



ORDINARY MINUTES

DATE: Tuesday, 2 February 2016

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 1/16 to 26/16

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:03pm The Presiding Member declared the meeting open.

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

Cr K Clements	Shire President (Left Chambers at 4:05pm, returned 4:07pm)
Cr B Bell	Councillor (Left Chambers at 4:05pm, returned 4:07pm)
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor (Left Chambers at 4:03pm, returned 4:05pm, left Chambers at 4:05pm, returned 4:07pm)
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor (Left Chambers at 4:00pm, returned 4:01pm)
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Saurin	Manager Community Services
Mrs Linda Sounness	Executive Secretary
Mrs Donna McDonald	Senior Administration/Human Services Officer

Apologies:

Nil

Members of the Public Present:

There were 5 members of the public present.

Previously Approved Leave of Absence:

Cr J Hamblin – 1 April 2016 to 31 May 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

3.1.1 ITEM 3.1.2 – 8 DECEMBER 2015 – OLD YERRIMINUP ROAD TURN-OFF ALBANY HIGHWAY MOUNT BARKER – MRS CAROL AHERN

The Chief Executive Officer read aloud the response to the question on notice.

'At the meeting of the Council held on 8 December 2015, you asked a question of the Council as to whether a turning lane may be installed for vehicles heading south on Albany Highway and turning right into Yerriminup Road.

We have made enquiries with the Department of Main Roads with regard to your question. You are probably aware that the Department of Main Roads has oversight of main roads in Western Australia.

The Department has indicated that adequate sight lines are in place for the right hand turn and that therefore a turning lane is not warranted. The Department representative also noted that if the Council was concerned about the turning manoeuvre, the access into Yerriminup Road could be closed, such that access would need to be taken from Red Hill Road. As we don't believe that is an optimal solution, we have not pursued this.

I understand that from our end, the insurance claim has been submitted and I trust that it is settled expeditiously.'

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PAMELA MORRIS, SHIRE OF PLANTAGENET LIAISON, VISITOR CENTRE COORDINATION

Mrs Morris gave an overview regarding the current operations of the Mount Barker Tourist Bureau.

4.2 PROPOSED ROTATIONAL PIGGERY – LOT 10 ALBANY HIGHWAY (CNR WATERMANS ROAD) NARRIKUP

Mrs Maureen Ahern spoke on behalf of residents neighbouring the proposed piggery at Lot 10 Albany Highway (cnr Watermans Road) Narrikup who are not in support of the proposed development. Mrs Ahern sought an extension from the Council on the submission period to allow residents to formulate a response.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item: 12.1.2
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Nature: Quoted on Portion of Saleyard Roof
Extent: Not required

Cr K Clements

Item: 12.1.2
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife is an employee of a tenderer
Extent: Not required

Cr J Moir

Item: 12.1.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Family member works for Lincolns
Extent: Not required

Item: 12.1.2
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Nature: Cattle Farmer, Employee of Elders
Extent: Not required

Cr J Oldfield

Item: 11.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Owner and operator of rotational outdoor piggery
Extent: Not required

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995
Nil

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded J Oldfield

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 8 December 2015 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 1/16

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President acknowledged the outstanding work undertaken by Works Staff and in particular Jamie Rutter to 'make ready' the racing track prior to the Grapes and Gallops event. The Shire President also acknowledged the National Medal that Jamie recently received for 15 years of service to the Mount Barker Volunteer Fire and Rescue Service.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

9.2.1 RESERVE 32904 AND RESERVE 6716 - WAMBALLUP ROAD RESERVE DEDICATION

File Ref:	N36426
Attachments:	Wamballup Road Map
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to obtain a formal Council resolution for the dedication of the land that runs through Class C Reserve 32904 and Class A Reserve 6716 as road reserve (informally known as Wamballup Road).

BACKGROUND

Whilst responding to a request from a transport operator to have the road known as Wamballup Road classified on the Restricted Access Vehicle (RAV) network, it was determined that Wamballup Road was in fact not situated within a dedicated road reserve. Instead it was contained within Class C Reserve 32904 and a portion of Class A Reserve 6716. The road reserve originally dedicated for Wamballup Road is further north as highlighted on the attached map and is unmade.

Class C Reserve 32904 is currently vested to the Shire of Plantagenet for the purpose of 'Gravel' and Class A Reserve 6716 is under the management of the National Parks and Nature Conservation Authority (now Department of Parks and Wildlife (DPaW)) for the purpose of 'Conservation of Flora and Fauna'.

At a Council workshop on 8 December 2015, the matter was discussed with Councillors and it was requested that a report be prepared for a forthcoming Council Meeting.

STATUTORY ENVIRONMENT

Class C Reserve 32904

Land Administration Act 1997, Section 46 (2) – refers to the variation of the purpose of a reserve.

Land Administration Act 1997, Section 56 (1) (a) and (c) – relates to the dedication of land as road.

Class A Reserve 6716

Land Administration Act, Section 42 (4) – refers to the changing of the purpose of a Class A reserve.

Land Administration Act, Section 45 (4) refers to the excision of land from a nature reserve for the purpose of creating a road.

The Department of Parks and Wildlife (DPaW) advised that its Lands Unit will need to assess the request and this process can be lengthy. As with the exchange for the reserve adjacent to the O'Neill Road Waste Management Facility (considered by the Council on 3 March 2015), a Reserves Bill is presented to both Houses of Parliament for debate as to whether or not the vesting can be changed.

EXTERNAL CONSULTATION

Consultation has occurred with the Department of Lands and the Department of Parks and Wildlife.

FINANCIAL IMPLICATIONS

All costs associated with the dedication of the subject land as road will be the responsibility of the Shire. If the reclassification and excision requests are successful, the new boundary of the road reserve will need to be surveyed. Surveying costs are estimated to start at \$5,500.00 but could be greater.

Further, it should be noted that as a portion of the road runs through a Class A nature reserve known as the Wamballup Nature Reserve (gazetted in August 1980), a considerable amount of staff time will be required to progress the matter.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

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

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

OFFICER COMMENT

The gravel reserve known as Wamballup Road is used as an access to Lot 428 Forest Hill and this arrangement has existed for a number of years. Shire records show that following a request from the current owners of Lot 428, a street name sign was installed in 2006 in conjunction with a rural street number. Grading records show the reserve has been graded annually for the past seven years and culvert repairs have been carried out. Further, a timber haulage permit application using Wamballup Road was approved in 2012.

It is recommended that the Council support the changing of the vesting status of the gravel reserve.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. Pursuant to Section 56 (1) (a) of the Land Administration Act 1997, the Minister for Lands be requested to dedicate the land that runs through Class C Reserve 32904 and Class A Reserve 6716 as road (see attachment).
2. The Minister for Lands be indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred by the Minister in considering and granting the request to dedicate the land as road.

CARRIED (9/0)

NO. 2/16

9.2.2 LOT 1 (98) THIRD AVENUE, KENDENUP - APPROVAL TO KEEP THREE DOGS IN A TOWNSITE

File Ref: I86266
Attachments: [Lot 1 \(98\) Third Ave Kendenup.pdf](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Isabelle Draffehn
Community Development Officer
Proposed Meeting Date: 2 February 2016
Applicant: Mrs T Fry

An interest was disclosed by the Ranger Mr Steve Player.
Nature and extent of Interest – Mr Player advised that one of the neighbours of the applicant is his mother.

