings in this year's budgeted loan repayments contribute towards to the surplus available for the preparation of design plans for Frost / Sounness Park Redevelopment.

In line with recent workshop discussions, two new accounts have been created, namely 'Additional holding pens - South western side' with a sum of \$120,000.00 and 'Environmental Improvements' with a sum of \$50,000.00. Savings of \$20,000.00 in 2010/2011 Budget Item 'Sludge Removal have also contributed toward this.

Some fee increases in the current year have offset the additional expenditure required in the Saleyards Grounds Maintenance account due to the very busy year at the yards.

- Standpipe water expenditure and income accounts have been adjusted in line with higher than expected usage.
- The Council has not been requested to carry out as much private works as predicted in the budget and therefore both expenditure and income accounts have been adjusted.
- Significant savings have been made in the Heavy Plant Replacement Program and respective Plant Trade-in accounts.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That the adopted 2010/2011 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
10004.0095	Rates Penalties & Fees - Penalty Interest	\$40,000	\$55,000	\$15,000
20048.0003	Office Expenses - Advertising	(\$10,000)	(\$14,000)	\$(4,000)
20048.0270	Software Support Contracts	(\$70,000)	(\$74,993)	\$(4,993)
10016.0229	Reimbursements - Other	\$40,000	\$50,000	\$10,000
20072.0296	CESM - Reimbursable Salaries	(\$63,199)	(\$71,415)	\$(8,216)
10043.0219	CESM Reimbursable Salary & Oncost	\$35,434	\$40,040	\$4,606
20513.0064	BFB Expenses - Insurances	(\$27,000)	(\$26,120)	\$880
20513.0085	BFB Expenses - Minor Furniture & Equipment Purchases	\$(4,750)	\$(2,613)	\$2,137
20513.0312	BFB Expenses - BFB Operating Costs	\$(7,000)	\$(8,296)	\$(1,296)
20513.0333	BFB Expenses - Plant and Equipment (\$1,000-\$3,000)	\$0	\$(1,110)	\$(1,110)
20513.0266	BFB Expenses - Uniforms, Clothing & Accessories	(\$25,000)	(\$23,562)	\$1,438
20511.0010	BFB Building & Grounds - Building Maintenance	\$(5,000)	\$(3,277)	\$1,723
20512.0171	BFB Vehicle Running Costs - Repairs & Maintenance	(\$22,600)	(\$26,473)	\$(3,873)

