



ORDINARY MINUTES

DATE: Tuesday, 16 August 2016

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 146/16 to 166/16

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm 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 J Hamblin	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor (Left the Chambers at 3:08pm, returned 3:09pm)
Cr C Pavlovich	Councillor (Left the Chambers at 3:07pm, returned 3:08pm)

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:

Cr S Etherington

Leave of Absence

Cr B Bell

Members of the Public Present:

Six members of the public were present.

Previously Approved Leave of Absence:

Cr B Bell – 28 July to 19 September 2016

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

4.1 TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 68 – FORMER CHEESE FACTORY AT LOT 462 MITCHELL STREET, MOUNT BARKER.

Delma Baesjou, Ayton Baesjou Planning spoke on behalf of the Applicant and in support of the Officer's Recommendation at Item 9.1.3.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Item: 9.1.1

Type: Proximity (Section 5.60 (B) LGA)

Nature: Neighbour of applicant

Extent: Not required

Cr J Oldfield

Item: 9.1.3

Type: Financial/Indirect Financial interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Part owner of Lot 462 Mitchell St Mount Barker.

Extent: Not required

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr J Hamblin requested leave of Absence for 13 September 2016.

Moved Cr M O'Dea, seconded Cr L Handasyde:**That Cr J Hamblin be granted Leave of Absence for 13 September 2016.****CARRIED (7/0)****NO. 146/16****7 CONFIRMATION OF MINUTES****Moved Cr L Handasyde, seconded Cr J Oldfield:****That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 19 July 2016 as circulated, be taken as read and adopted as a correct record.****CARRIED (7/0)****NO. 147/16****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 LOT 283 BRAIDWOOD ROAD, MOUNT BARKER - GULLY DAM

Cr C Pavlovich

Type: Proximity (Section 5.60 (B) LGA)

Nature: Neighbour of applicant

Extent: Not required

3:07pm Cr C Pavlovich withdrew from the meeting.

File Ref: N38514

Attachments: [Location Plan](#)
[Site Plan](#)
[Gully Dam Section](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 16 August 2016

Applicant: Selvan Lingham

PURPOSE

The purpose of this report is to consider an application for a gully dam at Lot 283 Braidwood Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 283 Braidwood Road is SR Lingham.

Lot 283 Braidwood Road is located in the Rural Residential No. 1 zone under the Shire of Plantagenet Town Planning Scheme No. 3 and as such the Council is required to determine the application.

The gully dam was constructed for the landowner by Alistair McNabb who has an understanding of dam construction. The landowner submitted a Planning Consent (PC) application for the construction of the gully dam, however, the application was incomplete. The Council on 16 May 2016 received new information on the application for PC, the subject of this report.

The reason provided by the proponent for the gully dam is for irrigation of his garden, vegetable garden and native revegetation program. The proponent has at present planted over 50 species of native plants and intends to add over 200 more plants. In addition, the gully dam will be available as a water source should local bushfire brigades require water for fire-fighting purposes.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 deemed provisions.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Rural Residential Zone No. 1.

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development. That power may only be exercised by the Council if it is satisfied that:

- ‘(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be departed thereby.’*

Schedule 5, Rural Residential No. 1 Zone – Special Provisions include:

- ‘6.3 Council approval is required for dams and they shall be sited and constructed so that they do not represent a threat to housing or development downstream or create an adverse visual impact.’*

EXTERNAL CONSULTATION

Consultation consisted of a letter to the Department of Water (DOW) for comment for a 42 day period closing on 8 July 2016.

The DOW submission identifies the dam not to be on a watercourse pursuant to the Rights in Water and Irrigation (RIWI) Act 1914 but the waterline origin and type to be a man-made drain. Pursuant to the RIWI Act 1914 the DOW only has regulatory powers to act when dams are constructed on a watercourse.

The DOW made no further comment to the gully dam proposal.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

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 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following Strategy:

Strategy 2.2.2:

‘Ensure quality, consistent and responsive development and building assessment approval processes and enforcement’

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

Further, the Council’s Corporate Plan, Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.2 *‘Appropriate development which is diverse in nature and protects local heritage’*. The Key Performance Indicator (KPI) is *‘Percentage of Council planning decisions in line with the Planning Vision’*.

By supporting the officer recommendation the KPI will be met.

OFFICER COMMENT

Lot 283 Braidwood Road is 2.23ha in area and located in the Rural Residential zone. Prior to the construction of the gully dam the development at the site consisted of one house, one outbuilding, two rainwater tanks and one soak. Current development at the site involves the addition of the gully dam.

The gully dam location is setback 5m from the street boundary with Braidwood Road to the east. The dam wall is constructed of white clay pushed up from the site and is dressed with top soil allowing for planting of native plants and kikuyu grass to reduce its visual impact.

The dam wall is 90m in length, 12m in width at the base, 3m in width at the crest and 2.5m in height. The gully dam reaches a depth of 4m at its deepest point, covers an area of 400m² at its maximum supply level and has a maximum capacity of 4500m³.

The dam wall construction includes a 4m spillway located at the south end of the dam wall. The spillway drains overflow water in the direction of the Braidwood Road road reserve and the water then drains under the road surface by way of two culverts onto Lot 502 Braidwood Road to the east. The spillway construction is adequate to manage the volume of overflow water and will be monitored at times of heavy rain fall to ensure there is no erosion to undermine the integrity of the dam wall.

The gully dam is not considered to represent a threat to housing or development downstream nor have any significant adverse effect on the amenity of the locality or neighbouring properties.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Oldfield:

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for a gully dam at Lot 283 Braidwood Road, Mount Barker be approved subject to the development being in accordance with the plans dated 16 May 2016.

CARRIED (6/0)

NO. 148/16

3:08pm Cr C Pavlovich returned to the meeting.

9.1.2 LOT 355 RED GUM PASS ROAD, KENDENUP - GALLERY/RESTAURANT AND BED AND BREAKFAST

File Ref:	N38526
Attachments:	<u>Location Plan</u> <u>Site Plan</u> <u>Ground Floor Plan</u> <u>Top Floor Plan</u> <u>Elevation</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	16 August 2016
Applicant:	John and Gaye Robinson

PURPOSE

The purpose of this report is to consider an application for 'Gallery/Restaurant' and 'Bed and Breakfast' at Lot 355 Red Gum Pass Road, Kendenup.

