



ORDINARY MINUTES

DATE: Tuesday, 10 October 2017

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution Nos. 201/17 to 219/17

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm The Presiding Member declared the meeting open.

Record of Attendance / Apologies / Leave of Absence (Previously Approved)

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Pengel	Manager Community Services
Ms Cobie MacLean	Administration Officer (Planning)

Apologies:

Nil

Members of the Public Present:

There were two member(s) of the public in attendance.

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or

fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

2 PUBLIC QUESTION TIME

2.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

2.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Ms Tricia Marie – 101 First Avenue, Kendenup

Questions:

1. Noise – what level of unpleasant/disturbing noise are neighbours expected to put up with' e.g. 'doof doof doof' loud bass music, revving motor bikes etc?
2. Shire Verges – who does the clean-up/burn up and who cleans the leaf fall and clipping after the tree loppers have been through?

Both questions were taken on notice.

3 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

4 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Bell

Item: 8.4.2

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

Nature: Owner of Property.

Extent: Owner of Property

Cr Pavlovich

Item: 9.1

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

Nature: Perceived.

Extent: Family member has part ownership in property in the estate. Not a proximity.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

6 CONFIRMATION OF MINUTES**Moved Cr L Handasyde, seconded Cr S Etherington:****That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 12 September 2017 as circulated, be taken as read and adopted as a correct record.****CARRIED (9/0)****NO. 201/17****7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately.

8 REPORTS OF COMMITTEES AND OFFICERS

8.1 DEVELOPMENT SERVICES REPORTS

Nil

8.2 WORKS AND SERVICES REPORTS

Nil

8.3 COMMUNITY SERVICES REPORTS

8.3.1 ART LOAN AGREEMENT - RENEWAL

File Ref:	N43047
Responsible Officer:	Fiona Pengel Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

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

BACKGROUND

The Art Loan Agreement between the Shire of Plantagenet and the MBCRC to display the Acquisitive Art Collection expires on 18 October 2017.

The agreement allows the MBCRC to display 23 pieces of art at the centre. Last year seven pieces were stored at the Shire of Plantagenet Administration Office due to a lack of hooks available to display the entire collection. Three pieces will be returned to the centre and appropriately mounted, whereas four pieces of art have been deleted from the agreement and will remain in storage at the Shire Office.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

The review date has been set annually to ensure that the Council's Art Collection is subject to a physical stocktake on a yearly basis. This audit was undertaken on 30 March 2017 and no issues were highlighted.

STRATEGIC IMPLICATIONS

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

Strategy 1.8.3:

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

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

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

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

CARRIED (9/0)

NO. 202/17

8.4 CORPORATE SERVICES REPORTS

8.4.1 POLICY ADOPTION – METHODS OF VALUATION OF RATEABLE PROPERTIES

File Ref:	N41798
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to recommend the adoption of a new Policy A/PA/18 relating to Methods of Valuation of Rateable Properties.

BACKGROUND

At its meeting held 22 May 2001, the Council resolved to convert a number of properties from Unimproved Value (UV) to Gross Rental Value (GRV). Of this approved list, only a number of properties were actually revalued.

It has now come to our attention that there are quite a large number of properties that may be appropriate to convert to a GRV basis of rating. There may be others that should be reversed. In addition, there is one small rural property in the Shire that has had a split valuation applied.

This matter was raised at a Council workshop held on 31 January 2017. During that workshop, an approach was agreed that would assist in determining the applicable method of valuation. It is now appropriate to establish a policy based on that approach.

STATUTORY ENVIRONMENT

Local Government Act 1995

Pursuant to Section 6.28 of the Act, the Minister for Local Government is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate. Subsection 2 of that Section states that:

'In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- a) Where the land is used predominantly for rural purposes, the UV of the land; and*
- b) Where the land is used predominantly for non-rural purposes, the GRV of the land.'*

FINANCIAL IMPLICATIONS

Until new valuations are obtained, it is not possible to determine the amount of additional rates (if any) that will be generated by this approach.