20091.0278	SES Expenses - Maintenance of Plant & Equipment	\$(1,168)	\$(1,520)	(\$352)
20522.0171	SES Vehicle Running Costs - Repairs & Maintenance	\$(2,022)	\$(1,670)	\$352
50525.0006	Hand Winch & Recovery Supplies	\$0	\$(1,218)	\$(1,218)
40425.0451	Grant - Hand Winch & Recovery Supplies	\$0	\$1,218	\$1,218
20515.0279	Security & Vandalism - LEMC	\$(2,500)	\$(1,000)	\$1,500
51454.0252	Emergency External Power Supply	\$0	\$(3,200)	\$(3,200)
41112.0489	Lotterywest Grant - Emergency External Power Supply	\$0	\$1,900	\$1,900
20159.0334	Refuse Collection & Recycling	(\$80,000)	(\$92,000)	(\$12,000)
20165.0052	Refuse Site Maintenance	\$(400,000)	\$(420,000)	(\$20,000)
51124.0252	Wilson Park/Centenary Park Redevelopment (Toilets)	\$(149,544)	\$(105,414)	\$44,130
51147.0251	Skate Park - Kendenup	\$(160,000)	\$(169,000)	(\$9,000)
51141.0251	Skate Park - Mount Barker	\$(220,000)	\$(233,500)	(\$13,500)
51142.0251	Frost / Sounness Parks Improvement Plans	(\$14,826)	\$(204,826)	\$(190,000)
20208.0030	Parks & Recreation Grounds - Professional Services	\$(7,000)	\$(10,000)	\$(3,000)
20194.0141	Swimming Pool - Superannuation	\$(10,830)	\$(13,000)	\$(2,170)
20196.0295	Swimming Pool - Kiosk Supplies	\$(15,000)	\$(11,000)	\$4,000
20196.0312	Swimming Pool - Other Operating Costs	\$(3,500)	\$(5,000)	\$(1,500)
20199.0010	Swimming Pool - Building Maintenance	\$(8,000)	\$(12,000)	\$(4,000)
10113.0044	Swimming Pool - Entry Fees	\$30,000	\$20,000	(\$10,000)
20221.036	Community Programs Expenses	\$(5,000)	\$(1,000)	\$4,000
21100.0130	Recreation Centre - Salaries	\$(109,574)	\$(113,574)	\$(4,000)
21100.0029	Recreation Centre - Conferences & Training	\$(1,500)	\$(2,000)	(\$500)
21104.0010	Recreation Centre - Building Maintenance	\$(18,000)	\$(22,000)	\$(4,000)
21104.0052	Recreation Centre - Building Maintenance	\$(1,500)	\$(2,000)	(\$500)
11101.0044	Other Income - Entry Fees	\$40,000	\$34,000	\$(6,000)
11102.0227	Reimbursements - Education Dep't	\$21,000	\$36,600	\$15,600
20214.0268	Mount Barker Library - Office Equipment Maintenance	\$(6,000)	\$(4,000)	\$2,000
20215.0312	Mount Barker Library - Other Operating Costs	\$(4,000)	\$(5,500)	\$(1,500)
20218.0052	Mount Barker Library - Grounds Maintenance	\$(1,000)	\$(2,500)	\$(1,500)
20173.0294	Other Expenses - Municipal Inventory Review	(\$25,000)	\$0	\$25,000
10101.0250	Grant Income - Heritage Inventory	\$15,000	\$0	(\$15,000)
10105.0038	Other Revenue - Development Application Fee	\$12,000	\$14,400	\$2,400
10105.0234	Other Revenue - Rezoning Fees	\$10,000	\$14,500	\$4,500
51020.0252	Cemetery Land Design / Development - Royalties For Regions	\$(191,693)	\$(211,586)	(\$19,893)
20181.0052	Building & Grounds (PC) - Cemeteries Maintenance	(\$26,000)	(\$30,000)	\$(4,000)
51299.0250	Moorilup Road - Widen & Resheet SLK 0.00 To SLK 1.65	\$(125,000)	\$(105,000)	\$20,000
51202.0250	Mount Barker Drainage Improvements	(\$30,000)	(\$15,000)	\$15,000
21211.0303	Other Expenses - Asset Management Strategy	\$(5,000)	\$0	\$5,000
21211.0305	Other Expenses - Road Safety Audits	\$(5,000)	\$0	\$5,000
20225.0391	Road Maintenance - Edge Patching	(\$30,000)	(\$500)	\$29,500
20225.0396	Road Maintenance - Implement Signage Policy (R for R)	(\$54,551)	(\$48,788)	\$5,763
10134.0197	Roadworks Contributions	\$2,400	\$20,100	\$17,700
21307.0130	Feral Pig Program - Salaries	(\$32,520)	(\$83,520)	(\$51,000)
11308.0210	Feral Pig Grant Income - Environmental Grant	\$0	\$18,000	\$18,000
11308.0212	Feral Pig Grant Income - Direct Grants	\$20,000	\$53,000	\$33,000
New	Visitor Information Signage - Royalties For Regions	\$0	(\$30,000)	(\$30,000)
21325.0052	Saleyards - Grounds Maintenance	(\$45,000)	(\$60,750)	(\$15,750)
21322.0312	Saleyards - Other Operating Costs	\$(5,000)	\$(8,000)	\$(3,000)
11316.0217	Other Income - Saleyard Weigh & Pen Fees	\$450,000	\$473,952	\$23,952
	Budget Review Outcome - Saleyards - December 2010			\$447,561
20127.0330	Financial Expenses- Loan No. 89 - Part Medical Centre	(\$406)	\$(2,950)	\$(2,544)
51326.0326	Principal Repayments - Loan No. 83	\$(121,977)	\$(135,109)	(\$13,132)
51326.0327	Principal Repayments - Loan No. 84	\$(873,825)	\$(908,355)	(\$34,530)
51326.0330	Principal Repayments - Loan No. 89	\$(964,233)	\$(987,075)	(\$22,842)