BACKGROUND

Council records show the registered owners are G and J Robinson.

The Council at its meeting held on 17 September 2013 resolved at Resolution No. 214/13:

'That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for cellar sales at Lot 355 Red Gum Pass Road, Kendenup subject to the development being in accordance with the plans dated 28 June 2013.'

Advice Notes

- 1. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including WA Food Act 2008.*
- 2. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including the Building Code of Australia.'*

The vineyard was established in 1997 and the first vintage from the vineyard was in 2005 coinciding with the granting of the producer's liquor licence. Arcadia Wines are currently only sold to retail outlets within Western Australia and on site.

The proponents are seeking approval for a gallery/restaurant and bed and breakfast accommodation within the existing residence. The proposal involves the display and sale of materials of an artistic, cultural or historical nature in conjunction with a restaurant and the existing cellar sales use. The proposal further involves the use of two bedrooms on the top floor of the existing house for bed and breakfast accommodation.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 deemed provisions

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

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development. That power may only be exercised by the Council if it is satisfied that:

- ‘(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be departed thereby.’*

Schedule 1, Interpretations state:

‘Gallery/Restaurant - means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and the manufacture, creation of art or craft pieces together with the incorporation of a restaurant for the sale of food and beverages in conjunction with the operation of the centre’

And

‘bed and breakfast: - means the use of a maximum of 2 bedrooms of a single house to accommodate up to six (6) persons away from their normal place of residence on a short-term commercial basis and may include the provision of breakfast’

Both the gallery/restaurant and bed and breakfast uses are discretionary ‘SA’ uses in the Rural zone under TPS3 meaning that the Council may, at its discretion, permit the uses after the proposal has been advertised for comment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

The proponent has no intention to manufacture or create art or craft pieces.

Health (Food Hygiene) Regulations 1993 - requires all food premises and food vehicles be classified by local government prior to operation.

Food Regulations 2009 – provides a strong regulatory framework with a focus on food safety outcomes that can be applied generally to all food business activities.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for public comment for the minimum 14 day period ending on 8 July 2016. Advertising

included letters to four adjoining landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

Further advertising included a letter to the Department of Agriculture and Food WA (DAFWA) for objections and recommendations a 42 day period closing on 3 August 2016.

No response was received from DAFWA and no adverse comments were received from the neighbours.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

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 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.2 (A strong and diverse economic base) the following Strategy:

Strategy 3.2.1

'Identify and attract value adding and compatible new industries to the region.'

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

Further, the Council's Corporate Plan, Goal 2 - Enhanced Natural and Built Environment notes an outcome of 2.2 *'Appropriate development which is diverse in nature and protects local heritage'* and Goal 3 - Prosperous and sustainable local economy notes an outcome of 3.2 *'A strong and diverse economic base'*. The Key Performance Indicator (KPI) is *'Percentage of Council planning decisions in line with the Planning Vision'*

By supporting the officer recommendation the KPI will be met.

OFFICER COMMENT

The subject land is located approximately 2km east of the Kendenup Townsite on Red Gum Pass Road.

The 30.8ha property is rectangular in shape and is located in the Rural zone. The proposed restaurant area will include the existing 54m² decked patio area and enclosed 45m² verandah area at the house. The existing house kitchen will be upgraded to conform to the requirements set in the Food Regulations 2009.

The gallery area will involve the display and sale of art in the enclosed verandah area. Local artworks produced by the Kendenup Artisan Circle and Mount Barker resident Barry Mackie will be displayed.

The bed and breakfast accommodation will involve the use of the top floor area of the existing house. This top floor area contains two bedrooms with en-suite bathroom facilities. Meals will be prepared in the soon to be upgraded existing kitchen. The bed and breakfast establishment will be operated by the residents of the house.

The proposed gallery/restaurant and bed and breakfast uses are not likely to adversely effect the landscape, rural character or amenity of the area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed gallery/restaurant and bed and breakfast uses at Lot 355 Red Gum Pass Road, Kendenup be approved subject to the development being in accordance with the plans dated 13 June 2016.

Advice Notes

1. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including WA Food Act 2008.
2. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including the Building Code of Australia.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

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

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed gallery/restaurant and bed and breakfast uses at Lot 355 Red Gum Pass Road, Kendenup be approved subject to the development being in accordance with the plans dated 13 June 2016.

Advice Notes

1. **The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including WA Food Act 2008.**

2. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including the Building Code of Australia.
3. The proponent is advised this site is in a Rural area and as such may be subject to rural activities in the locality.

CARRIED (7/0)

NO. 149/16

Reason for Change

Councillors believed that a further advice note was warranted as the land was in a rural area.

9.1.3 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 68 - FORMER CHEESE FACTORY AT LOT 462 MITCHELL STREET, MOUNT BARKERCr J Oldfield

Type: Financial/Indirect Financial interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Part owner of Lot 462 Mitchell St Mount Barker.

Extent: Not required

3:08pm Cr J Oldfield withdrew from the meeting.

File Ref: **N38419**

Attachments: [Location Plan](#)
[Site Plan](#)
[Details of Additional Uses](#)
[Possible Site Concept Plan](#)
[Amendment No. 68 \(separate attachment\)](#)

Responsible Officer: **Rob Stewart**
Chief Executive Officer

Author: **Peter Duncan**
Manager Development Services

Proposed Meeting Date: **16 August 2016**

Applicant: **Ayton Baesjou Planning**

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to include Lot 462 Mitchell Street in the Additional Use Schedule 2 to allow a range of tourist related uses.

BACKGROUND

Lot 462 Mitchell Street is occupied by a vacant factory and outbuildings, a workshop to the rear of the factory and a single house to the north east. The factory was originally used as a cheese factory and more recently the site was used by a rural business servicing the tree plantation industry. The workshop to the rear is occupied by a steel fabricator carrying out welding.

The building commonly known as the old cheese factory is not contained in Schedule 11 (Places of Heritage Value) in Town Planning Scheme No. 3 or in the Municipal Heritage Inventory.

The proponents proposing the tourist related activities on this site have submitted an offer to purchase the site subject to this proposed Amendment progressing.

Essentially this Amendment will still leave the land zoned Industrial but by including the site in Schedule 2 (Additional Uses), it will allow a range of additional uses listed to be carried out on site.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 – Division 3 has set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 60 days of the close of formal advertising and refer its recommendations to the Western Australian Planning Commission (WAPC) and the Minister within 21 days.

