



ORDINARY MINUTES

DATE: Tuesday, 11 October 2016

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution No. 183/16 to 201/16

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:05pm 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 B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Saurin	Manager Community Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

Apologies:

Nil

Members of the Public Present:

There was one member of the public present.

Previously Approved Leave of Absence:

Nil

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 the member 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

4.1 MR TONY SMITH – RIGHT-OF-WAY CLOSURE – ITEM 9.1.1

Mr Smith spoke in favour of the Officer's Recommendation at Item 9.1.1 – Right-of-Way Closure Lot 166 – Rear of Lot 51 Muir Street Mount Barker.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr M O'Dea

Item: 9.5.3

Type: Code of Conduct Disclosure (S5.103 LGS/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)

Nature: Treasurer of Plantagenet Arts Council.

Extent: Member and Treasurer of Plantagenet Arts Council.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr B Bell requested Leave of Absence from 20 October 2016 to 1 November 2016 inclusive.

Cr K Clements requested Leave of Absence from 12 October 2016 to 21 October 2016 inclusive.

Cr L Handasyde requested Leave of Absence from 9 November to 11 November 2016 inclusive.

Moved Cr J Oldfield, seconded Cr J Moir:

That the following Councillors be granted Leave of Absence:

Cr B Bell from 20 October 2016 to 1 November 2016 inclusive;

Cr K Clements from 12 October 2016 to 21 October 2016 inclusive; and

Cr L Handasyde from 9 November 2016 to 11 November 2016 inclusive.

CARRIED (9/0)

NO. 183/16

7 CONFIRMATION OF MINUTES

Moved Cr S Etherington, seconded Cr C Pavlovich:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 13 September 2016 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 184/16

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 RIGHT-OF-WAY CLOSURE LOT 166 - REAR OF LOT 51 MUIR STREET MOUNT BARKER

File Ref:	N39083
Attachments:	Location Plan Diagram 90234
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	11 October 2016
Applicant:	Tony Smith

PURPOSE

The purpose of this report is to obtain a formal Council resolution for the permanent closure of a minor Right-of-Way (ROW) known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker and its amalgamation into Lot 51 Muir Street, Mount Barker.

BACKGROUND

In 1995/1996 when a two lot subdivision of the original Lot 160 Muir Street, Mount Barker was being considered by the Council and the Western Australian Planning Commission (WAPC), the Chief Executive Officer, in a letter to the surveyors, requested a 7.5m to 9.5m ROW be provided. This was intended to allow for the provision of a service road to facilitate the subdivision of lots east of Gorman Street and terminating near the Catholic Church.

The owner of the adjoining Lot 51 (the original subdivider) in 2006 requested the ROW be returned to him free of charge. This landowner was of the opinion that because the ROW was not fenced for almost eleven years the ROW was 'null and void'. He was also of the opinion that the decision to create the ROW was not advertised and that 'may also be illegal'.

There was no requirement for the ROW to be fenced at the time it was created unless a particular fencing condition was imposed by the WAPC at the time of subdivision. In that instance, no fencing condition was imposed when the subdivision was conditionally approved by the WAPC in July 1995.

There was also no requirement to advertise the creation of a ROW at the time of subdivision.

The Council at its meeting held on 13 February 2007 considered the following officer's recommendation:

'That the closure procedure pursuant to the Land Administration Act and the Department for Planning and Infrastructure Policy on Right-of-Way Closure be

commenced for the Right-of-Way (Lot 166) at the rear of Lot 51 Muir Street, Mount Barker subject to all costs being met by the applicant and this includes payment to the Council of \$500.00 to cover the cost of advertising the proposal.'

However, the Council resolved at Resolution No. 58/07:

'That the closure procedure pursuant to the Land Administration Act and the Department for Planning and Infrastructure Policy on Right-Of-Way Closure not be commenced for the Right-of-Way (Lot 166) at the rear of Lot 51 Muir Street Mount Barker.'

The reason for change to the officer's recommendation was that Councillors agreed that it was best to leave the ROW to enable street extensions in case of future development.

On 19 September 2016 the owner of Lot 51 submitted another request for return of the ROW. This owner intends to construct his retirement home at Lot 51 in the near future.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 - Section 152 allows the WAPC to approve a subdivision plan subject to the condition that a portion of the land be vested in the Crown for ROW purposes.

Land Administration Act 1997 – Section 58 relates to the permanent closure of roads.

Transfer of Land Act 1983 – under Section 167A ROW are not subject to private access rights in favour of adjoining landowners.

EXTERNAL CONSULTATION

The closure will need to be advertised for 42 days with letters to affected landowners and various government agencies for comment.

FINANCIAL IMPLICATIONS

The applicant will be required to pay the various fees required by the Department of Planning (DOP) for the ROW closure procedure. These fees are paid to DOP directly. If the closure is successful, the applicant will also need to purchase the land from the Crown.

The Council will need to pay the initial cost of advertising the closure at the commencement of the process. This will involve letters to owners and government agencies and newspaper notices and will cost approximately \$500.00. The Council will recover the cost of advertising the proposal from the applicant.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following:

Strategy 2.4.1:

'Maintain and further develop roads and pathways at appropriate standards';

Further, at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following:

Strategy 2.6.1:

'Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

Since 1995/1996 (20 years) no other subdivisions have provided a ROW in that area and this subject 272m² ROW is the only parcel of ROW. There is a substantial house located close to the northern boundary of Lot 17 Gorman Street, Mount Barker which would preclude a further 7.5m strip being taken off this lot to allow for an adequate road reserve width.

A cul-de-sac in this location and terminating near the Church would not be a desirable outcome. It would have been preferable for any road to extend through to Lord Street which would involve road construction over Lot 6 Lord Street. However, this owner is currently constructing a house a Lot 6 impeding future connection to Lord Street.

This ROW and its future eventual connection through to Lord Street was discussed with the Manager Works and Services who is of the opinion there will not be the need for a future road.

The Department of Lands (DOL) has an extensive process for the closure of a ROW and the first step is writing to adjoining landowners and relevant government agencies. This request will lead to the ROW being amalgamated into the adjoining Lot 51 Muir Street, Mount Barker.

The DOP and the DOL will charge fees for the closure procedure which includes amalgamation fees, survey fees, lodgement fees and graphics requirements. The applicant will need to take this up with the DOP and DOL to enquire if the fees can be waived. There will also be the cost of the land purchase from the Crown which again is a matter the applicant will need to take up with the DOL.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to initiate the procedure to permanently close the Right-of-Way known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker.**
- 2. A further report to be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held on 6 December 2016.**
- 3. All Council costs are to be met by the applicant which includes payment of \$500.00 to the Council to cover the cost of advertising the proposal.**

CARRIED (9/0)

NO. 185/16

9.2 WORKS AND SERVICES REPORTS

9.2.1 WASTE MINIMISATION - REGIONAL PARTNERSHIP - MEMORANDUM OF UNDERSTANDING

File Ref:	N39163
Attachment:	Memorandum of Understanding
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to recommend the endorsement of a Memorandum of Understanding with the City of Albany and Shire of Denmark in a regional partnership on waste minimisation.

BACKGROUND

In February 2015 representatives from the Shire of Plantagenet and City of Albany met to re-address and re-determine the commitment of the Councils in progressing the aims and objectives of the existing Great Southern Group of Councils 'Regional Waste Strategic Plan 2014 to 2018' as adopted by those representative Councils being the City of Albany and Shires of Denmark and Plantagenet.

In July 2016 further discussions between the City of Albany and the Shires of Denmark and Plantagenet progressed working closer together on regional waste issues under the Alliance model and in accordance with the Strategic Plan. Since then, the three Councils have continued to meet regularly. These meetings have resulted in the drafting of the Memorandum of Understanding as attached.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Significant consultation occurs with the City of Albany and Shire of Denmark.