21327.0326	Financial Expenses- Loan No. 83	\$(4,303)	\$(8,847)	\$(4,544)
21327.0327	Financial Expenses- Loan No. 84	(\$48,011)	(\$87,948)	(\$39,937)
21327.0330	Financial Expenses- Loan No. 89	\$(3,286)	(\$58,669)	(\$55,383)
New	Additional holding pens - South western side	\$0	\$(120,000)	\$(120,000)
New	Environmental Improvements	\$0	(\$50,000)	(\$50,000)
21322.0379	Other Expenses - Sludge Removal	(\$20,000)	\$0	\$20,000
21328.0319	Water Supply (Standpipes)	(\$25,000)	(\$35,000)	(\$10,000)
11320.0400	Other Income - Sale of Water	\$15,000	\$25,000	\$10,000
21350.0321	Private Works Jobs (PC)	\$(350,000)	\$(180,000)	\$170,000
10159.0015	Private Works Recoups	\$413,650	\$212,600	\$(201,050)
20260.0337	PWO - Employee Costs - Industry Allowances	(\$24,000)	(\$30,000)	\$(6,000)
21410.0322	Outside Staff Wages (PC) - Unallocated Wages	\$(300,000)	\$(294,000)	\$6,000
20264.0036	PWO - Depreciation - Plant, Machinery & Equip	(\$25,762)	(\$38,600)	\$0
20262.0085	Other Expenses - Minor Equipment	\$(4,000)	\$(8,000)	\$(4,000)
51411.0006	Heavy Plant Replacement Program	\$(592,625)	\$(562,135)	\$30,490
51412.0006	Works Vehicles / Minor Plant Replacement Program	\$(286,350)	\$(277,376)	\$8,974
41411.0105	Trade In Heavy Plant	\$131,750	\$116,182	(\$15,568)
41412.0105	Trade In Works Vehicles / Minor Plant	\$115,950	\$146,727	\$30,777
11420.0405	Other Income - Diesel Rebate	36,000	30,000	\$(6,000)

CARRIED (5/0)

NO. 115/11

Absolute Majority

3:18pm Cr M Skinner returned to the meeting.

10.4.4 SALE OF LAND FOR NON PAYMENT OF RATES - AFFIX COMMON SEAL TO TRANSFERS OF LAND

File No: N18365
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Vanessa Ward
Rates Officer
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to two Transfers of Land relating to the sale of properties due to non-payment of rates.

BACKGROUND

On 27 August 2010 a memorandum was provided to all Councillors advising that sale of land actions had commenced in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and Delegation LG022 on the following properties:

8 First Avenue Kendenup
135 Second Avenue Kendenup
47 Ormond Road Mount Barker
95 Seventh Avenue Kendenup
112 Fifth Avenue Kendenup
Lot 816 Stoney Creek Road Porongurup
Strata Lot 4 Albany Highway Mount Barker

A public auction was held on 26 March 2011 which resulted in the sale of Lot 133 (8) First Avenue Kendenup and Strata Lot 4 Albany Highway Mount Barker.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Currently the outstanding rates and legal fees of these two properties stand at \$26,764.21.

Due to the high level of rates and charges outstanding on Strata Lot 4 an outstanding balance of approximately \$4,600.00 will require the Council's authority to write off after settlement. This will be the subject of a further report.

Any remaining funds raised from the sale of Lot 133 (8) First Avenue Kendenup will be forwarded to the Department of Treasury and Finance, as the statutory authority responsible for unclaimed moneys.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Settlement on these properties is set down for 10 May 2011 and authority is sought to attach the common seal to these documents so that this settlement date is met.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr M Skinner:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Transfer of Land documents relating to the following properties, which have been sold for non payment of rates:

	Assessment	Property
1.	122739	Lot 133 (8) First Avenue, Kendenup;
2.	140426	Strata Lot 4 Albany Highway Mount Barker.