POLICY IMPLICATIONS

This report recommends the adoption of a new policy.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

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

OFFICER COMMENT

While Section 6.28 of the Local Government Act 1995 provides some guidance, the determination of whether a property is used predominantly for 'rural purposes' is not necessarily clear cut, at least in some cases. There is no definition of 'predominantly' or 'rural purposes'. The Department of Local Government, Sport and Cultural Industries has issued guidelines to assist in determining the predominant use of a property.

If the Council can establish that the land's predominant use is 'non-rural', the Council can then request the Minister for Local Government to determine that the basis of rating be altered to GRV. The Valuer General will then apply a valuation on the property.

The Shire has a number of small rural lots which should be considered for a rating review due to the fact that their size precludes predominant rural activities. While there are many properties in this situation across the Shire, the most obvious examples where UV could become GRV are:

- Stoney Creek subdivision - 45 properties – average size 2.5 hectares (Zoned Rural Residential);
- Braidwood Heights subdivision - 23 properties – average size 2.1 hectares (Zoned Rural Residential);
- Mokare Rise subdivision - 13 properties – average size 4.8 hectares (Zoned Rural Smallholding);
- Mount Barker Hill - 8 properties on UV – average size 2.0 hectares (Zoned Rural Residential).

An analysis of a sample of vacant properties and properties with houses in these areas was undertaken to compare the property rates (for 2016/17) between GRV and UV. Mount Barker Hill has a mixture of GRV and UV properties, so this provides a good example of the impact of changing valuations on rates.

The analysis shows average rates as follows:

Mount Barker Hill	GRV	UV
Houses	\$1,342.26	\$1,016.51
Vacant	\$ 948.59	\$1,016.51

Properties with houses are rated significantly less (\$325.75 or 24%) under a UV classification, whereas vacant properties are rated a little higher (\$67.92 or 7%) under a UV classification.

While it is true that the value of rates on such properties will depend on the valuation provided by the Valuer General's Office and the rate in the dollar, the likelihood for the majority of properties is that rates will increase for those with dwellings and decrease for vacant properties. The introduction of GRV for such non-rural properties is therefore considered to introduce greater equity in the distribution of the rate burden.

Option for Split Valuations

Potential sources of rating inequity also exist when a rateable property contains distinctly rural and non-rural uses on separately identifiable portions of the property. Two similar sized rural properties located side by side will generally have a similar UV, meaning they will both have similar rates. If one of those properties has a winery with cellar door sales, a restaurant and/or some chalets (providing the balance of the property is used for cattle/sheep grazing) then the predominant use of the land is still rural.

In this instance, the winery/restaurant/chalet may attract hundreds of visitors per year which will result in increased costs to the Council in terms of road maintenance and the like. In such cases, the Council may consider applying different methods of valuation to those distinct portions. This is commonly referred to as 'split valuations'.

On the down side, there is a lot of subjectivity in the application of split valuations. There would also be a significant administrative burden in implementing the scheme. For example:

- The Council would need to determine the particular activities that it wishes to review, such as wineries with cellar sales and/or restaurants, chalets, nurseries and the like.
- Advertising and preparation of information sheets;
- Consultation with affected land owners;
- There would need to be, at the very least, a review of the extent of such uses on each property and a physical survey of relevant properties may be required; and
- Once completed, the Council will need to seek approval from the Minister for Local Government to change the affected UV properties to GRV.

It should be noted that one local winery has a number of different lots as part of the overall property. The vineyards are classified UV and the cellar sales and restaurant are classified GRV. This is considered to be an appropriate situation. Many other properties only have one lot and hence the need for a split valuation if the Council wanted to apply GRV to the non-rural elements.

Another point to consider is that such establishments bring visitors and tourism dollars to the district and enhance vitality and economic development. The question is, should they be penalised for that? The administration is not in favour of split valuations due to the issues identified above.