FINANCIAL IMPLICATIONS

There is no specific budget allocation for regional waste partnerships, however sufficient funds could be available within the Operational Waste Budget to cover contributions to the group's activities.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

ASSET MANAGEMENT IMPLICATIONS

As the MOU refers to Regional Waste directions, there may be asset implications through, for instance, increased usage of facilities.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.9 (Integrated waste management) the following Strategies:

Strategy 2.9.3:

'Develop and implement integrated waste management programs in line with the State Government's waste management principles.'

And further,

Strategy 2.9.4:

'Investigate regional waste management co-operation opportunities.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2014/2015 – 2018/2019 includes the following Action:

Action 2.9.4.1 – *'Investigate possibility of regional co-operation for refuse disposal.'*

REGIONAL IMPLICATIONS

The collection, treatment and disposal of domestic and commercial waste across the sub-region fits within the intent and direction of both the Strategic Waste Minimisation Plan and the Economic Alliance of Albany, Denmark and Plantagenet.

OFFICER COMMENT

This Memorandum of Understanding provides surety that the group Alliance of Councils will work together for mutually beneficial outcomes for the region in waste management and will focus on activities that the group will undertake with review on outcomes annually. The activities that the three local governments will agree to collaborate on include:

- Develop a consistent approach to the collection, treatment and disposal of domestic and commercial waste.
- Investigate emerging technologies relating to waste treatment, including but not limited to, pyrolytic conversion, anaerobic digestion, gasification, composting, bio-conversion of bio-mass, refuse derived fuel and incineration.
- Investigate the potential need and possible development of a landfill site which may include existing sites within the sub-regional area or new sites both within and without of the sub-regional area.
- Improve recycling and re-use in the sub-regional area.
- Develop efficiencies for the treatment of waste which may include the location of transfer stations, pre-treatment of waste (eg baling), home composting and home strategies for reduction of the waste stream.

- Develop education programs in the sub-region to develop knowledge of the waste stream, treatment and recycling to encourage positive attitudes towards efficiencies in waste treatment.
- Allocate sufficient funds for the implementation of the strategies set out in this agreement. Funding would be subject to budgetary constraints and the agreement of parties to the diversion of costs.
- Review this agreement annually and amend as required to achieve the desired outcome.

Discussions on some of these waste issues have already commenced including the potential for opportunities with economies of scale and best management practices in waste management. The group is now working together to undertake a study of the specific waste management options available for further investigations as a region.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr M O'Dea, seconded Cr J Hamblin:

That the Waste Minimisation – Regional Partnership – Memorandum of Understanding between the City of Albany, Shire of Denmark and Shire of Plantagenet as attached be endorsed.

MOTION TO ADJOURN THE QUESTION

Moved Cr J Moir, seconded Cr B Bell

That the question be adjourned to enable the Council to consider Plantagenet's overall waste direction

LOST (3/6)

COUNCIL DECISION

The Motion was then put.

CARRIED (6/3)

NO. 186/16

9.2.2 LOT 236 WEST BEATTIE ROAD KENDENUP - GATE PERMIT APPLICATION

File Ref:	N39144
Attachments:	Location Map
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Applicant	Ian and Jennifer Phillips
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to consider an application from a landowner for a gate to be installed across an unconstructed section of road reserve.

BACKGROUND

Following a number of maintenance requests for work on the unconstructed road reserve section of West Beattie Road, Kendenup an Application for Gate Permit form was received on 22 August 2016. Accompanying the application was written consent from affected landowners.

The applicants reside at 260 (Lot 236) West Beattie Road, Kendenup. The property is situated at the north western end of the unconstructed section of West Beattie Road and is bordered on the western side by another unconstructed road reserve which runs south from the constructed section of Gough Road (see attached map).

West Beattie Road reserve is approximately 2.88km in length with the gravelled constructed section of road being 1.32km long (from the Albany Highway intersection).

The applicants advised that due to the recent wet weather, vehicles access the property via the unconstructed road reserve coming off the south end of Gough Road. At other times, property access is gained from the unconstructed road reserve section of West Beattie Road.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Schedule 9.1 clause 5 (1) states that a local government may authorise a person to have a gate or other device across a thoroughfare.

Local Government (Uniform Local Provisions) Regulations 1996 Section 9 – Permission to have gate across public thoroughfare – provides guidelines to the local government for receiving, approving and recording a gate permit application.

FINANCIAL IMPLICATIONS

The gate permit application fee has been paid.

POLICY IMPLICATIONS

Council Policy RS/G/1 – Gate Permits details the process of applying for and approving a gate permit as well as outlining the applicant’s responsibility for installing the gate in the specified position.

Council Policy I/R/7 – Roads – Unconstructed Roads – provides guidelines regarding requests relating to unconstructed roads.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.4:

‘Investigate and respond to road safety and traffic issues throughout the District’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

Prior to the application for a gate permit, the applicants had put in a number of maintenance requests to have the drainage improved, potholes repaired and gravel put on sections of the unconstructed road reserve section of West Beattie Road from June to August 2016. These requests were refused in accordance with Council Policy I/R/7 – Roads – Unconstructed Roads. In addition the applicants has advised that vehicles attempting to use this section of road for unexplained reasons, often get bogged or cannot turn around and so come into their property. A ‘No Through Road’ sign has been installed at the entrance to West Beattie Road off Albany Highway and a tag under the road name sign on Albany Highway.

The Shire does not receive many gate permit applications. In this instance, Manager Works and Services after discussion with the applicants, suggested that a gate permit might help to reduce the number of vehicles accessing the unconstructed road reserve section of West Beattie Road and indirectly 260 (Lot 236) West Beattie Road, Kendenup.

The gate permit application requests a location (Location A – see attached map) which does not meet the Policy’s requirements specified at Point 2, *‘That the erection of gates across road reserves will be considered on unconstructed roads and in alignment with property boundaries only.’* Location A is not on a property boundary. Location B is an appropriate site according to the Policy.

The Engineering Technical Officer has inspected the site and concurs with the applicants requested site at Location B. Location B provides a more suitable area for vehicles needing to turn around despite it not being on a property boundary.

The applicant has fulfilled the requirements of the Policy by providing written consent from any affected landowners.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr L Handasyde:

That in accordance with Council Policy RS/G/1 - Gate Permits, the gate permit application from Ian and Jennifer Phillips of 260 (Lot 236) West Beattie Road, Kendenup be approved at a location on the unconstructed road reserve section of West Beattie Road, Kendenup as shown at Location A on the attached map.

CARRIED (9/0)

NO. 187/16

9.3 COMMUNITY SERVICES REPORTS

9.3.1 ART LOAN AGREEMENT - RENEWAL

File Ref:	N38022
Attachments:	Art Loan Agreement 2016 17 MBCRC Acquisitives
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Kirsten Perrin Community Development Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to recommend the renewal of the Art Loan Agreement for the Acquisitive Art Collection at the Mount Barker Community Resource Centre (MBCRC).

BACKGROUND

The Art Loan Agreement between the Shire of Plantagenet and the MBCRC to display the Acquisitive Art Collection expired on 26 November 2015.