PURPOSE

The purpose of this report is to consider a request to keep three dogs at Lot 1 (98) Third Avenue (Corner Austin Street), Kendenup. The owner of the property is Ms V Douglas of Kendenup and the resident at the subject property (and owner of the dogs) is Mrs T Fry.

BACKGROUND

Mrs Fry's request has been made following the rescue of a six year old male Samoyed dog from being euthanized. Mrs Fry has two registered dogs at the property: an eight year old Maltese cross and a ten year old mini Fox Terrier cross. Both dogs are kept on the property inside the house and are microchipped and sterilised.

STATUTORY ENVIRONMENT

Dog Act 1976

Section 26(3) of the Dog Act 1976 allows for a local government to increase the number of dogs that would otherwise be permitted at a property, provided that the approval is only applicable to the dogs at the property in question. Further, no more than six dogs are allowed on any property. Also approval may be varied or revoked at any time.

Shire of Plantagenet Dogs Local Law 2008

The Shire of Plantagenet Dogs Local Law 2008 states that the limit on the number of dogs which may be kept on a property within a townsite is two dogs over the age of three months and the young of those dogs under that age.

Exemptions to this Local Law apply if the property is licensed as an approved kennel establishment or the dog owner has been granted an exemption under section 26(3) of the Dog Act 1976. A kennel establishment has not been approved on this site.

EXTERNAL CONSULTATION

Consultation has occurred with the owner of the property - Mrs V Douglas, and the adjoining neighbours - Mrs J Kelly (Lot 6407 Third Avenue) and Mrs P Lindau (Lot 300 Second Avenue). All have confirmed that the dogs are well behaved, contained on the property and have expressed their support for the request.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.1:

'Provide animal control in accordance with legislative requirements.'

Further, the Council's Corporate Business Plan 2015/2016 – 2019/2020 provides the following Action:

Action 1.9.1.1:

'Educate the community regarding rules and requirements associated with keeping animals in rural and urban areas.'

And

Action 1.9.1.2:

'Enforce animal controls in order to maintain public safety.'

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

OFFICER COMMENT

Mrs Fry visited the Shire in late 2015 to register the dog she rescued. She was advised by the customer service officer that she cannot register the third dog unless the keeping of more than two dogs in a townsite is approved by the Council.

The subject property is 4,025m² in area and it is therefore considered that sufficient space is available for the dogs. The applicant has advised that none of the dogs will be replaced once they pass away.

The dogs at the property have never been the cause of any Ranger issues and are not causing a nuisance. This has been confirmed by the property owner and two of the neighbours.

If the dogs at the property were to become a nuisance at any point the approval could be reconsidered by the Chief Executive Officer.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. An exemption from the requirements of the Shire of Plantagenet Dogs Local Law 2008, section 3.21 'Limitations on the number of dogs' be granted to Mrs T Fry to keep three dogs at Lot 1 (No 98) Third Avenue, Kendenup, subject to the following:
 - 1.1. When the dog numbers reduce to two by either the death of a dog or other means, the exemption shall be withdrawn; and
 - 1.2. The approval will be reconsidered if the dogs are found to be causing a justifiable nuisance.
2. The Chief Executive Officer to be authorised to revoke the exemption above, should one of the circumstances referred to in parts 1.1 and 1.2 apply.

CARRIED (9/0)

NO. 3/16

9.2.3 MUIR HIGHWAY - ROAD RESERVE DEDICATION - PARDELUP

File Ref:	N36494
Attachments:	Main Roads Diagram - Muir Highway Pardelup
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to consider a request from Main Roads WA (MRWA) for the Shire of Plantagenet to support the dedication of land the subject of Main Roads Land Dealing Plan 201501-251 as a road.

BACKGROUND

Correspondence has been received from MRWA advising of the proposed replacement of the timber bridge (known informally as Pardelup Bridge) together with road reconstruction and realignment to a section of Muir Highway over Hay River near Pardelup Road (see attached map).

STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 56 (1) (a) – relates to the dedication of land as road.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

‘Maintain and further develop roads and pathways at appropriate standards’

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

OFFICER COMMENT

MRWA advises that a number of accidents have occurred on the section of Muir Highway the subject of this report, which can possibly be attributed to the reverse camber bend that begins approximately 1.6km west of Pardelup Bridge. The most recent accident happened in October 2014 when a truck rolled over at Pardelup Bridge.

MRWA advises it has approached the affected land owner (Department of Corrective Services) and arrangements for acquisition are being finalised. As shown on the attached map, 3,579m² of land is required for the realignment of the affected section of Muir Highway.

The works will be conducted from 25 January to 12 April 2016. MRWA also advises it will be performing the administrative tasks required to have the land dedicated as a road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Hamblin:

That the dedication of the land the subject of Main Roads WA Land Dealing Plan 201501-251 as a road pursuant to Section 56 of the Land Administration Act 1997 be supported subject to Main Roads WA indemnifying the Council against any costs and claims that may arise as a result of the dedication.

CARRIED (9/0)

NO. 4/16

9.3 COMMUNITY SERVICES REPORTS

9.3.1 CLUB DEVELOPMENT OFFICER SCHEME - CONTINUATION OF PROGRAM 2016 - 2019

File Ref:	N36278
Attachments:	CDO Key Result Schedule July 2015 – June 2016
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Mark Bird Acting Manager Community Services
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to obtain support to continue with the Club Development Officer (CDO) Scheme from 1 July 2016 to 30 June 2019.

BACKGROUND

The Shire of Plantagenet, in conjunction with the Shires of Cranbrook and Denmark, have employed a CDO in partnership with the Department of Sport and Recreation (DSR) since 2006.

The position was created to assist local sporting clubs with a variety of their responsibilities including the attraction and retention of volunteers, access to sponsorship and funding, the co-ordination and conducting of training seminars and to introduce basic management systems to develop essential policies, systems and procedures.

The Agreement between the DSR and participating Shires is reviewed and renewed annually. The current agreement will expire 30 June 2016 and DSR is seeking the Shire's commitment to continue the role for another three years.

EXTERNAL CONSULTATION

Consultation has occurred with the DSR, the Shire of Cranbrook and the Shire of Denmark.

FINANCIAL IMPLICATIONS

The Shire of Plantagenet is contributing \$6,333.00 towards the CDO position during the 2015/2016 Financial Year. The Shire of Denmark and the Shire of Cranbrook also contribute \$6,333.00 each. The DSR currently commits \$25,000.00 per annum to the position.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.4:

'Actively promote and assist community groups and clubs'

Further, at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.2

'Promote sporting, recreation and leisure facilities and programs in the District'

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

OFFICER COMMENT

The CDO position is guided by a Key Result Schedule which is prepared by each of the three local governments and endorsed by DSR. The Key Result Schedule outlines the specific activities to occur in each Shire. A copy of the current Schedule is attached.