CARRIED (6/0)

NO. 116/11

10.5 EXECUTIVE SERVICES REPORTS

10.5.1 LOT 599 - RESERVE 23817 - CHANGE OF PURPOSE

File No:	N17858
Attachments:	Diagram 83785 and Plan of Area
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	3 May 2011

PURPOSE

The purpose of this report is to seek the Council's consent to seek a change of purpose for Reserve 23817 from 'Stabling of Horses' to 'Recreation'.

BACKGROUND

Reserve 23817 (Lot 599) is situated immediately to the west of the Old Police Station Museum. It is vested in the Council for the purpose of 'Stabling of Horses' and, given development plans for Frost and Sounness Parks, would be better classified for recreation.

STATUTORY ENVIRONMENT

Nil

EXTERNAL CONSULTATION

This matter has been discussed with a representative from the Department of Regional Development and Lands (State Land Services).

FINANCIAL IMPLICATIONS

The alteration to the Management Order will not result in any costs for the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

It is unlikely that the reserve will ever be used for the 'Stabling of Horses' and a more general vesting purpose of 'Recreation' is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Grylls:

That the Department of Regional Development and Lands be requested to change the purpose of Reserve 23817 from 'Stabling of Horses' to 'Recreation'.

CARRIED (6/0)

NO. 117/11

10.5.2 LOT 601 AND 604 (MUSEUM) - PROPOSED AMALGAMATION

File No: N17857
Attachments: [Lot 601 and 604 Diagrams and Site Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to seek the Council's consent to apply to the Department of Regional Development and Lands (State Land Services) to amalgamate the two reserves (Lots 601 and 604) which form the Police Station Museum on Albany Highway.

BACKGROUND

The Police Station Museum is presently situated on two reserves and this can cause some administrative issues including negotiations relating to boundaries with the Caravan Park to the immediate north.

Matters would be simplified if the two reserves were amalgamated into one although the one reserve would still be made up of the two lots.

Further, in seeking amalgamation of the reserves, it would be advantageous to seek the Power to Lease. A lease to the Historical Society has been in place for many years and, strictly speaking, this lease is 'ultra vires' or without power.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 relates to the disposition of land.

EXTERNAL CONSULTATION

This matter has been discussed with a representative of the Department of Regional Development and Lands.

FINANCIAL IMPLICATIONS

It is expected that the change to the Management Orders will involve no cost.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 4 (Development Services) notes that an aim of the Council is to recognise and protect heritage places.

OFFICER COMMENT

The amalgamation of the two reserves makes administrative sense and is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

1. The Department of Regional Development and Lands be requested to amalgamate Reserves 29661 and 36685 (Lots 601 and 604) into one Reserve for the purpose of 'Museum'.
2. The Department be further requested to include Power to Lease in the Management Order.

CARRIED (6/0)

NO. 118/11

10.5.3 POLICY REVIEW - CE/CS/1 - ELECTED MEMBER EXPENSES TO BE REIMBURSED

File No: N18143
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to review Council Policy CE/CS/1 'Elected Member Expenses to be Reimbursed'.

BACKGROUND

At its meeting held on 24 March 2009, the Council adopted the following amended policy:

OBJECTIVE:

To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

POLICY:

That elected members receive reimbursement of expenses as detailed below whilst attending the following:

- a) *Council and Committee meetings held in accordance with the provisions of the Local Government Act;*
- b) *Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;*
- c) *Conferences and training sessions specifically authorised by the Council;*
- d) *Any official social function organised by, or on behalf of, the Shire of Plantagenet.*

Elected members shall not receive reimbursement for attendance at the following:

- i) *ANZAC Day services;*
- ii) *Remembrance Day Services.*

1. Travel

- a) *Councillors should utilise Council vehicles to attend meetings where they are authorised delegates of the Council subject to a vehicle being available;*

- b) *Reimbursement for the use of a private vehicle to be set in accordance with clause 29 of the Local Government Officers' (Western Australia) Award 1999 for the 'South West Land Division' at the appropriate rate set for an engine displacement;*
- c) *Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of mileage expenses will not be provided by the Council; and*
- d) *If a Council vehicle is made available and not utilised, then no mileage will be reimbursed for the use of a private vehicle.*

2. Accommodation

Reimbursement of accommodation, meals, and parking expenses incurred to a maximum of \$350.00 per day will be accommodated provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (e.g. hotel mini bar) will not be reimbursed by the Council.