The agreement allows the MBCRC to display 27 pieces of art at the centre. As noted in the agreement, seven pieces are currently being stored at the Shire of Plantagenet Administration Office, to be returned to the MBCRC once the appropriate picture hooks have been installed. The Shire of Plantagenet is responsible for maintaining the appropriate level of insurance. The MBCRC is responsible for payment of any excess arising from a claim being lodged.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has occurred with Martina Meinen, Manager of the MBCRC.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

ASSET MANAGEMENT IMPLICATIONS

The review date has been set annually to ensure that the Council's Art Collection is subject to a physical stocktake on a yearly basis.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy:

Strategy 1.8.3:

‘Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The display of the Acquisitive Art Collection at the MBCRC complements the Sir Claude Hotchin pieces which are permanently displayed in the Mount Barker Public Library. It also ensures that the art is accessible to both the local community and visitors to the area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M O’Dea:

That:

- 1. The renewal of the Art Loan Agreement (Acquisitive Collection) with the Mount Barker Community Resource Centre as attached be endorsed.**
- 2. The Chief Executive Officer be authorised to sign the agreement referred to in part 1 above.**

CARRIED (9/0)

NO. 188/16

9.3.2 POLICY REVIEW – RS/BTRC/1 – LOWOOD ROAD PROMOTION BANNERS

File Ref:	N38561
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Kirsten Perrin Community Development Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to review Council Policy RS/BTRC/1 – Lowood Road Promotion Banners and recommend that this policy be endorsed.

BACKGROUND

The policy provides clear guidelines for the display of promotion banners along Lowood Road on the designated banner poles.

The policy was adopted in November 2006 and last reviewed in March 2014.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy:

Strategy 1.8.5:

'Promote and support community and cultural events'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The Promotion Banners Policy is used regularly to manage the display of community banners such as the Grapes and Gallops banners, Taste Great Southern banners and the Mount Barker Wine Producers Association banners.

It is considered that the policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That Council Policy RS/BTRC/1 – Lowood Road Promotion Banners, as follows:

‘OBJECTIVE

The objective of this Policy is to provide clear guidelines for the display of promotion banners along Lowood Road on the designated banner poles.

POLICY

The Council will permit the display of promotion banners on the designated banner poles along Lowood Road conditional upon the following:

1. The applicant is responsible for providing the banners (including artwork) on a suitable, durable material, with the relevant dimensions and with the necessary attachment points.
2. The banners will be erected and removed by Council staff or contractors that have been engaged by the Council.
3. Only banners that promote events or activities that provide a significant benefit to the Plantagenet community will be displayed.
4. Commercial advertising is not permitted.
5. Banners deemed offensive or insensitive will not be permitted.
6. Banners will be displayed for a minimum two week period and a maximum four week period, unless an extension of time is approved by the Chief Executive Officer.
7. The applicant is responsible for retrieving the banners from the Shire of Plantagenet once the banner has been taken down at the completion of the approved time period.
8. If a banner(s) is damaged or vandalised whilst on display, the applicant is responsible for repairing or replacing the banner(s), including the cost of recovering and re-erecting the banner.
9. The applicant is responsible for paying the adopted fee to have the banners erected, displayed and removed. Fees are set on a cost recovery basis and listed in the Council's Annual Budget.

10. The CEO is authorised to approve the display of promotion banners that are in accordance with this policy.'

be endorsed.

CARRIED (9/0)

NO. 189/16

**9.3.3 LOT 3 - 132 THE SPRINGS ROAD - TRANSFER OF LAND FORM -
AUTHORITY TO AFFIX THE COMMON SEAL – DENBARKER FIRE SHED**

File Ref: N39204
Attachments: [Lot 3 132 The Springs Road](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Fiona Saurin
Manager Community Services
Proposed Meeting Date: 11 October 2016

PURPOSE

The purpose of this report is to obtain approval for the Common Seal of the Council to be applied to a Transfer of Land Act form for the creation of a new Certificate of Title. The title being created is in respect to Lot 3, 132 The Springs Road, Denbarker and is the proposed site of the Denbarker Fire Shed.

BACKGROUND

Lot 3, 132 The Springs Road is a portion of land that has been donated by The Trust Company (Australia) Ltd for the purpose of building a fire shed in the Denbarker Bush Fire Brigade area. The company has donated the land on the provision that the Shire of Plantagenet meets all costs involved in the subdivision of the land.

A copy of the Deposited Plan (Number 409390) is attached.

The WA Planning Commission (WAPC) endorsed the Deposited Plan on 27 June 2016 and as such it was 'in order for dealings'. This means the Council must apply to Landgate for the issue of the new Certificate of Title for Lot 3, 132 The Springs Road, Denbarker.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – Subdivision of land

Transfer of Land Act 1893 – Creation of new Certificates of Title

Local Government Act 1995 – Division 3, Section 9.49A (2) - Application of Common Seal

FINANCIAL IMPLICATIONS

The cost of the subdivision has been \$1,240.00 for the preparation of plans and application to WAPC for the subdivision of the land. The cost to meet the Western Power condition of power to the subdivided land was \$13,290.00.

Preparation and lodgement of the Certificate of Title and Transfer of Land will be an additional \$983.00.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

ASSET MANAGEMENT IMPLICATIONS

Lot 3, 132 The Springs Road will become the property of the Shire of Plantagenet and therefore will be placed on the Shire's Asset Register.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.9 (A safe Plantagenet) the following Strategy:

Strategy 1.9.2:

'Support the community in emergency and fire management planning, preparedness, response and recovery.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The lodgement of an Application for a new Certificate of Title is the final step in the subdivision and acquisition process for Lot 3, 132 The Springs Road, Denbarker.

The preparation and lodgement of the Application for a new Title form will be performed by a settlement agent and will be lodged with Landgate. The form needs to be signed by the Shire President and the Chief Executive Officer and the Common Seal of the Council must be affixed to the form. A resolution from the Council is required for the Seal to be affixed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Application for new Title form required for the subdivision and acquisition of Lot 3, 132 The Springs Road, Denbarker.

CARRIED (9/0)

NO. 190/16

9.3.4 POLICY REVIEW - CS/SC/2 - SKINNER PAVILION

File Ref:	N38559
Attachments:	Policy CS/SC 2 Skinner Pavilion
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Fiona Saurin Manager Community Services
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to review Council Policy CS/SC/2 – Skinner Pavilion and recommend the policy be endorsed.

BACKGROUND

Policy CS/SC/2 – Skinner Pavilion is in place to allow use of the Skinner Pavilion to specified clubs without the need for ongoing bookings.

This policy was adopted in July 1997 and was last reviewed in April 2014.

The clubs specified in the policy are the Mount Barker Turf Club, Mount Barker Agricultural Society and the Mount Barker Cricket Club.

At its meeting held on 13 September 2016, the Council resolved (in part) that:

- ‘3. *That Frost Park be used for cricket as a last resort as Sounness Park is the preferred venue for cricket in Mount Barker.*
4. *It is the position of the Council that Frost Park should be used primarily for equine activities rather than ball sports.’*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.2:

‘Promote sporting, recreation and leisure facilities and programs in the District.’

and

Strategy 1.5.4:

'Promote the development of Frost Park as a major equine centre in the Great Southern Region.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

As Sounness Park is now considered to be the primary ball sports facility, the Mount Barker Cricket Club has been removed from the policy to reflect this.

A minor change involving the removal of the word 'conditionally' under the heading Policy is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr J Moir:

That amended Council Policy CS/SC/2 – Skinner Pavilion, as follows:

'OBJECTIVE

To allow the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club and Mount Barker Agricultural Society without the need for ongoing bookings.

POLICY

The Council will endorse the use of the Skinner Pavilion at Frost Park without charge to the Mount Barker Turf Club and Mount Barker Agricultural Society, provided that the use of the premises will not involve Council in any cleaning responsibilities and the Mount Barker Turf Club and Mount Barker Agricultural Society will be responsible for repairing any damages that may occur to the Pavilion while the facility is being used by the clubs.'

be endorsed.