The activities highlighted by the Shire of Plantagenet as a focus for the next 12 months include:

- Assist with the formation of the Plantagenet Sporting Club;
- Provide direction to Incorporated sporting clubs to update their club constitutions as per new State Government legislation;
- Host a TopClub Planning session with local clubs to help them establish annual and longer term plans including establishing stronger financial controls;
- Establishing a local fixture as part of the Albany Netball Association annual fixtures;
- Support clubs that have enquired about renewing their infrastructure, including the Kendenup Country Club (building maintenance), Mount Barker Golf Club (covered verandah extension) and Mount Barker Bowls and Sporting Club (building maintenance);
- Support the delivery of the Kidsport program;
- Assist with the review of the Frost Park Master Plan; and
- Follow up local sporting club enquiries on an ongoing basis.

The CDO is employed on a contract basis for 20 hours per week, typically distributing their time evenly between the three participating Shires. They are required to meet with representatives from the three participating Shires and the DSR on a quarterly basis to provide updates on progress against the Key Result Schedule. At the 15 December 2015 meeting all participating Shire's agreed to support the continuation of the program.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr S Etherington, seconded Cr C Pavlovich:****That:**

- 1. That the Department of Sport and Recreation Club Development Officer Scheme be supported for a three year period from 1 July 2016 to 30 June 2019.**
- 2. An allocation for funding for the Club Development Officer Scheme be considered each year as part of the Annual Budget process.**
- 3. That the Club Development Officer Scheme continue to be reviewed on an annual basis by the Shire of Plantagenet, the Shire of Denmark and the Shire of Cranbrook.**

CARRIED (9/0)**NO. 5/16**

9.3.2 DOG EXERCISE AREAS

File Ref:	N36334
Attachments:	Maps Dog Exercise Areas Shire of Plantagenet
Responsible Officer:	Mark Bird Acting Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to seek approval to set dog exercise areas and dog prohibited areas within the Shire of Plantagenet and to advertise the set areas for 28 days in accordance with the Dog Act 1976.

BACKGROUND

In the past, dog exercise areas and dog prohibited areas were established in the Shire of Plantagenet Dogs Local Law 2008, '*PART 5 – DOGS IN PUBLIC PLACES*'.

On 1 November 2013 the Dog Amendment Act removed a local government's ability to make local laws in respect of dog exercise and dog prohibited areas.

The establishment of these areas must now be done via a council resolution (by absolute majority) in accordance with the amended section 31 of the Dog Act 1976 rather than through a local law.

STATUTORY ENVIRONMENT

Local Government Act 1995 (Sections 1.4, 1.7 and 1.9)

Dog Act 1976 (Section 31)

Shire of Plantagenet Dogs Local Law 2008

Dog Amendment Act 2013

Dog Amendment Regulations 2014

EXTERNAL CONSULTATION

Consultation has occurred with the Department of Local Government and Communities.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.1:

'Provide animal control in accordance with legislative requirements'.

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

OFFICER COMMENT

The Shire of Plantagenet Dogs Local Law has been in force since 2008 and identifies approved dog exercise areas and dog prohibited areas. *'Part 5 – Dogs in Public Places'* specifies:

'5.1 Places where dogs are prohibited absolutely

(1) Subject to section 8 of the Dog Act 1976 and section 66J of the Equal Opportunity Act 1984, dogs are prohibited absolutely from entering or being in any of the following places –

- (a) a public building, unless permitted by a sign;*
- (b) a theatre or picture gardens;*
- (c) all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;*
- (d) a public swimming pool.*

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

5.2 Places which are dog exercise areas

(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas –

- (a) Townsite of Mount Barker
Reserve 1790 Recreation and Agricultural Showgrounds, McDonald Avenue;*
- (b) Townsite of Kendenup
Lot 15 and 16 Chauvel Road, Kendenup Community Grounds;*
- (c) Townsite of Narrikup
Reserve 17849 Recreation and Showgrounds. Albany Highway; and*
- (d) Townsite of Rocky Gully
Reserve 25271 Recreation, Lot 129 Muir Highway*

(2) Subclause (1) does not apply to –

- (a) land which has been set apart as a children's playground;*
- (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or*
- (c) a car park.'*

Lots 15 and 16 Chauvel Road (corner Beverley Road), Kendenup have been amalgamated and are now known as Lot 150 Beverley Road, Kendenup.

The areas above must now be established via a council resolution (by absolute majority) in accordance with the amended section 31 of the Dog Act 1976 rather than through a local law.

Local Governments are required to give 28 days notice of the intention to specify dog prohibited areas or dog exercise areas and the Council resolution should be consistent with the *Disability Discrimination Act 1992*.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

That:

1. The following areas are declared dog exercise areas/prohibited areas:
 - (a) Dog exercise areas:
 - (i) Reserve 1790 Recreation and Agricultural Showgrounds, McDonald Avenue;
 - (ii) Lot 150 Beverley Road, Kendenup Community Grounds;
 - (iii) Reserve 17849 Recreation and Showgrounds, Albany Highway; and
 - (iv) Reserve 25271 Recreation, Lot 129 Muir Highway.
 - (b) Dog prohibited areas:
 - (i) a public building, unless permitted by a sign;
 - (ii) a theatre or picture gardens;
 - (iii) all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;
 - (iv) a public swimming pool.
2. In accordance with the amended section 31 of the Dog Act 1976, 28 days notice of the intention to notify the areas as outlined above be given.
3. This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth) section 9(2)*.

CARRIED (9/0)

NO. 6/16

Absolute Majority

9.3.3 NARRIKUP COMBINED SPORTING ASSOCIATION - MEMORANDUM OF UNDERSTANDING

File Ref:	N36527
Attachments:	Narrikup Combined Sporting Association Memorandum Of Understanding Narrikup Combined Sporting Association - Native Title Memorandum
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Mark Bird Acting Manager Community Services
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to recommend that the Memorandum of Understanding (MOU) between the Narrikup Combined Sporting Association (NCSA) and the Shire of Plantagenet, regarding the Narrikup sporting facilities, be renewed for a further three years.

BACKGROUND

The NCSA is an incorporated body that represents the interests of the Narrikup Cricket Club and the Narrikup Tennis Club. Both clubs are based at the Narrikup Sporting Ground (NSG), located on Reserve 17849 and Crown land in Hannan Way, Narrikup. Reserve 17849 is managed by the Shire of Plantagenet for the purpose of Recreation/Showground.

In 2012, whilst formalising lease arrangements with the NCSA and its utilisation of the sporting facilities, it was discovered that a large portion of the NSG's infrastructure was located on Crown land, consequently rendering any leasing arrangements 'ultra vires' or without power. An interim agreement to clarify the NCSA's occupancy at the site was necessary for the Council to release an approved Financial Assistance Grant for improvements to the Cricket Oval and to allow the NCSA to pursue funding opportunities from organisations such as the Department of Sport and Recreation (DSR).

A MOU between the NCSA and the Shire of Plantagenet was deemed to be the most appropriate interim agreement between the two parties and was formalised on 21 December 2012.