EXTERNAL CONSULTATION

The Amendment will need to be advertised for 42 days with letters to affected landowners and various government agencies, newspaper notices, a notice on the Council's Notice board, a sign on site and a notice on the Council's website.

FINANCIAL IMPLICATIONS

The Council fee of \$4,840.00 (inc GST) has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy 18.1 (Planning Vision) and the Local Planning Strategy – this subject Lot 462 Mitchell Street is shown as being rezoned from Industrial to Residential. This proposed Amendment will retain the Industrial zoning but lead to a use being established which is more in keeping with the long term residential concept.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2: (Appropriate development which is diverse in nature and protect local heritage) the following strategies:

Strategy 2.2.1 - 'Provide supportive planning and development guidance and liaison on major land developments; and

Strategy 2.2.5 – 'Encourage industry, business and residential development that is consistent with the individual character of towns'

OFFICER COMMENT

Councillors have been provided with a full copy of the Amendment with the Agenda papers.

The Amendment will include Lot 462 Mitchell Street within Schedule 2 (Additional Uses) and a range of tourist related uses will then be able to be established within the existing factory building and on the undeveloped parts of the site. The uses proposed include activities such as a café, art and craft studio/gallery/workshop, cottage industry, markets, retail, plant nursery and a petting zoo.

Details of the proposed activities provided by the proponents are attached.

The Amendment also contains a list of development standards/conditions that will need to be addressed as part of any subsequent planning consent application.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. In the opinion of the Council this proposed Amendment No. 68 to Town Planning Scheme No. 3 is a 'standard' Amendment as it involves the Additional Use Classification for a property earmarked for change in the Council's Local Planning Strategy and its Planning Vision (Town Planning Scheme Policy No. 18.1).
2. Amendment No. 68 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.
3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 11 October 2016.

CARRIED (6/0)

NO. 150/16

3:09pm Cr J Oldfield returned to the meeting.

9.2 WORKS AND SERVICES REPORTS

9.2.1 WASTE AND RECYCLE CONFERENCE 2016

File Ref:	N38565
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to recommend Councillor representation at the Waste and Recycle Conference 2016. This event is scheduled to be held at the Esplanade Hotel in Fremantle from 14 to 16 September 2016.

BACKGROUND

The Council, at its meeting held on 18 August 2015, resolved:

'That no Plantagenet representative be authorised to attend the 2015 Waste and Recycle Conference in Fremantle from 9 to 11 September 2015.'

FINANCIAL IMPLICATIONS

A number of conference attendance packages are available which include on-site tours of various waste facilities in the Perth metropolitan area. The cost of early registration for the three day Conference which includes access to all sessions on both days is \$1,300.00.

Accommodation, transport and meal costs for attendance at the three day Conference will be in the vicinity of \$1,700.00 with costs being charged to account Members of Council, Councillor Conferences, Training and Accommodation.

POLICY IMPLICATIONS

Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed, states that elected members can receive reimbursement of expenses whilst attending, 'Conferences and training sessions specifically authorised by the Council'.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.1 (Effective governance and leadership) the following:

Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

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

OFFICER COMMENT

Hosted by the Department of Environmental Regulation (DER), Waste Management Association of Australia (WMAA) and Western Australia Local Government Association (WALGA), the Waste and Recycle Conference is an annual event.

This year's theme for the Conference is 'Less is more'. Key note speakers, workshops and guided tours provide an opportunity for attendees to learn more about waste and recycling issues. Workshops and tours offered at the conference include topics such as managing kerbside waste systems, accessing funding, tip shops and rural landfills.

The Council did not approve any elected representatives to attend the Conference in 2015. The Chief Executive Officer (CEO) expressed concern that the ideas presented at the conference were more applicable to large populations (technology and efficiencies) and that Plantagenet's waste disposal operations would continue to evolve around landfill and recycling.

Waste planning by the Shire has changed direction in 2016. Recent discussions with neighbouring Shires indicate the possibility of the formation of a regional waste management strategy. The Shires of Plantagenet and Denmark and the City of Albany are in the process of drafting a Memorandum of Understanding (MOU) to formalise waste planning in the region. The CEO is recommending that any such MOU be incorporated into Alliance documentation and direction.

It is therefore recommended that a Councillor attend the 2016 Waste and Recycle Conference. The Manager Works and Services has discussed the Conference with Cr O'Dea who has expressed interest in attending.

It is intended the Chief Executive Officer (with appropriate approval) and the Environmental Administration Officer will attend the Conference.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Authority be granted for Cr Marie O'Dea to attend the 2016 Waste and Recycling Conference in Fremantle from 14 to 16 September 2016.
2. All costs including accommodation, transport, meals and registration costs be met from account Members of Council – Councillor Conferences Training and Accommodation pursuant to Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr C Pavlovich:

That:

1. **Authority be granted for Cr Marie O'Dea and Cr Jeff Moir to attend the 2016 Waste and Recycling Conference in Fremantle from 14 to 16 September 2016.**
2. **All costs including accommodation, transport, meals and registration costs be met from account Members of Council – Councillor**

**Conferences Training and Accommodation pursuant to Council Policy
CE/CS/1 – Elected Members Expenses to be Reimbursed.**

CARRIED (7/0)

NO. 151/16

Reason for Change

Cr Moir advised of his interest in attending the Conference.

9.3 COMMUNITY SERVICES REPORTS

9.3.1 LOT 250 MEMORIAL ROAD MOUNT BARKER - PLANTAGENET DISTRICT HALL REFURBISHMENT - STAGE ONE

File Ref:	N38669
Attachment	Plans for the Plantagenet District Hall Refurbishment Project – August 2016
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Fiona Saurin Manager Community Services
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to recommend to the Council that alternative plans for Stage One of the Plantagenet District Hall Refurbishment Project be endorsed.

BACKGROUND

A report submitted to the Council at its meeting held 25 June 2013 identified a proposal from Plantagenet Players to lease and refurbish the Plantagenet District Hall. At that meeting, the Council resolved:

‘The concept plans for the refurbishment of the Plantagenet District Hall dated May 2013, be noted.’

Following this decision, applications were made to Lotterywest for funding for Stage One of the project. Tenders were called in March 2016 to undertake the refurbishment. However, tenders received were in excess of the available funds.