CARRIED (9/0)

NO. 191/16

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW - SEPTEMBER 2016

File Ref:	N39058
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to review and adjust the adopted 2016/2017 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2016/2017 annual budget was adopted by the Council at a special meeting on 12 July 2016. This is the first quarterly review of the 2016/2017 Annual Budget.

STATUTORY ENVIRONMENT

Local Government Act 1995

There is no specific section of the Act that deals with the reallocation of funds however Section 6.2(1) governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996

Regulation 33A states:

- '(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*
-

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 \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

‘Provide a full range of financial services to support Shire’s operations and to meet planning, reporting and accountability requirements’.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

In terms of operating result, operating income is currently in line with (year to date) budget and operating expenditure is 5% below (year to date) budget.

A number of issues are worthy of a budget amendment and the following action is recommended:

- The Shire has raised some additional rates on its own properties, which are to be met by the Shire under Council Policy A/PA/14 - Sporting and Community Organisations using Council and Vested Land - Rateability. Income and expenditure accounts have been adjusted accordingly.
- The Shire will receive a ‘Strengthen Your Legs’ grant of \$1,300.00 from the Health Department of WA for two Rec.Centre staff to undertake Tai Chi training for the elderly. Income and expenditure accounts have been adjusted with a nil cash impact.
- The Department of Fire and Emergency Services has advised that an additional \$107,967.00 has been granted for the development of a new Bush Fire Brigade shed in Denbarker (total grant of \$188,987.00). In addition, an additional \$5,000.00 has been granted for sliding lockable doors at the Woogenellup Bush Fire Brigade shed. Income and expenditure accounts have been adjusted with a nil cash impact.
- The Shire has received a grant of \$3,870.00 from the State Emergency Management Committee to undertake a Know ‘Your Risks, Know Your Brigade’ Campaign. Income and expenditure accounts have been adjusted with a nil cash impact.
- With the retirement of the Shire’s Environmental Health Officer, there will be an opportunity to review the arrangements in place for Shire and regional health services. In the meantime, a reduction in the Environmental Health salaries account of approximately \$20,000.00 can be reasonably assumed.

- The estimated actual surplus carried forward at 30 June 2016, as detailed in the draft audited 2015/2016 annual financial report, was \$1,188,512.00. The budgeted surplus carried forward was \$1,034,960.00. A variance of \$153,552.00 exists between the budgeted and actual balance carried forward, although the capital income and expenditure differences shown in the next bullet point offset this surplus.
- The following adjustments are sought to adjust budget amounts due to end of year accrued income and expenditure, which was unknown at the time of preparing the budget:

Description	GL	Estimated Actual \$	Actual \$	Original Budget \$	New Budget \$
Kidsport Program	20221.0397	(23,943)	(29,680)	(57,835)	(52,098)
Storm Damage Rectification	20225.0039	(553,993)	(749,987)	(1,064,074)	(868,080)
Contributions - Roadworks Contributions	10134.0197	91	594,378	1,462,276	867,898
Sounness Park - Playground Equipment	51609.0251	(47,831)	(48,031)	(2,169)	(1,969)
Roof over Northern Dirt Pens	51641.0253	(29,532)	(47,050)	(420,468)	(402,950)
Kendenup Ag Grounds - Development	51649.0251	(260,774)	(235,416)	(4,226)	(29,584)
Oatlands Road - SLK 0.00 to 1.24	51630.0250	(16,271)	(69,581)	(73,729)	(20,419)
Shire Wide Drainage Construction	51202.0250	(99,362)	(143,669)	(100,000)	(55,693)
Pre Construction Future Works	51201.0250	(19,785)	(28,285)	(30,000)	(21,500)
The Springs Road - SLK 0.00 to 8.00	51635.0250	(3,165)	(6,421)	(150,835)	(147,579)
Seymour Road - SLK 3.75 to 8.75	51637.0250	(62,416)	(65,105)	(13,904)	(11,215)

An adjustment is also sought to the amount to be transferred to reserves due to differing end of year balances than predicted. An amount of \$1,035,642.00 was budgeted to be transferred, however this can be reduced to \$970,714.00, which relates to the Plant Replacement Reserve and the Saleyards Reserves.

- The Shire has recently received over \$23,000.00 for the sale of surplus materials and scrap, which is significantly over the budget figure of \$3,000.00. A budget reallocation can make this amount available for other matters in this review.
- Approval has been received for a grant of \$197,358.00 from the Department of Culture and the Arts under the Regional Venues Improvement Fund for Stage 2 of the District Hall functional upgrade. Stage 2 consists of the main restrooms upgrade and fit-out, tiered seating, cycloramas and restoration of the back stage floor. This funding will see the works progress into 2017 with an estimated completion date of 31 March 2017. Income and expenditure accounts have been adjusted with a nil cash impact.
- In line with a recent briefing to Councillors, a sum of \$18,000.00 has been negotiated with the builder doing renovation works on the Kendenup Agricultural Grounds for additional works, not part of the original scope of Stage 1. This can be funded from savings identified in this review.
- Main Roads WA has advised that the funding under the Commodity Routes arrangements for Takalarup Road is to be \$135,000.00, not \$128,738.00 as indicated in the budget. Income and expenditure accounts have been adjusted accordingly.

- The adopted budget includes the purchase of a new utility for works crew transport. This purchase also included the trade in of a Ford Ranger XL, however it is preferred now to keep that vehicle as the expected trade in would only be around \$10,000.00. An additional \$7,000.00 is also sought to buy another second hand utility to replace one which was stolen. A sum of \$1,000.00 was received from insurance on this vehicle in 2015/2016. Funds can be transferred from the unbudgeted sale of the Environmental Health Officer's vehicle, which has been sold for \$25,000.00.
- The Shire's communication equipment on Mount Barrow failed recently and had to be repaired at a cost of \$9,308.00. An additional \$10,000.00 is sought to accommodate this over-expenditure.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M O'Dea:

That the budget review for the period 1 July 2016 to 30 September 2016 be adopted and the 2016/2017 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
	Above budget Net Current Assets Carried Forward			\$153,552
10000.0490	General Rate GRV – Interim Rates and Adjustments	\$0	\$40,517	\$40,517
10001.0490	General Rate UV – Interim Rates and Adjustments	\$0	\$20,312	\$20,312
50301.0398	Transfers to Reserve Funds	(\$1,035,642)	(\$974,710)	\$60,932
50417.0006	Purchase Vehicle - DCEO	(\$52,000)	(\$41,577)	\$10,423
40417.0105	Trade In Vehicle - DCEO	\$16,000	\$9,545	(\$6,455)
50529.0252	Fire Shed - Denbarker	(\$87,925)	(\$195,892)	(\$107,967)
10511.0505	Grant Income (Non Cash) - Denbarker BFB Shed	\$81,020	\$188,987	\$107,967
20074.0312	Other Expenses - Other Operating Costs	(\$10,000)	(\$13,870)	(\$3,870)
10039.0159	Grant Income - Emergency Services	\$0	\$3,870	\$3,870
20513.0333	Other Expenses - Purchase of Plant / Equip (> \$1,200)	(\$4,000)	(\$9,000)	(\$5,000)
10515.0201	Grant Income - FESA Grant	\$95,080	\$100,080	\$5,000
40721.0105	Trade In Vehicle - EHO	\$0	\$25,000	\$25,000
20111.0130	Employee Costs - Salaries	(\$166,714)	(\$147,627)	\$19,087
51012.0006	Purchase Vehicle - Mgr Development Services	(\$53,000)	(\$46,652)	\$6,348
41011.0105	Trade In Vehicle - Mgr Development Services	\$30,000	\$28,182	(\$1,818)
10094.0406	Other Revenue - Sale of Surplus Materials & Scrap	\$2,000	\$22,000	\$20,000
50424.0252	Plantagenet District Hall Upgrade	(\$255,981)	(\$453,339)	(\$197,358)
41018.0489	Grants & Contributions - District Hall Upgrade	\$247,673	\$445,031	\$197,358
21100.0029	Rec.Centre - Conferences & Training	(\$3,000)	(\$4,300)	(\$1,300)
11108.0178	Grant Income - Programs and Courses	\$0	\$1,300	\$1,300
51609.0251	Sounness Park - Playground Equipment	(\$2,169)	(\$1,969)	\$200
51649.0251	Kendenu Ag Grounds - Development	(\$4,226)	(\$45,150)	(\$40,924)
21111.0011	Other Recreation and Culture - Building Operating	(\$22,000)	(\$55,000)	(\$33,000)
20221.0397	Kidsport Program	(\$57,835)	(\$52,098)	\$5,737
51657.0250	Takalarup Road - SLK 8.84 to 14.55	(\$193,107)	(\$202,500)	(\$9,393)
51630.0250	Oatlands Road - SLK 0.00 to 1.24	(\$73,729)	(\$20,419)	\$53,310