The original MOU between the NCSA and the Shire of Plantagenet expired on 30 June 2015.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 provides for the disposition of land. 'Disposition' includes 'sell, lease or otherwise dispose, whether absolutely or not'. Further, Regulation 30 of the Local Government (Function and General) Regulations 1996 provide that the proposed disposition would be an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with the NCSA, the Department of Lands, the South West Aboriginal Land and Sea Council and the Department of Regional Development.

FINANCIAL IMPLICATIONS

There will be no costs associated with the preparation or application of the MOU. The MOU proposes a lease term of 10 years at \$1.00 per annum upon request.

POLICY IMPLICATIONS

Council Policy A/PA/14 – Sporting and Community Organisations using Council and Vested Land – Rateability will apply once the land tenure matter has concluded. This policy states that any sporting or community organisation leasing or renting land and/or facilities from the Council shall be non rateable.

ASSET MANAGEMENT IMPLICATIONS

The NCSA is currently unable to fully maintain or upgrade the NSG due to ongoing Native Title issues concerning the Crown land. The CEO's memorandum of 9 April 2015 (attached) further explains Native Title in general.

STRATEGIC IMPLICATIONS

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

Strategy 1.5.1:

Maintain and improve sporting and recreation facilities in the District based on catchment needs; and

Strategy 1.5.2

Promote sporting, recreation and leisure facilities and programs in the District '

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

OFFICER COMMENT

Recent attempts by the Shire of Plantagenet to gain control over the Crown land in Hannan Way have been delayed due to ongoing Native Title issues. Discussions with the Department of Lands have revealed that it may be possible for the Shire of Plantagenet to accommodate some control over the Crown land via a Licence Agreement under section 91 of the Land Administration Act 1991. Conditions in this licence would provide that no further development occur within the licence area except any maintenance or other works required to retain existing infrastructure or to ensure public safety. This process is ongoing with no deadline currently available.

The attached proposed MOU acknowledges the Council's intention to engage in a lease with the NCSA once the land tenure for the site is finalised. Until such time the MOU is necessary to clarify the NCSA's occupancy at the site to allow it or its affiliates to enter into future funding applications with organisations such as DSR.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. The attached Memorandum of Understanding between the Narrikup Combined Sporting Association Incorporated and the Shire of Plantagenet relating to the Narrikup Sporting Ground at Reserve 17849 and adjacent Crown land, be renewed.
2. The Shire President and Chief Executive Officer be authorised to sign the Memorandum of Understanding.
3. That the Shire of Plantagenet continue with its efforts to gain control over the Crown land adjoining Reserve 17849 to allow for a lease agreement to be formalised with the Narrikup Combined Sporting Association Incorporated.

CARRIED (9/0)

NO. 7/16

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW - JANUARY 2016

File Ref:	N36381
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to review and adjust the adopted 2015/2016 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2015/2016 annual budget was adopted by the Council at its special meeting held on 7 July 2015. This review is the second quarterly review of the 2015/2016 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

STATUTORY ENVIRONMENT

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

Local Government (Financial Management) Regulations 1996. Regulation 33A states:

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

and determination is to be provided to the Department.'

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

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

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

OFFICER COMMENT

This is the main budget review of the year. In terms of operating result, operating income is currently 1.0% above (year to date) budget and operating expenditure is 3.0% above (year to date) budget. The main issue impacting on this operating expenditure result is the additional depreciation resulting from revaluations of roads and drainage. The value of outstanding rates is currently 23.92%, which is in line with the usual value at this time of year.

The capital works program is currently 30.2% under (year to date) budget. Some sealing works associated with the road program have been done with the remainder to be carried out in March 2016. Heavy plant purchases are scheduled for March – April 2016.

Transfers to reserve funds have been carried out in line with the budget, except that the transfers to Saleyards reserve funds were \$7,493.00 less than predicted (based on the non-cash net operating result of that business unit).

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

- The estimated actual surplus carried forward at 30 June 2015, as detailed in the draft audited 2014/2015 annual financial report, was \$1,333,300.00. The budgeted surplus carried forward was \$1,341,743.00. A variance of \$8,443.00 exists between the budgeted and actual balance carried forward, which resulted mainly from a higher value in the pre 30 June invoices being received after 1 July 2015 than expected. The September 2015 Budget Review adopted budget amendments to deal with this.
- A sum of \$30,000.00 has been budgeted for rates recovery costs. It is expected that a further \$20,000.00 will be required in order to take the necessary actions to the end of the financial year. These costs are fully recoverable and

adjustments have been made to the expenditure and income accounts accordingly.

- A sum of \$25,000.00 was budgeted for the 2015 elections, however only \$16,395.00 was required. A total of \$8,605.00 is available for reallocation.
- A sum of \$35,000.00 was initially budgeted for Fringe Benefits Tax (FBT). The Australian Taxation Office (ATO) has now indicated that a quarterly payment of approximately \$11,000.00 per quarter is payable due to higher FBT rates adopted by the ATO. FBT is payable by the Shire on vehicles with any private usage. An additional sum of \$10,570.00 is sought for reallocation.
- The proposals relating to the appointment of an Environmental Health Officer to be shared by the Southern Link VROC shires has not yet been effected. Income and expenditure accounts have been revised accordingly, with a net sum of \$14,978.00 being available for reallocation.
- A sum of \$30,000.00 was budgeted for income from the sale of surplus materials and scrap at refuse disposal sites. The market for scrap material has fallen significantly and removal is now expected to be a cost to the Council. At this stage it is recommended that the budget be amended downwards to the current income amount of \$1,025.00.
- A sum of \$5,000.00 was budgeted for expenditure for community programs. The usual allocation is \$10,000.00, however this was reduced administratively during the budget process in an attempt to balance the budget. Savings in this review will enable the \$5,000.00 to be reinstated, for skateboarding and school holiday activities.
- A sum of \$197,694.00 was budgeted for expenditure for Rec.Centre salaries. There has been an over-spend due to the entitlements paid out on resignation of a staff member. A reallocation of \$6,952.00 will assist to bring this account back to budget by the end of the year.
- At its meeting held on 8 December 2015, in dealing with the report relating to tenders for the renovation of the Kendenup Agricultural Hall, the Council resolved that *'a budget reallocation of \$20,000.00 from the Shire Development Reserve be made to enable the works to be carried out by the successful tenderer along with the adjustments to the septic system.'* This reallocation has been included in the recommendation.
- The Council has received a free 'Dump Ezy' dump point unit from the Campervan Motorhome Club of Australia, to replace the current dump point sump outside the visitor centre on Albany Highway. A sum of approximately \$4,000.00 is required for the connection to the sewerage system, which can be funded from savings in this budget review.
- Following the completion of the Sounness Park Changerooms, issues were experienced with the cleaning of the rubber floor in wet areas, with black residue coming off the floor and onto players and their clothing and equipment. After investigations with the supplier, including a loan of the cleaning equipment, it was determined that specialist floor cleaning equipment is required to clean this type of floor. A sum of \$3,800.00 is sought to purchase this equipment, which can be funded from savings in this budget review.
- A sum of \$167,500.00 was budgeted for income from the Main Roads – Local Roads Grant. A total of \$182,100.00 has been received, providing an additional

\$14,600.00. It is recommended that this be reallocated to the Woogenellup Road project (SLK 4.60 to 6.90), which required an additional 1,500m of stabilisation of soft sand and currently has an overspend of \$19,402.00.