Therefore, at its meeting held 24 May 2016, the Council resolved:

‘That with regard to the Tender C04-1516 Refurbishment of District Hall:

- 1. No tender be accepted; and*
- 2. No further tender process be conducted.’*

A request was made to prepare alternative plans to reduce the cost of the project.

At its meeting held on 19 July 2016, the Council adjourned a report to approve plans for the Plantagenet District Hall to enable it could consider further options for the refurbishment of facility.

A workshop and site visit was held on 9 August 2016 to provide additional information to Councillors.

STATUTORY ENVIRONMENT

In regard to the Council managing the project and acting as the builder by engaging contractors, the Building Commission has confirmed that the Council is exempt from registration.

EXTERNAL CONSULTATION

External Consultation has taken place with Plantagenet Players, Plantagenet Arts Council and the Mount Barker Returned and Services League as the major users of the hall.

FINANCIAL IMPLICATIONS

The total budget for Stage One of the Plantagenet District Hall Refurbishment Project is \$275,575.00 (excluding GST). Funding has been confirmed from the following:

- Lotterywest \$212,000.00;
- Plantagenet Players \$40,000.00;
- Shire of Plantagenet \$10,000.00 – Financial; and
- Shire of Plantagenet \$13,575.00 – In kind.

The cost of the construction in line with the alternative plans will be achieved within this budget.

POLICY IMPLICATIONS

The Council's Policy A/PA/14- Sporting and Community Organisations - 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.

On completion of Stage One of the hall refurbishment, Plantagenet Players will be entering into a lease agreement with the Shire. It is expected that the rates levied on the District Hall would be subject to a 100% waiver due to the public service component on behalf of the Shire. This matter will need to be formally decided by the Council when the lease is being considered.

ASSET MANAGEMENT IMPLICATIONS

The Shire of Plantagenet is the owner of the Plantagenet District Hall. The intention is to lease the building to the Plantagenet Players.

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 intended for the refurbishment to be completed in three stages. The plans being considered are for stage one which includes the construction of a new stage and

improvements to the back stage area. The upgrade of toilets to include all ability access toilets for performers and patrons is included in this stage. Also included in this stage is a 'bio box' which provides a dedicated area for the control of sound and lighting equipment.

It is proposed that air conditioning is included in stage one to enhance the 'useability' of the hall for all users. The south entrance will be upgraded to provide suitable access for people with a disability.

Funding for stage two has been sought from the Department of Culture and the Arts, Regional Venues Improvement Fund. Stage Two will include fixed stage equipment, acoustic wall treatments and retractable tiered seating. There is also the option to include repainting of the hall in stage two, should additional funding become available.

Funding for stage three has been sought by the Plantagenet Players for technical audio and lighting equipment.

A proposed western entrance could also be added as stage four, should appropriate funding be secured. However, it is the opinion of the author that the priority for the refurbishment is to make the facility more user friendly and comfortable for patrons in the first instance.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr J Hamblin:

That the Plantagenet District Hall Refurbishment Project Stage One Plan, dated August 2016, be endorsed.

CARRIED (7/0)

NO. 152/16

9.3.2 GARDEN REFUSE - PERMITS TO BURN DURING LIMITED BURNING TIMES

File Ref:	N38485
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Fiona Saurin Manager Community Services
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to recommend that an additional restriction be imposed for the burning of garden refuse through the limited (prohibited and restricted) burning times. This will require any landholder wishing to burn garden refuse during limited burning times to acquire a permit to burn from the local brigade.

BACKGROUND

The Bush Fire Advisory Committee (BFAC) Executive, comprising of two Councillor representatives, the Manager of Community Services, Chief Bush Fire Control Officer (CBFCO), the two Deputy CBFCOs and the Fire Weather Officer met to discuss the Bush Fires Act in relation to permits to burn.

A concern was raised that landholders are legally allowed to burn garden refuse in limited burning times as long as they meet all the conditions set out in the Bush Fires Act 1954.'

Similar conditions are applied to burning garden refuse on the ground and in an incinerator. However, the conditions for burning garden refuse in an incinerator have reduced clearance of inflammable material and no specified times for burning.

The burning of garden refuse has a definition under Section 24C of the Bush Fires Act.

'burn garden refuse means light or use a fire in the open air for the purpose of destroying garden refuse or rubbish or for any like purpose'

Through this discussion, and a subsequent discussion with the Volunteer Fire and Rescue Service (VFRS) brigade, the consensus was that controls on the burning of garden refuse in the limited burning times would improve public safety.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 Section 24(G) provides for Local Governments to impose additional restrictions on the burning of garden refuse -

'A local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.'

Section 24F provides: ***Burning garden refuse during limited burning times***

- (1) *A person must not burn garden refuse at a place (other than a rubbish tip) during the limited burning times for that place unless it is burned —*
-

- (a) *in an incinerator in accordance with subsection (2); or*
 - (b) *on the ground in accordance with subsection (3).*
- Penalty: \$3 000.*
- (2) *Garden refuse burned in an incinerator is burned in accordance with this subsection if —*
- (a) *the incinerator is designed and constructed so as to prevent the escape of sparks or burning material; and*
 - (b) *either —*
 - (i) *the incinerator is situated 2 m or more away from any building or fence; or*
 - (ii) *if the incinerator is within 2 m of a building or fence, the local government has given written permission for the incinerator to be used;*
- and*
- (c) *there is no inflammable material within 2 m of the incinerator while it is in use; and*
 - (d) *at least one person is present at the site of the fire at all times until it is completely extinguished; and*
 - (e) *when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.*
- (3) *Garden refuse burned on the ground is burned in accordance with this subsection if —*
- (a) *there is no inflammable material (other than that being burned) within 5 m of the fire at any time while the fire is burning; and*
 - (b) *the fire is lit between 6 p.m. and 11 p.m. and is completely extinguished before midnight on the same day; and*
 - (c) *at least one person is present at the site of the fire at all times until it is completely extinguished; and*
 - (d) *when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.*
- (4) *A local government must not give permission under subsection (2)(b)(ii) unless it is satisfied that the use of the incinerator is not likely to create a fire hazard.'*

The term '*limited burning times*', as it relates to this section of the *Bush Fires Act 1954*, means the prohibited and restricted burning period.