51202.0250	Shire Wide Drainage Construction	(\$100,000)	(\$55,693)	\$44,307
51201.0250	Pre Construction Future Works	(\$30,000)	(\$21,500)	\$8,500
51635.0250	The Springs Road - SLK 0.00 to 8.00	(\$150,835)	(\$147,579)	\$3,256
51637.0250	Seymour Road - SLK 3.75 to 8.75	(\$13,904)	(\$11,215)	\$2,689
41201.0205	Direct Road Grants - TIRES/Commodity Route Grants	\$128,738	\$135,000	\$6,262
20225.0039	Storm Damage Rectification	(\$1,064,074)	(\$868,080)	\$195,994
10134.0197	Roadworks Contributions (Storm Damage)	\$1,462,276	\$867,898	(\$594,378)
51641.0253	Roof over Northern Dirt Pens	(\$420,468)	(\$402,950)	\$17,518
51412.0006	Works Vehicles / Minor Plant Replacement Program	(\$181,000)	(\$184,076)	(\$3,076)
41412.0105	Trade In Works Vehicles / Minor Plant	\$64,500	\$48,100	(\$16,400)
41413.0486	Transfers from Reserve Funds	\$644,600	\$663,600	\$19,000
20273.0323	Other Expenses - Communication Towers	(\$5,000)	(\$15,000)	(\$10,000)
11420.0406	Other Income - Sale of Surplus Materials & Scrap	\$1,000	\$3,500	\$2,500
TOTAL		(\$1,213,722)	(\$1,367,274)	\$0

CARRIED (9/0)

NO. 192/16

Absolute Majority

9.4.2 FINANCIAL STATEMENTS - SEPTEMBER 2016

File Ref:	N39057
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2016.

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.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That the Financial Statement for the period ending 30 September 2016 be received.

CARRIED (9/0)

NO. 193/16

9.4.3 LIST OF ACCOUNTS – SEPTEMBER 2016

File Ref:	N39173
Attachment:	September 2016
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of September 2016.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (21 June 2016). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2016 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$921,953.35; and
2. Municipal Cheques 45635 – 45653 and 45725 - 45731 totalling \$66,276.58.

CARRIED (9/0)

NO. 194/16

9.4.4 POLICY REVIEW - HALL HIRE DONATIONS

File Ref: N39059
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 11 October 2016

PURPOSE

The purpose of this report is to review Council Policy A/PA/4 – Halls – Hall Hire Donations.

BACKGROUND

The policy was last reviewed by Council at its meeting held on 14 October 2014.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

This policy provides proper fiscal control of hiring of Council controlled venues.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.6:

'Ensure the Shire's property, administration and records systems are managed effectively and efficiently'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr M O'Dea:

That Council Policy A/PA/4 – Halls – Hall Hire Donations:

‘OBJECTIVE

To enable the Council to encourage use of Council venues, properly account for both hall and equipment hire charges and to protect assets from misuse or inadvertent damage.

POLICY:

1. That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.
2. As the Council has set hall hire fees at a rate designed to encourage greater use of such facilities the Council will not consider further donations of hall hire except during the budget grants process.’

be endorsed.

CARRIED (9/0)

NO. 195/16

9.4.5 POLICY REVIEW - HIRE OF COUNCIL CONTROLLED PROPERTY

File Ref: N39060
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 11 October 2016

PURPOSE

The purpose of this report is to review Council Policy A/PA/1 – Hire of Council Controlled Property.

BACKGROUND

The policy was last reviewed by the Council at its meeting held on 14 October 2014.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.5 (Council buildings and facilities that meet community needs) the following Strategy:

Strategy 2.5.1:

‘Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That Council Policy A/PA/1 – Hire of Council Controlled Property:

‘OBJECTIVE

To establish a time limit on the hire of Council controlled property.

POLICY:

No function shall be continued after 1:00am on Council controlled property except by special permission of the Council.’

be endorsed

CARRIED (9/0)

NO. 196/16

9.4.6 POLICY ADOPTION - REGIONAL PRICE PREFERENCE

File Ref:	N38675
Attachment:	Summary of Submissions Amendments - Draft Policy
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to recommend the adoption of a Regional Price Preference Policy following the statutory advertising process.

BACKGROUND

In February 2000, the Local Government (Functions and General) Regulations 1996 were amended to allow non-metropolitan local governments to offer a price preference to regional suppliers when deciding which quotation or tender to accept. A price preference can only be applied if a local government has adopted a regional price preference policy.

At its meeting held on 19 July 2016, the Council resolved to adopt this policy for advertising purposes and, pursuant to Section 24E of the Local Government (Functions and General) Regulations 1996, give Statewide public notice of the intention to adopt the policy.

The draft policy was advertised in the West Australian on 20 August 2016 and the Plantagenet News on 24 August 2016. Submissions were received until Friday 23 September 2016.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

Regulations 24A to 24G provide that a local government located outside the metropolitan area may give a regional price preference to a 'regional' tenderer and specifies the process for implementing this. Statewide public notice must be given of the intention to have a price preference policy. The applicable region needs to be defined in the policy, which must be (or include) the entire district of the local government.

A policy cannot be adopted by a local government until it has considered all submissions that are received and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered policy. An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.

Regulation 24B (2) states that:

- '(2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —*
- (a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or*
 - (b) some or all of the goods or services are to be supplied from regional sources.'*

Regulation 24D states that:

- '(1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —*
- (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or*
 - (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or*
 - (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.*
- (2) Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —*
- (a) wholly supplied from regional sources; or*
 - (b) partly supplied from regional sources, and partly supplied from non-regional sources, only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.*
- (3) Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).'*

EXTERNAL CONSULTATION

External consultation has occurred with the City of Albany and Shire of Denmark in respect to adoption of similar price preference policies. The City of Albany has now adopted its policy. Public comment was sought in regard to the proposed policy by way of advertisements in the West Australian newspaper and Plantagenet News.

FINANCIAL IMPLICATIONS

Under the proposed policy, a price preference will apply to quotations of \$30,000.00 value or greater and all tenders invited by the Shire of Plantagenet. Setting a regional price preference may result in a higher priced goods or services being sourced than would otherwise be the case.

POLICY IMPLICATIONS

This report recommends the adoption of a new policy.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

'Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements'.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The proposed policy will give guidance to the Council and staff in relation to the provision of a preference to local suppliers when a purchasing decision is made. The policy will allow a quoted or tendered price from a 'Local Business/Contractor' to be reduced for the purposes of comparison with submissions from outside the region, in most instances to a maximum price reduction of \$50,000.00.