- The road and drainage depreciation accounts are subject to over-expenditures. These relate to increases in the fair value of infrastructure in 2014/2015. This is a nil cash impact.
- A sum of \$25,000.00 was budgeted for the Boutique Abattoir Study, however only \$12,240.00 was required in this financial year, with \$6,102.00 being paid in 2014/2015. A total of \$12,796.00 is available for reallocation.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The Council adopted a 10% and a \$5,000.00 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the budget review for the period 1 July 2015 to 31 December 2016 be adopted and the 2015/2016 Annual Budget be amended as follows:

Account	Amended Description	Original / Amended Budget	New Budget	Net Cash Amount
20009.0071	Rate Recovery / Legal Costs	(\$50,000)	(\$70,000)	(\$20,000)
10004.0069	Rates Penalties & Fees - Legal Costs Reimbursed	45,000	65,000	20,000
10008.0212	Local Road Grant - Main Roads Tied Grant	167,500	182,100	14,600
20025.0030	Elections Expenses	(\$25,000)	(\$16,395)	8,605
10016.0229	Reimbursements- Other	40,000	67,720	27,720
20276.0265	Fringe Benefits Tax	(\$35,000)	(\$45,570)	(\$10,570)
20111.0130	Environmental Health - Salaries	(\$166,848)	(\$123,985)	42,863
10067.0219	Reimbursements - Salaries	55,771	27,886	(\$27,885)
10094.0406	Sale of Surplus Materials and Scrap	30,000	1,025	(\$28,975)
51438.0252	Caravan Waste Dump Point	0	(\$4,000)	(\$4,000)
21100.0130	Rec.Centre - Salaries	(\$197,694)	(\$204,646)	(\$6,952)
New	Sounness Park Changerooms - Floor Cleaner	0	(\$3,800)	(\$3,800)
51649.0251	Kendenup Agricultural Grounds - Development	(\$245,000)	(\$265,000)	(\$20,000)
41127.0486	Transfers from Reserve Funds – Parks & Rec'n Grounds	125,000	145,000	20,000
20221.0356	Community Programs Expenses	(\$5,000)	(\$10,000)	(\$5,000)
51628.0250	Woogenellup Road North - SLK 4.60 to 6.90	(\$84,120)	(\$103,522)	(\$19,402)
20224.0189	Non Cash Expenses - Depreciation - Roads	(\$2,065,552)	(\$3,218,900)	0
20224.0192	Non Cash Expenses - Depreciation - Drainage	(\$16,681)	(\$162,996)	0
21305.0543	Other Expenses - Boutique Abattoir Study	(\$25,000)	(\$12,204)	12,796

CARRIED (9/0)

NO. 8/16

Absolute Majority

9.4.2 FINANCIAL STATEMENTS - DECEMBER 2015

File Ref:	N36377
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 December 2015.

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

There are no policy implications for this report.

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 Oldfield:

That the Financial Statement for the period ending 31 December 2015 be received.

CARRIED (9/0)

NO. 9/16

9.4.3 LIST OF ACCOUNTS - DECEMBER 2015

File Ref:	N36525
Attachment:	List of Accounts
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of December 2015.

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 Hamblin, seconded Cr B Bell:

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 December 2015 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$959,507.32;
2. Municipal Cheques 45442 – 45474 totalling \$70,608.15; and
3. Trust Cheque 393 for \$2,500.00.

CARRIED (9/0)

NO. 10/16

**9.4.4 POLICY REVIEW – A/PA/16 – NOTIFICATION TO ABSENTEE
LANDOWNERS – ELECTORAL ROLL**

File Ref: N36221
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 2 February 2016

PURPOSE

The purpose of this report is to review policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll.

BACKGROUND

This policy was last reviewed on 4 February 2014.

STATUTORY ENVIRONMENT

Local Government Act 1995

There are no direct statutory implications for this report. However, it is relevant to note that Section 4.33 of the Local Government Act 1995 provides for claims of enrolment eligibility to expire six months after the holding of the second ordinary election of the local government after they are accepted.

FINANCIAL IMPLICATIONS

The mail out and printing costs are approximately \$1,000.00 in each ordinary election year.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

From the experience in the 2009 election, some absentee land owners (probably most) were unaware of the requirement to make application to be on the owner/occupier roll.

Past practice was to leave it up to individuals to take the initiative and submit an eligibility claim. The policy now provides for forms to be automatically sent to landowners who reside outside the Shire to ensure each eligible person is given the opportunity of being included on the roll and participating in local elections.

It should be noted that sending out these forms is no guarantee that elector participation will increase. However, it does provide some notification to absentee

landowners who do wish to vote that that they must go through this process in order to do so.

As a result of the mail out, 37 and 18 people registered on the owner occupier roll for the 2013 and 2015 elections respectively.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

That Council Policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll, as follows:

‘OBJECTIVE:

To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.

POLICY:

That an ‘Enrolment Eligibility Claim Form’ together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:

- 1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.**
- 2. Be issued to all new absentee landowners as part of the ‘New Resident Pack’ process.’**

be endorsed.

CARRIED (8/1)

NO. 11/16

9.4.5 POLICY REVIEW - DRUG AND ALCOHOL POLICY

File Ref:	N36240
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to review Council Policy OP/HRS/2 – Drug and Alcohol.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 28 May 2013.

STATUTORY ENVIRONMENT

Occupational Health and Safety Act 1984

Occupational Health and Safety Regulations 1996

This legislation requires a safe work place to be provided and maintained.

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 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

Strategy 4.5.2:

‘Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan. Further, the Council’s Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.5.2.1 – *‘Maintain a safe working environment, ensuring legislative and internal compliance’*.

STRATEGIC RISK IMPLICATIONS

The Shire’s Strategic Risk Register provides at Risk No. 5.7.1 *‘Failure to adequately protect the health and safety of staff’*. The inherent score for this risk is classified as ‘Extreme’, however the residual risk score has been assessed as ‘Medium’, due to the significant internal controls and organisational focus on these matters.

OFFICER COMMENT

It is considered that the current policy sufficiently conforms to Occupational Health and Safety requirements, however, it is considered to be administrative in nature and is better dealt with as an administrative guideline. It is therefore recommended that it be revoked.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr J Hamblin:

That Council Policy OP/HRS/2 – Drug and Alcohol, as follows:

OBJECTIVE:

The aim of this policy is to ensure a safe workplace, free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and safety and health of other people.