3. Conference/Meeting Attendance Costs

All conference attendance costs will be paid/reimbursed to all members. Reimbursement for partners of members will be limited to:

- a) *All meal costs;*
- b) *Accommodation, where such accounts does not incur any additional expenditure for the Council;*
- c) *Any official social functions included on the official program of the conference/meeting; and*
- d) *All events listed on the partner's itinerary.*

4. *Priority will be given to any conference or seminar that is specifically relevant to Councillors. Attendance at such conference or seminar is subject to approval by the Council. Councillors' attendance at seminars/conferences is subject to budget provision.*

5. *Conferences, seminars or courses held by organisations of which the Council is a member, or has an interest in, would usually be attended by the Council's appointed representatives to those organisations.*

6. *When determining costs of a conference or seminar, all costs associated with attendance at the conference or seminar, including travel, accommodation, meals, telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.*

7. *Conferences or seminars in other states would be dealt with in the same way as any other conference within the State, except that whenever attendance at the conference entails travelling outside the State, the proposal is to be referred for the approval of the Council.*

8. *Reports of conference or seminar attendance are preferred to be in writing to the Council by inclusion in the Information Bulletin.*
9. *The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the Councillor is involved, rather than individual or personal development type conference/seminars.*
10. *All newly elected Councillors who have not previously attended are strongly encouraged to attend the module 'Getting Started – Introduction to Local Government for Elected Members', which is the first module of the Elected Member Development Program, as soon as possible.*
11. *All Councillors are encouraged to complete all 14 modules of the Elected Member Development Program, potentially leading to the award Diploma of Local Government (Elected Member).'*

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

STATUTORY ENVIRONMENT

Section 5.98 of the Local Government Act 1995

Section 31 and 32 of the Local Government (Administration) Regulations 1996.

Section 15.2 Local Government Industry Award 2010

FINANCIAL IMPLICATIONS

The 2010/2011 adopted budget contains the following allocations in relation to elected member fees, expenses and allowances:

Conferences, Training and Accommodation	\$20,000.00
Telecommunications and Incidental Expenses	\$12,500.00
President's Allowance	\$ 5,610.00
Deputy President's Allowance	\$ 1,403.00
Travelling Allowance	\$ 8,000.00
Elected Members' Sitting Fees	\$70,000.00

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle. This item recommends that the amended Council Policy CE/CS/1 be endorsed.

STRATEGIC IMPLICATIONS

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

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

To achieve this we will:

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

OFFICER COMMENT

It is considered that the policy is sufficient apart from three required amendments:

1. Section 1(b). Due to changes in Local Government Industry Awards, the reimbursement for use of a private vehicle is to be set in accordance with Clause 15.2 of the Local Government Industry Award 2010 which replaces the Local Government Officers' (Western Australia) Award 1999;
2. Section 2 – Accommodation. The amount of reimbursement for accommodation, meals and parking expenses incurred has increased to reflect Consumer Price Index increases for two and a half years, to maintain realistic rates; and
3. Re-numbering of policy as required.

Further, it is considered that any Councillor attending Anzac Day or Remembrance Day Services in their capacity as Councillor should be reimbursed in accordance with this policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That amended Council Policy CE/CS/1 Elected Member Expenses to be Reimbursed as detailed below:

OBJECTIVE:

To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

POLICY:

That elected members receive reimbursement of expenses as detailed below whilst attending the following:

1. a) **Council and Committee meetings held in accordance with the provisions of the Local Government Act;**
 - b) **Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;**
 - c) **Conferences and training sessions specifically authorised by the Council;**

- d) Any official social function organised by, or on behalf of, the Shire of Plantagenet.

2. Travel

- a) Councillors should utilise Council vehicles to attend meetings where they are authorised delegates of the Council subject to a vehicle being available;
- b) Reimbursement for the use of a private vehicle to be set in accordance with Clause 15.2 (Vehicle Allowance) of the Local Government Industry Award 2010;
- c) Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of mileage expenses will not be provided by the Council; and
- d) If a Council vehicle is made available and not utilised, then no mileage will be reimbursed for the use of a private vehicle.