EXTERNAL CONSULTATION

The Bush Fire Advisory Committee (BFAC) Executive has discussed this issue. It agreed that an additional requirement to acquire a permit to burn would improve community safety.

Discussions have also taken place with the Captain of the VFRS Brigade which services the Mount Barker townsite. The VFRS also agrees imposing the

requirement for a permit to burn would enable it to control any burning of garden refuse in limited burning times, reducing unnecessary callouts of their volunteers.

FINANCIAL IMPLICATIONS

Advertising of this restriction will be required in the Government Gazette and the Albany Advertiser. The total cost of advertising in both publications is estimated at \$500.00.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 1.9.3:

'Promote and support planning and activities that encourage a safe and responsible community.'

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

OFFICER COMMENT

There is no current requirement for a permit to be sought to burn garden refuse in restricted and prohibited burning times. However, most residents would not be aware of this and therefore burning of garden refuse does not occur often during limited burning times.

Should a resident wish to burn garden refuse during, say, the prohibited burning period, there is currently no mechanism to stop that resident from doing so, albeit with conditions. The definition of what can be burned is also very broad under the Act. This could result in a very large fire close to other dwellings.

Therefore to safeguard the community and ensure the brigades are aware of any garden refuse fires, the requirement to gain a permit to burn is a prudent measure. The permit system allows Fire Control Officers to place extra conditions on the burning of garden refuse, or alternatively, not issue a permit at all if the risk to other properties is considered too high.

The penalty for burning contrary to a prohibition or restriction imposed under Section 24 of the Bush Fires Act 1954 is \$3,000.00.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. Pursuant to Section 24(G) of the Bush Fires Act 1954, the burning of garden refuse in limited burning times within the Shire of Plantagenet be subject to a permit to burn being issued by an authorised officer.
2. The restriction referred to in (1) above be publicised in the Government Gazette and a newspaper distributed in the district.

CARRIED (6/1)

NO. 153/16

9.3.3 POLICY REVIEW - RS/EF/1 - USE OF A CIRCUS VENUE

File Ref:	N38560
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Fiona Saurin Manager Community Services
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to review Council Policy RS/EF/1 – Use of a Circus Venue and recommend that this policy be endorsed.

BACKGROUND

The policy provides guidelines on the appropriate venue for a circus and conditions that must be met to permit a circus to be held.

The policy was adopted in May 2003 and last reviewed in March 2014.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.54(1) provides for a Local Government to manage and control land that is vested in it under the Land Administration Act 1997.

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 last circus to be held in Mount Barker was in November 2012 at Sounness Park. The circus asked for a change of venue from Frost Park as Sounness Park was more central and visible. At that time, the Sounness Park Development had not commenced and no sport was being played at that location. Accordingly, the use of Sounness Park was endorsed.

This policy is appropriate as Sounness Park has since been redeveloped and Frost Park remains the most suitable venue for a circus.

The level of Public Liability Insurance is also appropriate by current standards.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy RS/EF/1 – Use of a Circus Venue, as follows:

'OBJECTIVE

To provide guidelines on the appropriate venue for a circus in Mount Barker.

POLICY

The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Park for such purposes subject to:

1. All normal charges and bonds being paid in advance.
2. Evidence of a Public Liability Insurance Cover to the sum of \$20 million being sighted to the satisfaction of the Chief Executive Officer.
3. The circus performance not clashing with any other scheduled event at Frost Park.
4. Consultation with Shire staff to locate reticulation, power and/or drainage structures at the site prior to anything being hammered or dug into the ground.
5. Any damage to Frost Park being repaired by the circus operators at their expense.
6. Circus organisers obtaining all necessary permits and approvals prior to the event.'

be endorsed.

CARRIED (7/0)

NO. 154/16

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS - JULY 2016

File Ref:	N38227
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 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 M O'Dea, seconded Cr J Moir:

That the Financial Statement for the period ending 31 July 2016 be received.

CARRIED (7/0)

NO. 155/16

9.4.2 LIST OF ACCOUNTS – JULY 2016

File Ref:	N38603
Attachment:	July 2016
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 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 (23 June 2015). 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 J Oldfield, seconded Cr C Pavlovich:

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 31 July 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 \$1,436,840.78;
2. Municipal Cheques 45676 – 45680, 45682 – 45686 and 45688 - 45690 totalling \$146,287.67; and
3. Cancelled Cheques 45681 and 45687.

CARRIED (7/0)

NO. 156/16

9.4.3 POLICY REVIEW - CODE OF CONDUCT

File Ref:	N38228
Attachment:	Policy with amendments
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to review Council Policy OP/HRP/3 – Code of Conduct.

BACKGROUND

The policy was last reviewed at the Council meeting held on 19 August 2014.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

The requirements to establish and maintain a Code of Conduct are dealt with in Section 5.103 of the Act and Sections 34B and 34C of the Regulations.

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 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.3:

‘Ensure the Council’s decision making process is effective and transparent’

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

STRATEGIC RISK IMPLICATIONS

The Shire’s Strategic Risk Register includes a number of risks relating to conduct of elected members and employees, as listed below:

4.2.4 Ineffective political leadership;

4.5.1 Corruption and Bribery;

4.6.1 Misuse of Confidential Information;

4.7.1 Failure to declare interests;

4.9.1 Improper conduct of members and key staff; and

5.2.1 Ineffective organisational development.

OFFICER COMMENT

A number of changes have been made to the Model Code of Conduct by the Western Australian Local Government Association (WALGA).

A new clause 1.4 has been added, relating to principles affecting the employment of persons by the Shire. New paragraphs have been added to clause 3.1, clarifying use of confidential information.

A new paragraph has also been added to clause 3.3, requiring Council Members, Committee Members and employees not to take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain.