POLICY:

- 1 a) This policy applies to all personnel at the workplace, including staff, volunteers, contractors, management and Councillors;
 - b) Persons under the influence of a drug or alcohol in the workplace pose a serious safety and health risk not only to the user, but to all those who work with the user. The workplace includes Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset; and
 - c) If a Manager or Supervisor has justifiable cause to believe an employee is under the influence of alcohol or drugs, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. Suitable arrangements should be made to ensure the person gets home safely. If it is believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Chief Executive Officer reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.
2. **Drug and Alcohol Testing**
- Drug testing in the workplace may be carried out only if a substantial risk exists for the employee, co-workers or public. Testing is limited to the following circumstances:
- a) Where an employee's impairment by drugs poses a substantial and demonstrable safety risk to the employee or to other people;
 - b) Where there is reasonable cause to believe that the employee to be tested may be impaired by drugs; and
 - c) Where the drug test can identify the presence of a drug at concentrations which may cause impairment.
-

3. Procedure for dealing with Drug and Alcohol Use

3.1 The procedure for dealing with drug and alcohol abuse is divided into three stages:

- a) Discussion between the employee and immediate Supervisor;**
- b) Discussion between the employee, Supervisor, Manager and representative (optional); and**
- c) Disciplinary action.**

3.2 Stage One

- a) The employee and immediate supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends;**
- b) This first discussion should be presented as a counselling session. Procedural fairness must be observed and the supervisor must clearly state the performance related reasons for the interview and the employee must be given the opportunity to respond. The supervisor must clearly state what standards of performance are required;**
- c) The supervisor should offer assistance by encouraging the employee to participate professional counselling sessions, although the employee is not obliged to accept;**
- d) A timeframe for review should be established. The employee should be informed of expected changes, ongoing performance monitoring by the supervisor and the compulsory interview at the end of the review period;**
- e) The employee should be made aware of possible consequences if there is no significant improvement;**
- f) The supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the supervisor. This copy should be placed on the employees personnel file; and**
- g) The review should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance based problems should be identified and discussed. The supervisor should again prepare a summary of the interview.**

3.3 Stage Two

If there is still no improvement in the employee's performance a second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

3.4 Stage Three

Conduct by an employee while under the influence of alcohol or drugs is likely to be subject to disciplinary action in line with the Council's disciplinary procedures.

4. Social Occasions

The Chief Executive Officer may approve the consumption of alcohol on Council premises under some circumstances, ie social functions. The Council has a 'responsible host' attitude and on such social occasions, a range of drinks including low and non-alcoholic drinks will be provided along with a proportionate level of snack type foods. Employees are encouraged to organise alternative transport prior to the function to avoid the possibility of their driving under the influence.

5. Prescription or Over the Counter Drugs

5.1 Prescription or over the counter drugs can be used for a wide range of reasons however it is also known that use of prescription or 'over the counter' drugs may impair a person's ability to perform safely or efficiently.

5.2 There are several types of drugs that may impair performance, including:

- a) Hypnotics and sedatives;
- b) Antidepressants;
- c) Antihistamines;
- d) Stimulants and appetite suppressants; and
- e) Analgesics/Codeine.

5.3 Employees taking prescribed drugs should obtain written advice from their doctor as to the effects of the drug that may be relevant to their job performance. They should also advise their Supervisor/Manager that they are taking a medication which, on the advice of their medical practitioner, is likely to affect their job performance.

5.4 It is important to note that the employee has a responsibility to perform at a safe standard while at work. If prescription medication is impairing an employee's safe standard of work, the employee has a responsibility to take time off work. If a work accident occurs due to the actions of an employee on prescribed medication, that employee will be asked to take sick leave (if available) or leave without pay until they are fit to return to work.

- 5.5 All matters pertaining to this policy will be treated with the utmost confidentiality and any employee of the Shire of Plantagenet who is interested in receiving counselling services should seek approval from their Supervisor.'

be revoked.

CARRIED (9/0)

NO. 12/16

9.4.6 POLICY REVIEW - OP/HRP/1 - RECOGNITION OF COUNCILLORS AND STAFF

File Ref:	N36266
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to review policy OP/HRP/1 – Recognition of Councillors and Staff.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 29 October 2013.

STATUTORY ENVIRONMENT

Local Government Act 1995

It is a requirement under Section 5.50 (1) of the Local Government Act 1995 (the Act) that:

'(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –

- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
- (b) the manner of assessment of the additional amount,*

and cause local public notice to be given in relation to the policy.'

Local Government (Administration) Regulations

Section 19A(1) of the Local Government (Administration) Regulations states that:

'(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total -

- (a) the value of the person's final annual remuneration, if the person -*
 - (i) accepts voluntary severance by resigning as an employee; and*
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;*
- or*
- (b) in all other cases, \$5,000.'*

FINANCIAL IMPLICATIONS

There are minimal financial implications for this report in the way of certificates, plaques and gifts.

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 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

Strategy 4.5.4:

'Maintain and develop human resource management policies, procedures and systems for current and future workforce needs.'

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

OFFICER COMMENT

This policy has been amended to reflect the intention that gifts of appreciation should be presented to staff when they resign as well as retire, although the qualification for such gifts has been restricted to staff with seven or more years of service. It was also considered appropriate to reduce the value of the gifts, as the gesture is considered the most important element of this token of appreciation. It is suggested that certificates of service and gifts be presented to staff at Council meetings.

Otherwise, it is considered that this policy is sufficient and should be endorsed. It should be noted that casual staff are entitled to receive the benefits outlined in this policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That amended Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:

OBJECTIVE:

To provide guidelines for the approval and procedures for the recognition of service provided to the community by Councillors and staff.

POLICY:

The Council will make the following payments/presentations to sitting and or retiring Councillors and permanent or part time staff for continuous periods of service:

- 1. Councillors – Upon Retirement**
 - 1.1 Up to and including four years of office:
A Certificate of Appreciation.**

1.2 Greater than four years and up to and including eight years of office:

A Certificate of Service and gift up to the value of \$200.00.

1.3 Greater than eight years and up to and including 12 years of office:

A Certificate of Service and gift to the value of \$300.00.

1.4 Greater than 12 years of office:

A Certificate of Service and gift to a maximum value of \$400.00.

In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:

- a) grant the title of 'Honorary Freeman of the Municipality'; or**
- b) nominate the Councillor for any awards (where applicable) associated with the Local Government Association Honours.**

2. Staff – Upon Resignation

2.1 Greater than seven years but less than 10 years of service:

Certificate of Appreciation and a gift up the value of \$100.00.

2.2 Greater than 10 years of service:

A Certificate of Service and a gift to the value of \$200.00 are to be presented at a Council Meeting.

2.3 The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.

3. Councillors and Staff – During Office/Service

3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.

(i) During their 10th year of office/service:

Certificate of Recognition;

(ii) During their 20th year of office/service:

A Plaque of Recognition; and

(iii) During their 30th year of office/service:

A Gift of Recognition valued between \$400.00 and \$500.00.

The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.

3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of the Council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that

Councillor's or staff member's service to the community and/or the Council.

This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'

be endorsed.

CARRIED (9/0)

NO. 13/16

9.4.7 POLICY REVIEW - WORKPLACE BULLYING

File Ref:	N36241
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to review Council Policy OP/HRS/4 – Workplace Bullying.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 28 May 2013.

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984

Equal Opportunity Act 1984

This legislation governs the necessity for employers to provide and maintain a workplace free from harassment.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

Strategy 4.5.2:

‘Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan. Further, the Council’s Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.5.2.1 – *‘Maintain a safe working environment, ensuring legislative and internal compliance’*.