3. Accommodation

Reimbursement of accommodation, meals, and parking expenses incurred to a maximum of \$375.00 per day will be accommodated provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (e.g. hotel mini bar) will not be reimbursed by the Council.

4. Conference/Meeting Attendance Costs

All conference attendance costs will be paid/reimbursed to all members. Reimbursement for partners of members will be limited to:

- a) All meal costs;
- b) Accommodation, where such does not incur any additional expenditure for the Council;
- c) Any official social functions included on the official program of the conference/meeting; and
- d) All events listed on the partner's itinerary.

- 5. Priority will be given to any conference or seminar that is specifically relevant to Councillors. Attendance at such conference or seminar is subject to approval by the Council. Councillors' attendance at seminars/conferences is subject to budget provision.

- 6. Conferences, seminars or courses held by organisations of which the Council is a member, or has an interest in, would usually be attended by the Council's appointed representatives to those organisations.

7. When determining costs of a conference or seminar, all costs associated with attendance at the conference or seminar, including travel, accommodation, meals, telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.
8. Conferences or seminars in other states would be dealt with in the same way as any other conference within the State, except that whenever attendance at the conference entails travelling outside the State, the proposal is to be referred for the approval of the Council.
9. Reports of conference or seminar attendance are preferred to be in writing to the Council by inclusion in the Information Bulletin.
10. The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the Councillor is involved, rather than individual or personal development type conference/seminars.
11. All newly elected Councillors who have not previously attended are strongly encouraged to attend the module 'Getting Started – Introduction to Local Government for Elected Members', which is the first module of the Elected Member Development Program, as soon as possible.
12. All Councillors are encouraged to complete all 14 modules of the Elected Member Development Program, potentially leading to the award Diploma of Local Government (Elected Member).

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

be endorsed

CARRIED (6/0)

NO. 119/11

10.5.4 POLICY REVIEW - CE/CS/2 - MOTOR VEHICLE USE - SHIRE PRESIDENT

A Financial/Indirect Financial Interest (section 5.60(A) and section 5.61 LGA) was disclosed by Cr K Clements. Nature of interest – Shire President use of car.

3:22pm Cr K Clements withdrew from the meeting.

Cr Skinner assumed the Chair

File No: N18336
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to review Council Policy CE/CS/2 'Motor Vehicle Use – Shire President'.

BACKGROUND

At its meeting held on 27 October 2009, the Council adopted the following amended policy:

OBJECTIVE

The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.

POLICY

A motor vehicle will be provided to the office of the Shire President for both Business Use and Private Use to assist the Councillor elected as Shire President carry out the role of Shire President.

DEFINITIONS

Business Use is defined as the use required giving effect to all of the Council's operational needs and services.

Private Use is defined as unrestricted private use within the State of Western Australia.

MOTOR VEHICLE USAGE

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

This table identifies the type of motor vehicle to be provided to the Shire President to enable the undertaking of official duties and activities.

CATEGORY	TYPE OF VEHICLE	POSITION	RESTRICTED USE	UNRESTRICTED USE
Sedan	Luxury vehicle.	Shire President	\$11,372	\$16,246

The motor vehicle will be made available to the Shire President for both Business Use and Private Use within the State of Western Australia.

When the motor vehicle is used for private purposes, the Shire President will be responsible for the cost of all fuels and oils associated with such vehicle usage.

The Shire President or another authorised person may use the motor vehicle provided he/she holds a valid and appropriate Western Australian 'C' Class Driver's Licence. In the event of an emergency, a driver other than the person specified above may be nominated to complete the journey.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs, except when the vehicle is being used for private purposes.

Alternatively, the Shire President may elect to be reimbursed, when using the vehicle for business purposes, at the rate of 20% of the rate paid to Councillors when using their own vehicles for Council business, on a per kilometre basis.

General Conditions of Vehicle Usage

The following general conditions are applicable to the use of a Council motor vehicle:

Smoking is strictly prohibited within Council motor vehicles at all times.

Motor vehicles shall be operated in a reasonable manner in accordance with all relevant Acts, Regulations and Council policies. Any authorised person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.

The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.

Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The primary user shall comply with the following conditions with respect to the motor vehicle:

- a) Advise the Council's Works and Services division when scheduled servicing of the motor vehicle is due;*
- b) Wash, clean, and vacuum the motor vehicle as often as required;*
- c) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;*
- d) Secure the motor vehicle when parked in public/private places;*
- e) Examine the motor vehicle prior to use for any damage, operation of lights and indicators, tyre pressure etc; and*

- f) *Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.*

A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the primary user, when appropriate.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The designated officer shall immediately surrender the motor vehicle to the Shire upon:

- a) *cancellation or suspension of his/her driver's licence; and*
- b) *cessation of position with the Council the subject of this policy.'*

STATUTORY ENVIRONMENT

The role of the Council is defined by Section 2.7 of the Local Government Act 1995. The role of the Mayor or President is defined by Section 2.8 of the Local Government Act 1995.

EXTERNAL CONSULTATION

Nil

FINANCIAL IMPLICATIONS

The Shire President is not classified as an employee of the Council. The position is therefore exempt from the application of Fringe Benefits Tax (FBT). However, the value of the Shire President's vehicle is shown in the Council's Annual Report, as Gazetted from time to time.

Costs will be incurred during the changeover of a motor vehicle for the Shire President. In addition, costs will be incurred for fuel and oil usage, servicing, registration, insurances, and other costs attributed to the running of a motor vehicle. These costs are factored into the annual budget.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle. This item recommends that the Council Policy CE/CS/2 be endorsed. It has been brought forward (from October) to coincide with the review of Policy CE/CS/1 'Elected Member Expenses to be Reimbursed' and prior to elections to be held in October.

STRATEGIC IMPLICATIONS

The Strategic Plan, Key Result Area 1 – initiatives 1.4, states:

'Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken. To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence:*

Promote and provide access to policies, procedures, standards and legislation'

OFFICER COMMENT

The Shire President currently benefits from business/unrestricted private use of a Council supplied motor vehicle within the State of Western Australia. The Shire President meets all private fuel costs and is reimbursed for expenses incurred during business usage of the motor vehicle.

The vehicle is supplied to the office of Shire President to assist that person carry out the duties of the office of Shire President.

Private Use of Motor Vehicle

The motor vehicle should be available to the Shire President for Restricted Private Use within the State of Western Australia.

Type of Motor Vehicle

A luxury type vehicle should be provided.

Fuel Card

The Shire President meets all private fuel costs and is reimbursed for out of pocket expenses incurred during business usage of the motor vehicle. A fuel card is not supplied.

Use of Motor Vehicle during periods of Leave or Absence

The motor vehicle can be utilised during periods of leave of absence.

Use of Motor Vehicle by other elected members of the Council

The motor vehicle may be made available for use by other members of the Council when required for Business Use provided that this does not clash with the primary user's needs and at the primary user's discretion.

As the Shire President is required to meet all fuel costs when the vehicle is used for private purposes, the definition of 'unrestricted private use' cannot be applied. Accordingly 'restricted private use' is the terminology now utilised.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy CE/CS/2 Motor Vehicle Use – Shire President:

'OBJECTIVE

The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.

POLICY

A motor vehicle will be provided to the office of the Shire President for both *Business Use* and *Restricted Private Use* to assist the Councillor elected as Shire President carry out the role of Shire President.

DEFINITIONS

Business Use is defined as the use required giving effect to all of the Council's operational needs and services.

'Restricted Private Use' is defined as private use within the geographical area of Western Australia in accordance with this policy and subject to consumption of fuel and oil being at the cost of the primary user.

MOTOR VEHICLE USAGE

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

This table identifies the type of motor vehicle to be provided to the Shire President to enable the undertaking of official duties and activities.

CATEGORY	TYPE OF VEHICLE	POSITION	RESTRICTED USE
Sedan	Luxury vehicle.	Shire President	As Gazetted

The motor vehicle will be made available to the Shire President for both *Business Use* and *Restricted Private Use* within the State of Western Australia.

When the motor vehicle is used for private purposes, the Shire President will be responsible for the cost of all fuels and oils associated with such vehicle usage.

The Shire President or another authorised person may use the motor vehicle provided he/she holds a valid and appropriate Western Australian 'C' Class Driver's Licence. In the event of an emergency, a driver other than the person specified above may be nominated to complete the journey.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs, except when the vehicle is being used for private purposes.