Currently, there is one small rural property in the Shire that has had a split valuation applied. The overall lot is 52ha; 44ha is classified UV and 8ha is classified GRV due to the existence of a restaurant on the property. In 2017/18 a total of \$1,093.86 was

charged for the UV component and \$1,299.84 was charged for the GRV component. If the Council decides not to adopted split valuations across the board, it is considered that this property should be reverted completely to UV as it is an anomaly.

At the Council workshop held on 31 January 2017, the view was expressed that the zoning of a property should be a major influence in determining the valuation method. It was proposed that properties zoned Rural should generally be valued using the UV method, regardless of the property size. If that view is enshrined within the policy, properties in the Bannister/Ferry/Nindiup Roads subdivision and properties such as wineries would remain on the UV method of valuation.

Following the adoption of this policy, a process will be adopted for each of properties indicated within this report, involving advertising and sending a Land Use Declaration Form to each property owner and formal consideration by the Council. Following that, approval will need to be sought from the Department of Local Government, Sport and Cultural Industries to change the affected UV properties to GRV. This will require a Council resolution.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr J Hamblin:

That:

- 1. No further action be taken to implement the Council decision at its meeting held on 22 May 2001 relating to changing rateable properties from Unimproved Value to Gross Rental Value;**
- 2. The following Council Policy A/PA/18 - Methods of Valuation of Rateable Land, as follows:**

‘OBJECTIVE:

To enable the Council to form an opinion on the predominant use of rateable properties in order to make a recommendation to the Minister for Local Government in relation to the method of valuation of those rateable properties.

POLICY:

- 1. Section 6.28 of the Local Government Act 1995 provides that in determining the method of valuation of rateable property, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:
 - a) Where the land is used predominantly for rural purposes, the UV of the land; and**
 - b) Where the land is used predominantly for non-rural purposes, the GRV of the land.****
- 2. The process for reviewing the method of valuation for any rateable property will be in accordance with guidelines issued by the Department of Local Government, Sport and Cultural Industries.**

This involves sending a Land Use Declaration Form to each property owner followed by formal consideration by the Council;

3. The following factors will be considered in determining its opinion of the predominant use of land:
 - a) Planning Scheme Zoning;
 - b) Activities conducted on the land;
 - c) Development on the property; and
 - d) Livelihood generated from or on the property.
4. Planning Scheme Zoning will be a major influence in determining the valuation method. Properties zoned Rural will generally be valued using the UV method, regardless of the property size.
5. Split valuations of rateable properties will not be pursued.
6. The Council will consider applications from landowners to review previous decisions to adopt or change the method of valuation of property. The process will be in line with Parts 1 to 4 of this policy.'

be adopted.

AMENDMENT

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That in point 5 the word 'generally' be inserted after the word 'not'.

CARRIED (9/0)

NO. 203/17

MOTION TO ADJOURN THE QUESTION

Moved Cr J Moir, seconded Cr B Bell:

That the question be adjourned to allow for a workshop to be held before a decision is made by the Council.

LOST (2/7)

COUNCIL DECISION

That:

1. No further action be taken to implement the Council decision at its meeting held on 22 May 2001 relating to changing rateable properties from Unimproved Value to Gross Rental Value;
2. The following Council Policy A/PA/18 - Methods of Valuation of Rateable Land, as follows:

'OBJECTIVE:

To enable the Council to form an opinion on the predominant use of rateable properties in order to make a recommendation to the Minister for Local Government in relation to the method of valuation of those rateable properties.