In line with the Regulation 24D(1)(c), the policy provides up to a maximum price reduction of \$500,000.00, if the Council is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council. This might relate to road construction services as an example.

The aim is to stimulate economic activity and growth in the defined regional pricing area by giving added weight to the use of competitive local businesses in supplying goods, services and works purchased or contracted on behalf of the Shire.

This policy does not provide that a local provider who supplies the lowest quote after the price preference has been taken into account will automatically be selected. There are a range of factors taken into account when determining the appropriate supplier of goods.

A 'Local Business/Contractor' is defined in this policy as being a business with a permanent office in the Prescribed Area for at least six months prior to bids being sought. The business must have permanent staff based in the Prescribed Area and bidding and management/delivery of the majority of the contract outcomes will be carried out from the business location in the Prescribed Area.

The proposed price preference will also apply to suppliers based outside the Shire of Plantagenet in the event that some or all of the goods, materials or services are to be supplied from sources within the Prescribed Area. In this instance, the preference only applies to that part of the tender or quote that has been supplied from those sources which needs to be specified in the tender submission.

Businesses outside of the Prescribed Area who claim that they will use regional business in the delivery of the contract outcomes will be required, as part of the contract conditions, to demonstrate that they have actually used them.

In line with the spirit of regional co-operation with the Southern Link Voluntary Regional Organisation of Councils (VROC) and Lower Great Southern Alliance, it has been recommended that the 'Prescribed Area' include the Shire of Plantagenet as well as local governments within those regions, namely:

- Southern Link VROC - Broomehill-Tambellup, Cranbrook and Kojonup; and
- Lower Great Southern Alliance – Albany, Denmark and Jerramungup.

In addition, it is considered appropriate to also include the other local government areas which share a border with the Shire of Plantagenet, namely Gnowangerup and Manjimup.

Examples of how this policy will operate are shown below:

Example 1

Consider a scenario where the following three tenders to supply goods or services, are received, with a 10% rate of preference.

- Tender 1 is from a tenderer based within the Prescribed Area (as defined by the Council in its policy).
- Tender 2 is from a metropolitan based firm and uses goods and services sourced from the metropolitan area.
- Tender 3 is from a metropolitan based firm but uses \$50,000.00 worth of goods and services sourced from the Prescribed Area.

Tenders Received	Price of Tender	Price Reduction at 10% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$100,000.00	\$10,000.00 (10% of \$100,000.00)	\$90,000.00 (i.e. \$100,000.00 less \$10,000.00)
Tender 2	\$95,000.00	No preference applicable	\$95,000.00
Tender 3	\$97,500.00	\$5,000.00 (10% of \$50,000.00)	\$92,500.00 (i.e. \$97,500.00 less \$5,000.00)

As can be seen from the table, in terms of price, the tender from the regional tenderer (Tender 1) is the most advantageous once the preference has been applied.

Example 2

This example highlights how the maximum price reduction affects the assessment of tenders. The following is a scenario where tenders are called to supply construction (building) services (based on a 5% rate of preference).

- Tender 1 is from a tenderer based within the Prescribed Area.
- Tender 2 is from a metropolitan based firm that sources materials from the metropolitan area.

Tenders Received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$1,200,000.00	Less 5% of \$1,200,000.00 = \$60,000.00. However the maximum price reduction is limited to \$50,000.	\$1,150,000.00 (i.e. \$1,200,00.00 less \$50,000.00)
Tender 2	\$1,145,000.00	No preference applicable	\$1,145,000.00

In this case, in terms of price alone, Tender 2 is the most advantageous.

One comment was received in response to the advertising process, as shown in the attached Summary of Submissions. As a result the policy has been amended as follows:

The policy has been changed to prevent a scenario such as an entity acting as an agent for businesses from outside of the region submitting 100% price preference qualified bids to the detriment of genuinely experienced local businesses. It is proposed that a 'Local Business/Contractor' must be locally established and have two years' prior, direct experience in the business of the bid subject matter.

In addition, the draft policy stated that:

'Businesses outside the Prescribed Area, who claim that they will use regional businesses (Regional Content) in the delivery of the contract outcomes, may be required, as part of the contract conditions, to demonstrate that they have actually used them.'

The paragraph has been amended to make this mandatory.

A number of suggestions were proposed in regard to imposing a penalty or disqualification for non-compliance. It is considered that the regulations would prohibit disqualification, however an appropriate response would be to incorporate a penalty for non-compliance in the contract conditions.

The submission suggested that the materials and labour items for which the Regional Content Preference is requested should be specifically itemised and quantified in the bid. A paragraph has been added along these lines.

It is considered that the changes made to the proposed Regional Price Preference policy as a result of the public submission are not significant. It is recommended that the amended Regional Price Preference Policy be adopted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr J Hamblin:

That:

1. The changes made to the proposed Regional Price Preference policy as a result of the public submission are not significant.
2. Council Policy F/FM/14 – Regional Price Preference, as follows:

‘OBJECTIVE:

To encourage the use of competitive local businesses in goods, services and works purchased or contracted on behalf of the Shire of Plantagenet.

POLICY:

1. Policy Statement

1.1 A price preference will apply to quotations of \$30,000.00 value or greater and all tenders invited by the Shire of Plantagenet, for the supply of goods and services and construction services, unless the Council resolves that this policy not apply to a particular quotation or tender.

1.2 The following levels of preference will be applied under this policy:

a) Goods or services up to a maximum price reduction of \$50,000.00:

10% to businesses located within the Prescribed Area.

b) Construction (building) services up to a maximum price reduction of \$50,000.00:

5% to businesses located within the Prescribed Area.

c) Goods or Services, including construction (building) services, up to a maximum price reduction of \$500,000.00, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council:

10% to businesses located within the Prescribed Area.

2. The levels of preference outlined in 1.2 above, will be applied as either a regional business preference or as a regional content preference, as follows:

2.1 Regional Business Preference

a) This preference enables businesses/contractors within local governments in the Prescribed Area to claim a price preference for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.

b) The price of the bids from the local businesses/contractors will be reduced (for evaluation purposes only), by the amounts set out in section 1.2 of this policy.

2.2 Regional Content Preference

- a) This preference provides an incentive for businesses/contractors outside the Prescribed Area to purchase goods, services and construction from within the Prescribed Area. The preference applies to the value of the goods, materials or services purchased from within the Prescribed Area and used in the Shire of Plantagenet and are referred to as 'Regional Content'. The preference percentages are as set out in section 1.2 of this policy.
- b) Travel and accommodation costs associated with sending staff or sub-contractors from outside the Prescribed Area to work on a regional contract, are not considered regional content and are not eligible for the 'Regional Content Preference'.
- c) Materials and labour items for which the Regional Content Preference is requested are to be specifically itemised and quantified in the tender / quotation;
- d) Businesses outside the Prescribed Area, who claim that they will use regional businesses (Regional Content) in the delivery of the contract outcomes, will be required, as part of the contract conditions, to demonstrate that they have actually used them. A penalty for non-compliance will be included in the contract conditions.

2.3 Businesses wishing to claim a price preference in Clause 2 must complete a preference questionnaire/response form that is distributed with each quotation of \$30,000.00 value or greater and which is also included in tender documentation. Eligible businesses within the Prescribed Area must clearly state their full business location and postal address.

3. Price is only one factor to be considered when assessing quotations and tender submissions. Consideration will also be given to the principles outlined in Council Policy F/FM/7 – Purchasing and Tendering.

4. Definitions

4.1 A 'Local Business/Contractor' must meet the following conditions:

- a) Be locally established and have two years' prior, direct experience in the business of the subject matter in the tender / quotation;
- b) Have a permanent office in the Prescribed Area for at least six months prior to bids being sought;
- c) Have permanent staff based in the Prescribed Area; and
- d) That bidding and management/delivery of the majority of the contract outcomes will be carried out from the business location in the Prescribed Area.