STRATEGIC RISK IMPLICATIONS

The Shire’s Strategic Risk Register provides at Risk No. 5.7.1 *‘Failure to adequately protect the health and safety of staff’*. The inherent score for this risk is classified as

'Extreme', however the residual risk score has been assessed as 'Medium', due to the significant internal controls and organisational focus on these matters.

OFFICER COMMENT

This policy clearly identifies the Council's no tolerance view of workplace bullying, however, it is considered to be administrative in nature and is better dealt with as an administrative guideline. It is therefore recommended that it be revoked.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That Council Policy – OP/HRS/4 – Workplace Bullying, as follows:

OBJECTIVE:

To identify, minimise and where possible prevent harassment and bullying in the workplace by eliminating intimidating, humiliating, offending and threatening behaviour and encouraging a professional and productive workplace.

POLICY:

- 1. Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.**
- 2. Workplace bullying is considered to be an illegal and unacceptable form of behaviour which will not be tolerated under any circumstances.**
- 3. Workplace bullying behaviour may involve:**
 - a) Abusive, insulting or offensive language;**
 - b) Violence or threats;**
 - c) Constant practical joking and teasing;**
 - d) Behaviour or language that frightens, degrades or humiliates;**
 - e) Ignoring or isolating a person; or**
 - f) Unfair treatment in relation to accessing workplace entitlements.**
- 4. It may be carried out via letters, emails, telephone calls and / or text messages.**
- 5. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.**
- 6. The Shire of Plantagenet encourages all employees to report workplace bullying. Managers and supervisors will endeavour to ensure that no one making a complaint or witnesses are victimised.**
- 7. The Shire of Plantagenet has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.**

8. **Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.'**

be revoked.

CARRIED (9/0)

NO. 14/16

9.4.8 SOUTH WEST CATCHMENTS COUNCIL – GRANT AGREEMENT – FERAL PIG CONTROL

File Ref:	N36603
Attachment:	South West Catchments Council - Grant Agreement
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to recommend that the Council enters into a Grant Agreement (on behalf of the Lake Muir/Denbarker Feral Pig Control Group) with the South West Catchments Council for a grant of \$15,000.00 towards feral pig surveillance and control.

BACKGROUND

The Shire of Plantagenet auspices the Lake Muir/Denbarker Feral Pig Control Group by providing financial control, some administrative tasks and contracting with their various grant funders. The group has been successful in attracting grant funding of \$15,000.00 (ex GST) from the South West Catchments Council for feral pig surveillance and control in the South West Natural Resource Management Region.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

The Lake Muir/Denbarker Feral Pig Control Group has confirmed that it is happy with the contents of the agreement.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. The Council auspices the feral pig control group and therefore the grant funds will be the responsibility of the group to spend and acquit in line with the agreement.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.7 (Protection of natural environment) the following Strategy:

Strategy 2.7.2:

'Support the management of feral animals'

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

OFFICER COMMENT

The Lake Muir/Denbarker Feral Pig Control Group will undertake all of the relevant activities together with the reporting and acquittal of this grant. The group has confirmed that it can undertake the relevant contractual obligations. Execution of the new document is therefore recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr M O'Dea:

That authority be granted to the Chief Executive Officer to enter into a Grant Agreement between the Shire of Plantagenet and the South West Catchments Council for a sum of \$15,000.00 (ex GST) towards feral pig surveillance and control to be undertaken by the Lake Muir/Denbarker Feral Pig Control Group.

CARRIED (9/0)

NO. 15/16

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 POLICY REVIEW - CE/ED/1 - TOURISM POLICY

File Ref:	N36355
Attachments:	Tourism Policy
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	2 February 2016

PURPOSE

The purpose of this report is to review Policy CE/ED/1 Tourism.

BACKGROUND

This Policy was last reviewed on 15 June 2010.

Since the review there has been significant work undertaken between the Shire of Plantagenet, City of Albany and Shire of Denmark to form a regional direction for both economic development and tourism in the form of a Regional Destination Marketing Strategy and a Memorandum of Understanding relating to Economic Development.

The Shire has fostered good communication with the Mount Barker Tourist Bureau Executive.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Regular meetings are held with the City of Albany and Shire of Denmark to progress Regional Economic Development and Tourism.

The CEO has met with the new President and Deputy President of the Tourist Bureau appointed towards the end of 2015.

FINANCIAL IMPLICATIONS

The Council's allocation in the 2015/2016 annual budget for District and Area Promotion is \$35,000.00.

Any donation requests by the Tourist Bureau are considered annually as part of the Financial Assistance Grants.

The expected cost of the Regional Destination Marketing Strategy is \$60,000.00 for which the Shire of Plantagenet will be committing \$10,000.00 from the District and Area Promotion account.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The Shire of Plantagenet provides office space to the Mount Barker Tourist Bureau (Inc) for 'visitor servicing' without rental charges.

STRATEGIC IMPLICATIONS

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

Strategy 3.4.1:

'Promote and support local and regional tourism initiatives'

and further

Strategy 3.4.2:

'Provide infrastructure and services to support tourism.'

Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) provides the following Strategy:

Strategy 3.5.4:

'Support development of a Regional Economic Development Strategy.'

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

REGIONAL IMPLICATIONS

The Shire President and Chief Executive Officer have been speaking with elected representatives and Chief Executive Officers of Albany and Denmark for the past two years regarding a Regional Destination Marketing Strategy.

The Regional Destination Marketing Strategy is a subset of the Memorandum of Understanding between the City of Albany, Shire of Denmark and Shire of Plantagenet which was approved at the Council meeting held on 21 July 2015.

OFFICER COMMENT

The current tourism policy requires the amendments proposed to reflect the current position of the Shire of Plantagenet and the regional focus.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr J Moir:

That amended Council Policy CE/ED/1 Tourism as detailed below:

OBJECTIVE:

The Council will in relation to tourism in the Shire of Plantagenet:

- a) Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet and the Great Southern
- b) Foster and create community awareness of the benefits of tourism within the Plantagenet district.
- c) Guide and influence the development of tourism in the Plantagenet district and as well as on a regional level.
- d) Provide the basic facilities and infrastructure sufficient to encourage development.
- e) Ensure that facilities within the Plantagenet area are adequate to cater for visitors.

POLICY:

To achieve these objectives the Council will:

1. Maintain communication with the Mount Barker Tourist Bureau (Inc) and seek representation on this organisation and other regional associations and boards.
2. Assist to foster and create a community awareness of the role and value of tourism within the Great Southern.
3. Work with the WA Tourism Commission, neighbouring Councils (in particular Albany and Denmark), Government Departments and industry affiliations (for example Australia's Southwest) in all aspects of tourism development.
4. Assist with the provision of facilities to encourage destination and day trip visitors including infrastructure provision, land use planning, traffic management, environmental protection, recreation and leisure planning.
5. Endeavour to assist (financially or by other means) tourist organisations or events which have the potential to develop tourism in the Plantagenet region and create a non-exclusive benefit.
6. Provide an adequate budget allocation for tourism expenditure (District and Area Promotion).
7. In the formulation and review of its planning instruments, take into consideration policies on tourism and other leisure related issues, and requirements of tourism development.

8. Ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
9. Ensure that where sensitive environmental, historic or cultural areas exist on Council managed land, these areas will be adequately protected in relation to development or usage.
10. Support the establishment of sustainable and viable National Parks; enhancement of specific natural features; conservation areas of outstanding beauty; and recognise items of heritage significance.
11. Complement and/or enhance individual company effort in product development through local government services, planning and regulation, co-funding and representational means.

be endorsed.

CARRIED (9/0)

NO. 16/16

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 SHIRE WASTE MANAGEMENT PRACTISES**

Councillor Jeff Moir has given notice of his intention to move the following pursuant to Clause 3.7 of Standing Orders:

Moved Cr J Moir, seconded Cr B Bell:

That:

1. A report be prepared generally addressing the Shire's Waste Management Practises and in particular practises relating to:

- a) recycling;**
- b) commercial waste;**
- c) landfill; and**
- d) transfer station operations**

and developing recommendations for the Council's consideration pertaining to financial and other costs that may be introduced to encourage commercial and public waste minimisation including the removal of subsidies for waste so that a policy of full cost recovery is introduced.

2. That the report referred to above be prepared and presented to the Council meeting to be held on 24 May 2016.

CARRIED (9/0)

NO. 17/16

COUNCILLOR COMMENT

I have spoken with the CEO who confirms that our net subsidy for waste operations in 2014/2015 was \$493,000.00. That is, our expenditure is \$946,000.00 (including depreciation but excluding capital) while our revenue is \$453,000.00. This subsidy does not encourage waste minimisation within our Shire. Although kerbside collections have an excess of revenue over expenditure of nearly \$100,000.00 our net cost for waste sites is nearly \$600,000.00. This effectively is a subsidy of \$100.00 per head of total population in Plantagenet.

10.2 EMERGENCY ACCOMMODATION HOUSING

Councillor Ken Clements gave previous notice of his intention to move the following pursuant to Clause 3.7 of Standing Orders:

Moved Cr K Clements, seconded Cr L Handasyde:

That the Shire of Plantagenet investigate the possibility of the old primary school buildings being modified as emergency accommodation housing.

CARRIED (6/3)

NO. 18/16

COUNCILLOR COMMENT

There is no emergency housing available in the Great Southern or immediate surrounding areas for victims of natural disasters.

There is always a need for short term refugee accommodation.

There is a need for short term emergency accommodation for unhoused children/teenagers/families.

A number of issues need to be investigated prior to a Shire commitment:

1. Establish whether Landcorp would be willing to subdivide the property at their expense leaving the project will all the land and buildings, the northern section, leaving the southern section for Landcorp to sell?
2. Is Landcorp able to sell the required property at a peppercorn price?
3. What is required to modify the Brick Section to make it habitable?
4. What is the cost of the project?
5. Are there grants available?
6. What ongoing assistance would be available to maintain and run?

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

4:00pm Cr J Oldfield withdrew from the meeting.

Moved Cr B Bell, seconded Cr C Pavlovich:

That new business of an urgent nature, namely:

Proposed Rotational Piggery at Lot 10 Albany Highway (cnr Watermans Road) Narrikup - Extension of submission period

be introduced to the meeting.

CARRIED (8/0)

NO. 19/16

**11.1 PROPOSED ROTATIONAL PIGGERY LOT 10 ALBANY HIGHWAY (CNR
WATERMANS ROAD) NARRIKUP – EXTENSION OF SUBMISSION
PERIOD**

Cr J Oldfield

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

Nature: Owner and operator of rotational outdoor piggery

Extent: Not required

Moved Cr J Moir, seconded Cr B Bell:

That the submission period for the proposed Rotational Piggery to be developed at Lot 10 Albany Highway (cnr Watermans Road) Narrikup be extended to conclude on 17 February 2016.

CARRIED (8/0)

NO. 20/16

4:01pm Cr J Oldfield returned to the meeting.

12 CONFIDENTIAL**12.1 CORPORATE SERVICES REPORTS****12.1.1 AUDIT SERVICES - QUOTATIONS FOR FIVE YEAR CONTRACT**Cr J Moir

Type: Closely Associated Person (Section 5.62 LGA)

Nature: Family member works for Lincolns

Extent: Not required

4:03pm Cr J Moir withdrew from the meeting.

File Ref: N36433
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 2 February 2016

PURPOSE

The purpose of this report is to consider quotations for the provision of external audit services.

MOTION TO PROCEED BEHIND CLOSED DOORS**Moved Cr L Handasyde, seconded Cr M O'Dea:**

4:03pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting be closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(e) (ii) information that has a commercial value to a person.

CARRIED (8/0)**NO. 21/16****MOTION TO PROCEED IN PUBLIC****Moved Cr L Handasyde, seconded Cr M O'Dea:**

4:04pm That the meeting proceed in public.

CARRIED (8/0)**NO. 22/16**

COUNCIL DECISION

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

That Mr David Tomasi (Registered Company Auditor Number 15724) of Moore Stephens be appointed as the Council's auditor for the five year period starting with the 2015/2016 financial year, in accordance with the 'Provision of Audit Services' document dated December 2015.

CARRIED (8/0)

NO. 23/16

4:05pm Cr J Moir returned to the meeting.

12.1.2 MOUNT BARKER REGIONAL SALEYARDS - TENDERS RECEIVED FOR ROOF OVER NORTHERN DIRT PENSCr B Bell

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Nature: Quoted on Portion of Saleyard Roof
Extent: Not required

Cr K Clements

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife is an employee of a tenderer
Extent: Not required

Cr J Moir

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Nature: Cattle Farmer, Employee of Elders
Extent: Not required

4:05pm Cr K Clements, Cr B Bell and Cr J Moir withdrew from the meeting.

Deputy Shire President Cr L Handasyde assumed the Chair.

File Ref: N36380
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 2 February 2016

PURPOSE

The purpose of this report is to consider tenders received for the design and construction of a skillion roof over the northern dirt pens at the Mount Barker Regional Saleyards.

MOTION TO PROCEED BEHIND CLOSED DOORS

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

4:05pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting be closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(e) (ii) information that has a commercial value to a person.

CARRIED (6/0)

NO. 24/16

MOTION TO PROCEED IN PUBLIC

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

4:06pm That the meeting proceed in public.

CARRIED (6/0)

NO. 25/16

COUNCIL DECISION

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

That the tender submitted by Koster's Steel Constructions for the design and construction of skillion roofs over the northern dirt pens at the Mount Barker Regional Saleyards, at a base cost of \$362,028.63 (excluding GST), plus:

1. A sum of \$22,412.10 (excluding GST) for inclusion of LED light units;
2. A sum of \$2,700.00 (excluding GST) per footing to extend / improve footings, to be determined during the engineering design and certification phase of the project.

be accepted.

CARRIED (6/0)

NO. 26/16

4:07pm Cr K Clements, Cr B Bell and Cr J Moir returned to the meeting.

The Shire President assumed the Chair.

13 CLOSURE OF MEETING

4:08pm The Presiding Member declared the meeting closed.

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