Alternatively, the Shire President may elect to be reimbursed, when using the vehicle for business purposes, at the rate of 20% of the rate paid to Councillors when using their own vehicles for Council business, on a per kilometre basis.

General Conditions of Vehicle Usage

The following general conditions are applicable to the use of a Council motor vehicle:

Smoking is strictly prohibited within Council motor vehicles at all times.

Motor vehicles shall be operated in a reasonable manner in accordance with all relevant Acts, Regulations and Council policies. Any authorised person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.

The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.

Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The primary user shall comply with the following conditions with respect to the motor vehicle:

- a) Advise the Council's Works and Services division when scheduled servicing of the motor vehicle is due;
- b) Wash, clean, and vacuum the motor vehicle as often as required;
- c) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
- d) Secure the motor vehicle when parked in public/private places;
- e) Examine the motor vehicle prior to use for any damage, operation of lights and indicators, tyre pressure etc; and
- f) Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.

A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the primary user, when appropriate.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The designated officer shall immediately surrender the motor vehicle to the Shire upon:

- a) cancellation or suspension of his/her driver's licence; and
- b) cessation of position with the Council the subject of this policy.'

be endorsed.

MOTION TO ADJOURN QUESTION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the question be adjourned to allow the Chief Executive Officer to arrange a workshop on 14 June 2011 with a further report being presented to the Council meeting to be held on 5 July 2011.

CARRIED (5/0)

NO. 120/11

3:24pm Cr K Clements returned to the meeting and resumed the Chair.

**10.5.5 LOCAL GOVERNMENT CONVENTION AND EXHIBITION 2011 -
ATTENDEES AND VOTING DELEGATES**

File No: N18352
Attachments: [WALGA Convention Information](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 3 May 2011

PURPOSE

The purpose of this report is to endorse Councillors' attendance at the Western Australian Local Government Association (WALGA) Local Government Convention and Trade Exhibition to be held from Wednesday 3 August 2011 to Saturday 6 August 2011 inclusive and to endorse voting delegates for the WALGA Annual General Meeting to be held during the Convention.

BACKGROUND

The Council's delegates for the WALGA Local Government Convention held in August 2010 were Shire President Cr Ken Clements and Deputy Shire President Cr Michael Skinner. Chief Executive Officer Rob Stewart also attended.

FINANCIAL IMPLICATIONS

Full delegate – advance discount (to 13 June 2011) is \$1,125.00
Convention Breakfast with Justin Langer is \$77.00
Convention Gala Dinner (Advance discount - \$180.00) is \$190.00
Networking Sundowner - \$50 for partners and guests
Reserved Parking – approximately \$28.00 per day.

Accommodation – 4 rooms have been tentatively booked at the Mercure Hotel with approximate room rates of \$190.00 per night not including meals.

Approximate charge per delegate (including accommodation) would be \$1,684.00 with additional \$230.00 for partner attending sundowner and dinner and additional for travel costs and meals.

There is a \$5,000.00 budget allocation for Local Government Convention in the 2010/2011 Financial year and \$20,000.00 budget allocation for Conferences, Training and Accommodation in the 2010/2011 Financial year.

POLICY IMPLICATIONS

Council Policy No CE/CS/1 'Elected Members Expenses to be Reimbursed' applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The theme for the 2011 Convention is 'Localism – Leading the Way'. The conference program has been shaped around population, the economy and environmental sustainability and embraces plenary presentations together with a series of in depth concurrent session streams, workshops and field trips.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

1. Councillors Clements, Skinner and Handasyde be authorised to attend the WALGA Local Government Convention and Trade Exhibition from 3 August 2011 to 7 August 2011 and that the associated costs be charged to Account 20026.0032 Local Government Convention and Account 20026.0029 Conferences, Training and Accommodation; and
2. Councillors Clements and Skinner be endorsed as the Council's voting delegates for the Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 6 August 2011.

CARRIED (6/0)

NO. 121/11

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 CONFIDENTIAL

14 CLOSURE OF MEETING

3:26pm The Presiding Member declared the meeting closed.

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