Finally the word 'staff' has been replaced with 'employee' in most instances throughout the policy. It is recommended that the revised WALGA Model Code of Conduct, be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That amended Council Policy OP/HRP/3 – Code of Conduct, as follows:

'PREAMBLE

The Model Code of Conduct provides Council Members, Committee Members and employees in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

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

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

The Code provides a guide and a basis of expectations for Council Members, Committee Members and employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES

1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

'A Councillor —

- a) Represents the interests of electors, ratepayers and residents of the district;*
- b) provides leadership and guidance to the community in the district;*
- c) facilitates communication between the community and the council;*
- d) participates in the local government's decision-making processes at council and committee meetings; and*
- e) performs such other functions as are given to a Councillor by this Act or any other written law.'*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Employees

The role of employees is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995:

'The CEO's functions are to:

- a) advise the council in relation to the functions of a local government under this Act and other written laws;***
- b) ensure that advice and information is available to the council so that informed decisions can be made;***
- c) cause council decisions to be implemented;***
- d) manage the day to day operations of the local government;***
- e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;***
- f) speak on behalf of the local government if the mayor or president agrees;***
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);***
- h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and***
- i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.'***

1.3 Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

- '1) The council —***
 - a) governs the local government's affairs; and***
 - b) is responsible for the performance of the local government's functions.***
- 2) Without limiting subsection (1), the council is to —***
 - a) oversee the allocation of the local government's finances and resources; and***
 - b) determine the local government's policies.'***

1.4 Principles affecting the employment of employees by the Shire

The following principles, set out in section 5.40 of the Act, apply to the employment of the Shire's employees:

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and**
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and**
- (c) employees are to be treated fairly and consistently; and**
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and**
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and**
- (f) such other principles, not inconsistent with this Division, as may be prescribed.**

1.5 Relationships between Council Members and Employees

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

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

2.2 Financial Interest

Council Members, Committee Members and employees will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition:

In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -

'interest' means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then
 - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
 - (i) to comply with a requirement made under item (a), the nature of a

- person's interest in a matter is disclosed at a meeting; or
- (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
- (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members, Committee Members and employees will not use confidential information to gain improper advantage for themselves or for another person or body in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person, body or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the Shire (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council member or officer from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

3.2 Intellectual Property

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

3.3 Improper or Undue Influence

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

Council Members, Committee Members and employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council members, committee members and employees shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.4 Gifts - Employees

Definitions :

In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -

'activity involving a local government discretion' means an activity -

- a) that cannot be undertaken without an authorisation from the local government; or***
- b) by way of a commercial dealing with the local government;***

'gift' has the meaning given to that term in S 5.82(4) except that it does not include -

- a) a gift from a relative as defined in S 5.74(1); or***
- b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or***
- c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;***

'notifiable gift', in relation to a person who is an employee, means -

- a) a gift worth between \$50 and \$300; or***
- b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;***

'prohibited gift', in relation to a person who is an employee, means -

- a) a gift worth \$300 or more; or***
- b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.***

- a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -**
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or**
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.**
- b) A person who is an employee and who accepts a notifiable gift from a person who -**
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or**
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.**
- c) The notification of the acceptance of a notifiable gift must be in writing and include -**
 - (i) the name of the person who gave the gift; and**
 - (ii) the date on which the gift was accepted; and**
 - (iii) a description, and the estimated value, of the gift; and**
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and**

-
- (v) if the gift is a notifiable gift under paragraph (b) of the definition of 'notifiable gift' (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the 6 month period.
 - d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
 - e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
 - f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

4.1 Personal Behaviour

- a) Council Members, Committee Members and employees will:
 - (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and employees will:

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;

- b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

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

4.4 Compliance with Lawful Orders

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

4.5 Administrative and Management Practices

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

4.6 Corporate Obligations

a) Standard of Dress

Council Members, Committee Members and employees are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

b) Communication and Public Relations

- (i) All aspects of communication by employees (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
 - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

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

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and employees will:

- a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

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

5.3 Access to Information

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

be endorsed.

CARRIED (7/0)

NO. 157/16

9.4.4 POLICY REVIEW - RISK MANAGEMENT

File Ref:	N38229
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to review Risk Management Policy – C/RM/1.

BACKGROUND

This policy was adopted by the Council at its meeting held on 19 August 2014.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996. Regulation 17 states as follows:

- '(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
- (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review.'*

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 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.2:

'Develop and maintain Risk Management policies and procedures'.

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

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Risk Management Policy C/RM/1, as follows:

'OBJECTIVE

To commit to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

POLICY:**1. Definition of Risk:**

- 1.1 AS/NZS ISO 31000:2009 defines risk as 'the effect of uncertainty on objectives.'
- 1.2 A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

2. Definition of Risk Management:

- 2.1 The application of coordinated activities to direct and control an organisation with regard to risk.

3. Principles – Framework - Process

- 3.1 The Shire considers risk management to be an essential management function in its operations. The responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.
- 3.2 The Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009.
- 3.3 The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.
- 3.4 In particular it will be applied to:
 - a) Strategic planning;
 - b) Expenditure of large amounts of money;
 - c) New strategies and procedures;

- d) Management of projects, tenders and proposals;
- e) Introducing significant change; and
- f) The management of sensitive issues.

3.5 The objectives of risk management are:

- a) The achievement of organisational goals and objectives;
- b) The ongoing health and safety of all employees at the workplace;
- c) Ensuring public safety within the Council's jurisdiction is not compromised;
- d) Limited loss or damage to property and other assets;
- e) Limited interruption to business continuity;
- f) Positive public perception of Council and the Shire; and
- g) Application of equal opportunity principles in the workforce and the community.

4. Responsibilities

- 4.1 The CEO, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
- 4.2 All managers will encourage openness and honesty in the reporting and escalation of risks;
- 4.3 All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- 4.4 All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- 4.5 All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- 4.6 The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- 4.7 Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- 4.8 The Council is committed to the concept and resourcing of risk management.

5. Monitor and Review

- 5.1 The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.
- 5.2 Significant or extreme risks will be reported to the Audit and Risk Management Committee and reviewed to determine appropriate

treatments or whether to continue with the activity or service from which the risk arises.'

be endorsed.

CARRIED (7/0)

NO. 158/16

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 LOWER GREAT SOUTHERN ALLIANCE - GERALDTON TOUR 21-23 SEPTEMBER 2016 - COUNCILLOR ATTENDANCE

File Ref:	N38589
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to seek approval for Shire President Cr Clements to join representatives of the Lower Great Southern Alliance on a 'fact finding' tour of Geraldton from 21 to 23 September 2016.

BACKGROUND

In July 2015, the Minister for Regional Development (Terry Redman MLA) announced the next phase in the Regional Centres Development Plan in which Stage One involved Broome, Greater Bunbury, Greater Geraldton and Kalgoorlie sharing \$7.5 million to develop a plan to guide economic growth.