POLICY:

1. Section 6.28 of the Local Government Act 1995 provides that in determining the method of valuation of rateable property, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:
 - a) Where the land is used predominantly for rural purposes, the UV of the land; and
 - b) Where the land is used predominantly for non-rural purposes, the GRV of the land.
 2. The process for reviewing the method of valuation for any rateable property will be in accordance with guidelines issued by the Department of Local Government, Sport and Cultural Industries. This involves sending a Land Use Declaration Form to each property owner followed by formal consideration by the Council;
 3. The following factors will be considered in determining its opinion of the predominant use of land:
 - a) Planning Scheme Zoning;
 - b) Activities conducted on the land;
 - c) Development on the property; and
 - d) Livelihood generated from or on the property.
 4. Planning Scheme Zoning will be a major influence in determining the valuation method. Properties zoned Rural will generally be valued using the UV method, regardless of the property size.
 5. Split valuations of rateable properties will not generally be pursued.
 6. The Council will consider applications from landowners to review previous decisions to adopt or change the method of valuation of property. The process will be in line with Parts 1 to 4 of this policy.'
- be adopted.

CARRIED (7/2)

NO. 204/17

8.4.2 CHANGE IN BASIS OF VALUATION - LOT 1 (31228) ALBANY HIGHWAY, MOUNT BARKERCr Bell

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

Nature: Owner of Property.

Extent: Owner of Property

3:27pm Cr B Bell withdrew from the meeting.

File Ref: N43008
**Responsible Officer: Rob Stewart
Chief Executive Officer**
**Author: John Fathers
Deputy Chief Executive Officer**
Proposed Meeting Date: 10 October 2017

PURPOSE

The purpose of this report is to consider a request from the property owners that the basis for rating for Lot 1 (31228) Albany Highway, Mount Barker be changed.

BACKGROUND

A request has been from the property owners, Mr N.B. & Mrs S.J. Bell, that the basis for rating for the property be changed from gross rental value to unimproved value.

In 2003, the Council successfully applied to change the basis for rating from unimproved value to gross rental value due to a business operating from the property. The owners advise that the business has now been sold and the land is used predominantly for rural purposes.

STATUTORY ENVIRONMENT

Local Government Act, 1995

Section 6.28 requires the Minister for Local Government to determine the method of valuation of land to be used by a local government and publish a notice of the determination in the Government Gazette.

In determining the method of valuation to be used by a local government, the Minister for Local Government is to have regard to the principle that the basis for a rate on any land is to be either:

1. Where the land is used predominantly for rural purposes, the unimproved value of the land; and
2. Where the land is used predominantly for non-rural purposes, the gross rental value of the land.

This authority has been delegated to the Director General of the Department of Local Government, Sport and Cultural Industries.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 – Zone Rural.

EXTERNAL CONSULTATION

Consultation has taken place with the owners via a Land Use Declaration Form.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

A separate report has recommended the adoption of a new Policy A/PA/18 relating to Methods of Valuation of Rateable Properties.

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 4.6.3:

‘Maintain, develop and monitor rating and property strategies’

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

OFFICER COMMENT

Local government has a role in ensuring that the rating principles of the Local Government Act, 1995 are correctly applied to rateable land within their districts.

Guidelines issued by the Department of Local Government, Sport and Cultural Industries recommend that affected property owners be requested to complete a Land Use Declaration Form when there is a request or proposal for a property's basis for rating to be changed.

With regard to this property, a Land Use Declaration Form has been completed, which indicates as follows:

- The land is used for ‘rural purposes’.
- The land uses that best describe the rural base of the property are ‘stabling, agisting and training horses’, ‘grazing of livestock (sheep)’ and ‘growing pasture/hay’.
- The agricultural activities carried out on the land represent the predominant use of the land. Some of the owners’ livelihood is earned from these activities.

There is one house and a number of sheds on this Rural zoned block of 5.9 ha.

The Shire’s draft policy on Methods of Valuation of Land proposes that Planning Scheme Zoning will be a major influence in determining the valuation method. Properties zoned Rural will generally be valued using the UV method, regardless of the property size.

Given the information presented, it is considered that the most appropriate method of valuation is Unimproved Value. This fits in with the method of valuation in the surrounding area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The predominant use of the land at Lot 1 (31228) Albany Highway, Mount Barker is considered to be rural.
2. The Director General of the Department of Local Government, Sport and Cultural Industries be requested to change the method of valuation of the land area referred to in Part 1 above from gross rental value to unimproved value, in accordance with Section 6.28 of the Local Government Act 1995.
3. The effective date of the new method of valuation be the date of gazettal.