4.2 Prescribed Area: The local government areas of Albany, Broomehill-Tambellup, Cranbrook, Denmark, Kojonup, Plantagenet, Jerramungup, Gnowangerup and Manjimup.'

be adopted; and

3. Pursuant to Section 24F of the Local Government (Functions and General) Regulations 1996, Statewide public notice be given of the adoption of the Regional Price Preference Policy.

CARRIED (9/0)

NO. 197/16

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 CHRISTMAS CLOSURE 2016/2017

File Ref:	N39129
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Donna Fawcett Senior Administration/Human Resources Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to seek approval for the closure of Shire facilities between the Christmas/New Year period – December 2016/January 2017.

The facilities are:

- Shire Administration Office
- Shire Depot
- Mount Barker Library
- Mount Barker Swimming Pool
- The Rec. Centre
- O'Neill Road Waste Management Facility

BACKGROUND

The Council has authorised the closure of facilities for the period between Christmas and New Year for a number of years and this has not caused any community disquiet or inconvenience.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There is no additional cost to the Council, as Staff will utilise rostered days off (RDO), time in lieu or accrued annual leave entitlements.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The closure of specific Council facilities over the Christmas period is an opportunity for all members of staff to use the two days negotiated as holidays as part of the Shire of Plantagenet Enterprise Agreements. The Chief Executive Officer would

prefer that these holidays be taken between Christmas and New Year to minimise disruption to normal routine.

This year Christmas Day falls on a Sunday. The Council will be asked to close the Council's facilities from the close of business on Friday 23 December 2016, with normal business resuming on Tuesday 3 January 2017.

A skeleton staff will be working at the Shire Works Depot over the Christmas/New Year closure on the 'normal' working days that are not public holidays.

Emergency phone contacts will be available for all 'out of hours' emergencies.

Standard Department of Transport licence renewals can be conducted over the internet and also via B-Pay.

Closure days for the Administration Office, Depot and Library would be:

- Saturday 24 December 2016 (Library staff to take annual leave/time in lieu)
- Monday 26 December 2016 - Public Holiday (Boxing Day)
- Tuesday 27 December 2016 - Public Holiday (Additional Day)
- Wednesday 28 December 2016 - Local Government Day in Lieu
- Thursday 29 December 2016 - Local Government Day in Lieu
- Friday 30 December 2016 (majority of staff on RDO, remainder to take annual leave/time in lieu)
- Monday 2 January 2017 – Public Holiday (New Year's Day)

Closure days for The Rec. Centre would be:

- Monday 26 December 2016 to Monday 2 January 2017 (inclusive)

Closure day for the Swimming Pool would be:

- Sunday 25 December 2016

Closure day for the O'Neill Road Waste Management Facility would be:

- Sunday 25 December 2016

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. The Shire of Plantagenet's Administration Office, Depot and Mount Barker Public Library be closed from close of business on Friday 23 December 2016 with the resumption of normal services on Tuesday 3 January 2017.
2. The Rec. Centre be closed on Monday 26 December 2016 until Monday 2 January 2017 inclusive, with normal services resuming on Tuesday 3 January 2017.
3. The Mount Barker Swimming Pool be closed on Sunday 25 December 2016.
4. The O'Neill Waste Management Facility be closed on Sunday 25 December 2016.
5. The closures inclusive of public holidays be advertised locally.

CARRIED (9/0)

NO. 198/16

9.5.2 DESTINATION MARKETING STRATEGY - BRAND NAME

File Ref:	N39155
Attachment:	Consultant's Report (Separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to recommend the adoption of a preferred brand name as a major component of a Destination Marketing Strategy prepared on behalf of the City of Albany and the Shires of Denmark and Plantagenet as an integral component of the Shire's Economic Alliance with the City of Albany and the Shire of Denmark.

BACKGROUND

Before the Destination Marketing Strategy that has been prepared for the Economic Alliance can be adopted, the brand name integrated into the document will need to get support from the three member Councils.

At a meeting of the Alliance held in Albany on 18 August 2016, the Draft Destination Marketing Strategy was presented by the consultants. The suggested brand name and positioning statement were endorsed at that meeting.

The City of Albany and the Shire of Denmark have adopted the brand name 'The Amazing South Coast' and the positioning statement 'Worth Every Moment.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Significant consultation has occurred with the consultants meeting with both individuals and groups in Albany, Denmark and Plantagenet.

The CEO has also briefed the President of the Mount Barker Tourist Bureau Inc along with the Council's representative on the Tourist Bureau Cr O'Dea. Further, the CEO presented to Tourist Bureau Committee members on the evening of 28 September 2016.

FINANCIAL IMPLICATIONS

The consultants preparing the Destination Marketing Strategy were appointed by the City of Albany with the concurrence of the Shires of Denmark and Plantagenet with the costs being shared 65% (Albany) and 17.5% each for Denmark and Plantagenet.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.4 (A strong tourism region) the following Strategies:

Strategy 3.4.1

'Promote and support local and regional tourism initiatives.'

and

Strategy 3.4.2

'Provide infrastructure and services to support tourism'

The Shire of Plantagenet Corporate Business Plan 2014/2015 – 2018/2019 provides at:

Action 3.4.1.1 – *'Develop a regional tourism plan'*; and

Action 3.4.1.2 – *'Collaborate with tourism peak bodies to promote the region.'*

Further Strategy 3.5.4 (Support development of a Regional Economic Development Strategy) provides:

Action 3.5.4.1 – *'Liaise with neighbouring Councils and appropriate government departments on the development of a Regional Economic Development Strategy.'*

Accordingly, the recommendation incorporated in this report aligns with the Council's Corporate Business Plan and Strategic Community Plan.

REGIONAL IMPLICATIONS

The Economic Alliance of Albany, Denmark and Plantagenet is, for all intents and purposes a Voluntary Regional Organisation of Councils in the same way that the Southern Link VROC is a Voluntary Regional Organisation of Councils. The cooperation of the Alliance is based on a Memorandum of Understanding.

OFFICER COMMENT

Attached to this report is a copy of the consultant's report thus far. In order to finalise the report for the Alliance it is necessary for the three Councils to agree on a brand name.

At the Alliance meeting referred to above, that brand name agreed was 'The Amazing South Coast'. Each of those present, after some debate, considered that the 'Amazing South Coast' as a brand name captured the essence of why the target audience visits predominantly Albany and Denmark while travelling through Mount Barker to get to those destinations. The brand also provides the opportunity for places such as Mount Barker to separately market along the lines of 'Mount Barker: Gateway to the Amazing South Coast'.

The positioning statement 'Worth Every Moment' attempts to communicate that time spent in the area will be time well spent. Feedback from individuals and focus groups indicated that 'value for money' was an essential criterion for visitors.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M O'Dea:

That:

- 1. With regard to the ongoing development of the Economic Alliance Destination Marketing Strategy, the brand name 'The Amazing South Coast' and the positioning statement 'Worth Every Moment' be endorsed.**
- 2. The City of Albany and the Shire of Denmark be advised of part one above.**

CARRIED (9/0)

NO. 199/16

9.5.3 LEASE RENEWAL - MITCHELL HOUSE - PLANTAGENET ARTS COUNCIL

Cr M O'Dea

Type: Code of Conduct Disclosure (S5.103 LGS/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Treasurer of Plantagenet Arts Council.
Extent: Member and Treasurer of Plantagenet Arts Council

File Ref: N39121
Attachments: [Draft Lease - October 2016.](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Donna Fawcett
Senior Administration/Human Resources Officer
Proposed Meeting Date: 11 October 2016

PURPOSE

The purpose of this report is to recommend the renewal of the lease agreement with The Plantagenet Arts Council Incorporated (The Arts Council) for Mitchell House, situated at Lot 10 Albany Highway, Mount Barker.