The investment is part of the Regional Centres Development Plan aiming to provide \$16 million over four years to assist the nine Regional Centres strengthen their capability to grow business, investment and jobs.

The Minister has noted that the initiative aims to co-ordinate local decision making and support economic development to drive regional growth for the benefit of the whole State.

'The State Government Royalties for Regions program is committed to building a strong and prosperous network of Regional Centres and SuperTowns across Western Australia,' he said.

'This investment will see Regional Centres work with government to create growth plans to help leverage regional innovation through public-private collaboration and to ensure a strong and sustainable future. It will bring government, community and business together to ensure a co-ordinated approach to local decisions and initiatives.' *'Regional Centres are at the heart of innovation and prosperity in the regions and I am pleased the State Government is able to support a better quality of life in regional WA.'*

The initiative was to be delivered in two stages with the second tranche of \$8.5 million expected to be open to Albany, Busselton, Carnarvon, Kununurra and Mandurah in late 2016.

In anticipation of these growth funds being made available, the Alliance plans to travel to Geraldton, meet with the City of Greater Geraldton and the Mid West

Development Commission to discuss their current progress and outcomes of their Growth Plans and to learn from their experiences.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

The Lower Great Southern Alliance involves the City of Albany and the Shires of Denmark and Plantagenet. The Alliance also consults with the Great Southern Development Commission.

FINANCIAL IMPLICATIONS

Airfares (Albany to Perth, Perth to Geraldton and return) accommodation (overnight in Perth and 1 night in Geraldton) and meals for the tour will cost approximately \$1,200.00.

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.4:

'Support development of a Regional Economic Development Strategy'

Further at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

Preparation of an economic development strategy also forms a Key Performance Indicator for the CEO.

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

REGIONAL IMPLICATIONS

The Lower Great Southern Alliance is a regional group working towards a regional economic and tourism strategy.

OFFICER COMMENT

It is understood that the City of Greater Geraldton is leading the way in Stage One of the Regional Centres Development Plan and has achieved many goals and

investment opportunities already within the development of their growth plan. It will be recommended that the Shire President join the Alliance for this fact finding tour.

Proposed participants for the tour will include:

- CEO, City of Albany
- Mayor, City of Albany
- CEO, Shire of Plantagenet (subject to appropriate approval)
- President, Shire of Plantagenet
- CEO, Shire of Demark
- President, Shire of Denmark
- Executive Director Planning and Development City of Albany
- Executive Director Commercial Service City of Albany
- Executive Support Officer LGS Alliance
- CEO, Great Southern Development Commission

The itinerary in Geraldton will include viewing/meeting (but not limited to):

- Geraldton University Precinct
- City of Greater Geraldton
- Midwest Development Commission
- 'Take a Fresh Look' presentation/discussion on clusters
- Key transformational/priority economic projects
- Discussion on synergies between regions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr J Moir:

That:

- 1. Shire President Cr K Clements be authorised to attend the Lower Great Southern Alliance Tour to Geraldton on 21 to 23 September 2016.**
- 2. The expenditure be charged to Budget Item Members of Council – Conferences, Training & Accommodation 20026.0029.**

CARRIED (7/0)

NO. 159/16

**9.5.2 SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA
(SEGRA) - 25-28 OCTOBER 2016 - ALBANY - COUNCILLOR
ATTENDANCE**

File Ref:	N38562
Attachments:	Program Overview
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	16 August 2016

PURPOSE

The purpose of this report is to consider Councillors' attendance at the Sustainable Economic Growth for Regional Australia (SEGRA) Conference to be held in Albany on 26 to 28 October 2016.

BACKGROUND

The Great Southern Development Commission and the City of Albany, with the assistance of the Shire of Plantagenet and other Local Government Authorities and bodies were successful in bidding for the 2016 SEGRA Conference to be held in Albany.

The SEGRA Conference concentrates on regional issues and assisting regional, rural and remote Australia to source and identify the techniques, skills and issues needed to achieve successful economic growth and development.

SEGRA objectives for regions include:

- Taking the initiative and control of their own economic development destinies;
- Identifying their positions – economic, social, and cultural and maximising their worth in the new global economy;
- Identifying and exploiting emerging issues and trends to maximise benefits;
- Developing innovative strategies and implementation processes to ensure community support and relevant action to meet regional needs;
- Identifying key decision makers, processes and points of access in government and the corporate sector;
- Identifying the issues essential for regional sustainability;
- Actioning strategies for real influence and impact;
- Raising regional profiles; and
- Setting the policy agenda and changing the choices and present options.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has occurred with the Great Southern Development Commission, City of Albany and Shire of Denmark to assist with the development of the SEGRA program.

FINANCIAL IMPLICATIONS

Registrations are based on the particular events happening during the conference program as follows:

Tuesday 25 October 2016	Welcome Cocktail Reception	No charge
Wednesday 26 October 2016	Naturally Stronger Regions	\$650.00
Thursday 27 October 2016	Realising the Potential	\$650.00
Friday 28 October 2016	*Study Tours and Workshops	\$295.00

*The Shire of Plantagenet in conjunction with the Shire of Cranbrook is hosting one of the study tour packages (Plantagenet's part involves Sounness Park, Milne Feeds and the Saleyards).

Registration Packages include:

Three day Registration (26-28 October)	\$1,295.00
Two Day Registration (27-28 October)	\$ 900.00
Two Day Registration (26-27 October)	\$1,095.00
Two Day Registration (25-26 October)	\$ 650.00

As a sponsor of SEGRA, the Shire of Plantagenet has been offered a one-off 50% discount for one registration. In addition to this one-off discount, Management Solutions (the Conference organisers) is also offering the following group discounts to staff and Council members.

- 3 delegates - 5% discount
- 5 delegates - 10% discount
- 10 delegates - 15% discount

Conference Functions (not included in registrations)

Welcome Cocktail Function	Tuesday 25 October 2016	\$75.00
Networking Dinner	Wednesday 26 October 2016	\$95.00
Conference Dinner (including Film Festival screening)	Thursday 27 October 2016	\$150.00

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.4:

'Support development of a Regional Economic Development Strategy'

Further at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

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

REGIONAL IMPLICATIONS

This forum supports the current direction and actions being undertaken by the Lower Great Southern Alliance relating to Regional Economic and Tourism Strategies/Development.

The Southern Link VROC Strategic Directions 2015-2020 identifies the following strategy under the heading of Regional Economic Development (Stimulate economic growth and business opportunity):

'Support the implementation of wider regional initiatives.'

OFFICER COMMENT

As a sponsor and sub-host it is anticipated that the Shire of Plantagenet will gain valuable recognition of its successes, importance and location within this sub-region.

It will be recommended that Councillors attend this highly regarded conference, especially given the venue is Albany this year.

The CEO will be attending the Conference (subject to appropriate approval) and will be involved in hosting (along with Cranbrook) the Study Tour to the Shire of Plantagenet and Cranbrook.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Cr K Clements, Cr, Cr, Cr....., Cr....., Cr be authorised to attend the 2016 Sustainable Economic Growth Regional Australia 2016 Conference in Albany from 26 October to 28 October 2016.
2. The expenditure be charged to Budget Item Members of Council – Conferences, Training & Accommodation 20026.0029.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION**Moved Cr J Hamblin, seconded Cr J Oldfield:**

That:

1. **Cr K Clements, Cr C Pavlovich, Cr J Oldfield, Cr J Moir, Cr J Hamblin be authorised to attend the 2016 Sustainable Economic Growth Regional Australia 2016 Conference in Albany from 26 October to 28 October 2016.**
2. **The expenditure be charged to Budget Item Members of Council – Conferences, Training & Accommodation 20026.0029.**
3. **Should any other Councillor indicate a wish to attend, the CEO is authorised to arrange for their registration on behalf of the Council.**

CARRIED (7/0)**NO. 160/16**Reason for Change

Councillors believed that every opportunity should be given to Councillors to attend this Conference.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL**12.1 WORKS AND SERVICES REPORTS****12.1.1 WASTE SERVICES - PROVISION OF KERBSIDE WASTE AND RECYCLING SERVICES**

File Ref: N38587
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 16 August 2016

PURPOSE

The purpose of this report is to recommend to the Council that quotations received for the provision of Kerbside Waste/Recycling Collection Service and Transfer Station/Landfill Management Services.

MOTION TO PROCEED BEHIND CLOSED DOORS

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

3:50pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) of the Local Government Act as the matter to be considered relates to a contract entered into, or which may be entered into, by the local government.

CARRIED (7/0)

NO. 161/16

MOTION TO PROCEED IN PUBLIC

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

3:51pm That the meeting proceed in public.

CARRIED (7/0)

NO. 162/16

OFFICER RECOMMENDATION

That:

1. No quotations received for the provision of Kerbside Waste/Recycling Collection Service and Transfer Station/Landfill Management Services, be accepted;
2. The CEO to undertake investigations for;
 - a) waste sharing opportunities with the Shire of Denmark and the City of Albany; and
 - b) cost benefit analysis for the Council to purchase its own rubbish truck for kerbside collections in Plantagenet and potentially the Shire of Denmark.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That:

1. **No quotations received for the provision of Kerbside Waste/Recycling Collection Service and Transfer Station/Landfill Management Services, be accepted;**
2. **The CEO to undertake investigations for:**
 - a) **Waste sharing opportunities with the Shire of Denmark and the City of Albany;**
 - b) **Cost benefit analysis for the Council to purchase its own rubbish truck for kerbside collections in Plantagenet and potentially the Shire of Denmark, and**
 - c) **That a report be presented to the Council on or before its meeting to be held on 8 November 2016.**

CARRIED (7/0)

NO. 163/16

Reason for Change

Councillors believed that an appropriate time frame needed to be set to receive a further report.

12.2 EXECUTIVE SERVICES REPORTS

12.2.1 CHIEF EXECUTIVE OFFICER REVIEW AND CONTRACT NEGOTIATION

File Ref: N38566
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 16 August 2016

PURPOSE

The purpose of this report is to present to the council the recommendations resulting from the Chief Executive Officer's (CEO) review which was held on 19 July and 9 August 2016.

Further, this report will make recommendations regarding the Chief Executive Officer's Contract renewal.

MOTION TO PROCEED BEHIND CLOSED DOORS

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

3:52pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) of the Local Government Act as the matter to be considered relates to a matter affecting an employee or employees.

CARRIED (7/0)

NO. 164/16

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

4:21pm That the meeting proceed in public.

CARRIED (7/0)

NO. 165/16

OFFICER RECOMMENDATION

That:

1. Being satisfied with the conditions of the proposed Contract of Employment for the position of Chief Executive Officer, such contract be offered to Robert John Stewart on the terms and conditions as outlined in that contract for the period 1 August 2016 to 31 July 2020 and that authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the document.

2. In order to effect Clauses 5.3, 6.3, 9.1, 9.7, 9.8 and 11.6 the Shire President is authorised to:
 - a) Approve use by the CEO of the vehicle allocated to the CEO outside of Western Australia (5.3);
 - b) Approve conference attendance and professional development by the CEO (6.3);
 - c) Approve Leave taken by the CEO (9.1);
 - d) Approve Study Leave taken by the CEO (9.7);
 - e) Approve 'Other Leave' taken by the CEO (9.8); and
 - f) Approve purchase of depreciated communication facilities and/or motor vehicle (11.6).

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr J Moir:

That:

1. **Being satisfied with the conditions of the proposed Contract of Employment for the position of Chief Executive Officer, such contract be offered to Robert John Stewart on the terms and conditions as outlined in that contract for the period 1 August 2016 to 31 July 2020 and that authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the document.**
2. **The Key Performance Indicators agreed by Councillors and the CEO on 9 August 2016 be incorporated into the Contract as Schedule 2.**
3. **In order to effect Clauses 5.3, 6.3, 9.1, 9.8 the Shire President is authorised to:**
 - a) **Approve use by the CEO of the vehicle allocated to the CEO outside of Western Australia (5.3);**
 - b) **Approve conference attendance and professional development by the CEO (6.3);**
 - c) **Approve Leave taken by the CEO (9.1); and**
 - d) **Approve 'Other Leave' taken by the CEO (9.8).**

CARRIED (5/2)

NO. 166/16

Reason for Change

Councillors were of the opinion that requests for Study Leave by the CEO should be referred to the Council for decision; agreed Key Performance Indicators should be incorporated into the Contract and the purchase of depreciated communications facilities and/or motor vehicle be referred to the Council.

13 CLOSURE OF MEETING

4:22pm The Presiding Member declared the meeting closed.

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