BACKGROUND

The Arts Council has occupied the Council owned building at Lot 10 Albany Highway Mount Barker, known as Mitchell House, since 1986.

The premises were initially occupied at an annual rental of \$500.00 for the first two years which was subsequently increased to \$1,000.00 per annum thereafter.

This agreement continued through an exchange of letters between The Arts Council and the Shire until a formal lease agreement was entered into in 2011.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 applies to the disposition of property, including leasing. Under the Local Government (Functions and General) Regulations a disposition of land is an exempt disposition and is excluded from the application of Section 3.58, if:

'the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and members of which are not enlisted or permitted to receive a pecuniary profit from the body's transactions.'

As such, the lease to the Arts Council would be an exempt disposition.

FINANCIAL IMPLICATIONS

Rental received from the Arts Council is \$1,215.00 per annum. The lease renewal proposes that this amount stay the same.

The Council made a \$1,000.00 financial assistance grant in the current budget.

The Arts Council covers all electricity, gas, rubbish and other service charges.

POLICY IMPLICATIONS

Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land - Rateability provides that an organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.

Under the Policy, The Arts Council falls into the category of Other Service Organisations/Sporting Clubs. Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. Rates levied on the property for the 2016/2017 financial year are \$1,010.30.

This matter will need to be formally decided by the Council prior to the lease being renewed.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy:

Strategy 1.8.3:

‘Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

Further, the Key performance indicator (KPI) is *‘No. of cultural, arts and learning opportunities available to the people of Plantagenet.’*

By supporting the renewal of the lease agreement the KPI will be met.

OFFICER COMMENT

Although minimal rent is received by the Council for the lease of the premises and structural maintenance is ongoing, The Arts Council provides a valuable community service by providing arts facilities and cultural activities to the community.

By leasing the premises, The Arts Council also contributes to the upkeep of the building which is listed in the Council’s Municipal Heritage Inventory.

The current lease provides an option for the Lessee to extend the term for a further five years and it is recommended that the lease be renewed under the same terms and conditions of the existing lease agreement.

Further, it will be recommended that pursuant to Policy A/PA/14 the rate subsidy be set at 100% due to the level of community benefit provided by the Arts Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease agreement for Lot 10 Albany Highway Mount Barker to the Plantagenet Arts Council Incorporated under the following terms and conditions:**
 - a) **Rental to be set at \$1,250.00 per annum;**
 - b) **The term of the lease to be five years;**
 - c) **The Lessee be permitted to hire the building for community purposes; and**
 - d) **The Lessee will be responsible for public liability insurance, contents insurance, minor building and garden maintenance and all service charges.**
2. **For the term of the lease referred to in part one above, the Shire shall be responsible for 100% of land rates levied under the Local Government Act 1995 and the Emergency Services Levy under the Fire and Emergency Services Act 1998.**

CARRIED (9/0)

NO. 200/16

**9.5.4 POLICY ADOPTION - BALL SPORTS AND EQUINE ACTIVITIES -
SOUNNESS AND FROST PARKS**

File Ref:	N39164
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	11 October 2016

PURPOSE

The purpose of this report is to recommend the adoption of Policy CS/SC/3 – Ball Sports and Equine Activities – Sounness and Frost Parks.

BACKGROUND

In 2008 the Shire of Plantagenet's Strategic Sport and Recreation Needs Analysis was compiled. In 2009 the Council adopted Sport and Recreation Precinct Development Plans for Frost and Sounness Parks and further in 2013 the Sounness Park Community Recreation Development Needs Analysis was completed.

These investigations and precinct plans assisted the direction of the Council with regard initially for the implementation of timelines and a schedule of funding sources for the Sounness Park Redevelopment Project which was commenced and is now completed.

At its meeting held on 13 September 2016 the Council resolved:

'That:

- 1. The synthetic cricket wicket at Frost Park remain in place and be maintained to the same level as the rest of the Frost Park playing surfaces.*
- 2. The Mount Barker Cricket Club be advised of this decision and of the maintenance standard employed for this playing surface.*
- 3. That Frost Park be used for cricket as a last resort as Sounness Park is the preferred venue for cricket in Mount Barker;*
- 4. It is the position of the Council that Frost Park should be used primarily for equine activities rather than ball sports; and*
- 5. This decision be reviewed prior to the Council Meeting in October of 2018.'*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Significant external consultation has occurred with sporting groups in the re-development of Sounness Park and with the Frost Park User Group members as well as the general community consultation when developing precinct plans.

FINANCIAL IMPLICATIONS

There are no financial implications for this report. However, if the Council believes ball sports may be played on Frost Park, significant budget reallocations will be necessary.

POLICY IMPLICATIONS

This draft policy is presented to the Council as part of its policy development.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.3:

'Develop Sounness Park as the primary ball sports facility in the District'

Further, Strategy 1.5.4:

'Promote the development of Frost Park as a major equine centre in the Great Southern Region.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes the following Actions:

1.5.3.1:

'Progress the design and construction of Stage 1 of the redevelopment of Sounness Park';

1.5.3.2:

'Progress and source funding opportunities for Stages 2 and 3 of the redevelopment of Sounness Park';

1.5.4.1:

'Work in conjunction with the Mount Barker Turf club and Frost Park User Group to prepare a capital development plan and explore potential management/lease options'; and

1.5.4.2:

'Lobby RWWA for financial assistance for racecourse developments.'

OFFICER COMMENT

The adoption of this policy is recommended to formalise the intent and direction of the Council with regard to the primary usage of Sounness and Frost Parks.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That new Policy CS/SC/3 – Ball Sports and Equine Activities – Sounness and Frost Parks:

‘OBJECTIVE

To demonstrate the Council’s intent and direction with regard to the usage of ovals/parks for ball sports and equine activities in Mount Barker.

POLICY

The Council will regard the primary activity at:

1. Sounness Park as ball sports, including but not limited to, cricket, football, soccer and hockey.
2. Frost Park as equine, including but not limited to, horse racing, campdrafting and riding for the disabled.’

be adopted.

CARRIED (9/0)

NO. 201/16

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 REVOCATION – RESOLUTION NO. 168/16 – STAFF ESTABLISHMENT – ADDITION OF A TURF APPRENTICE**

Cr Jeff Moir gave previous notice of his intention to move the following motion pursuant to Clause 3.7 of Standing Orders Cr Brett Bell and Cr Chris Pavlovich had also indicated their support of the revocation motion:

Moved Cr J Moir, seconded Cr B Bell:

That:

Resolution No. 168/16, at the Council Meeting held on 13 September 2016 as follows:

- 1. The attached Organisation Staff Establishment Chart showing the addition of a Turf Management Apprentice (1.0 FTE) be adopted.**
- 2. The total of the Staff Establishment Funded Positions be set at 62.9 FTE.**
- 3. The attached changes to the draft Memorandum of Understanding between the Mount Barker Turf Club, Mount Barker Cricket Club and the Shire of Plantagenet be noted.**
- 4. That a further report be presented to the Council relating to the Frost Park User Group Memorandum of Understanding no later than the meeting to be held on 11 October 2016.**

be revoked.

LOST (3/6)

Cr Bell requested his name be recorded as opposed to the motion.

10.2 FROST PARK RACE TRACK

This item was not considered as Cr Moir had advised that it would only be put if the previous notice of motion was carried.

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:30pm The Presiding Member declared the meeting closed.

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