CARRIED (8/0)

NO. 205/17

3:27pm Cr B Bell returned to the meeting.

8.4.3 FINANCIAL STATEMENTS – SEPTEMBER 2017

File Ref:	N42872
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2017.

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 L Handasyde, seconded Cr M O'Dea:

That the preliminary Financial Statement for the period ending 30 September 2017 be received.

CARRIED (9/0)

NO. 206/17

8.4.4 LIST OF ACCOUNTS – SEPTEMBER 2017

File Ref:	N43010
Attachment:	<u>September 2017</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of September 2017.

STATUTORY ENVIRONMENT

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2017 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$588,312.28;
2. Municipal Cheques 46026 to 46049 totalling \$38,693.54; and
3. Trust Cheque 443 totalling \$2,800.00.

CARRIED (9/0)

NO. 207/17

8.4.5 POLICY REVIEW - EQUAL EMPLOYMENT OPPORTUNITY

File Ref:	N42866
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to review Council Policy No. OP/HRE/2 – Equal Employment Opportunity.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 13 October 2015.

STATUTORY ENVIRONMENT

The Equal Opportunity Act 1984 governs the necessity for employers to provide a workplace that supports the achievement of equity and diversity and is free from bias and unlawful discrimination against employees or potential employees.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of the ongoing Council 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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy No. OP/HRE/2 – Equal Employment Opportunity as follows:

OBJECTIVE:

The Shire of Plantagenet recognises its legal obligations under the Equal Opportunity Act, 1984, and actively promotes equal employment opportunity based solely on merit to ensure that neither direct nor indirect discrimination occurs on a ground referred to in the Equal Opportunity Act 1984.

POLICY:

1. All employment training with the Shire of Plantagenet is directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such training.
2. All promotional policies and opportunities with the Shire of Plantagenet are directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such promotion.
3. All offers of employment within the Shire of Plantagenet are directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the inherent requirements for engagements.
4. The Shire of Plantagenet does not tolerate harassment within its workforce. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, sex, colour, language, ethnicity, political or religious convictions, gender, marital status or impairment.
5. The equal employment opportunity goals of the Shire of Plantagenet are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
6. The Shire of Plantagenet in no way deems the endorsement of this policy as meaning that the Council's current attitude, or those of its current employees, requires changing or modification.'

be endorsed.

CARRIED (9/0)

NO. 208/17

8.4.6 POLICY REVIEW - SEXUAL HARASSMENT

File Ref:	N42865
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to review Council Policy No. OR/HRE/1 – Sexual Harassment.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 13 October 2015.

STATUTORY ENVIRONMENT

The Occupational Safety and Health Act 1984 and the Equal Opportunity Act 1984 govern 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

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

OFFICER COMMENT

As this policy clearly outlines the Council’s no tolerance view of sexual harassment and outlines the complaint/grievance procedures that should be followed during a harassment report, it is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That Council Policy No. OP/HRE/1 – Sexual Harassment as follows:

‘OBJECTIVE

The Shire of Plantagenet strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.

POLICY

1. The Shire of Plantagenet considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.
 - 1.1 Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and/or rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered and expressed as being offensive to an employee, elected member or member of the general public:
 - a) Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching;
 - b) Subtle or explicit demands for sexual activities or molestation;
 - c) Intrusive enquiries into a person's private life;
 - d) Uninvited and unwelcome jokes that have a sexual and/or sexist undertone; and
 - e) Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.
 - 1.2 The Shire of Plantagenet recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

- 1.3 Any complaints of sexual harassment made against any person associated with the Council will be viewed seriously, treated confidentially, and thoroughly investigated by appropriately trained persons.
- 1.4 Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.
- 1.5 An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way, as a result thereof.
- 1.6 A formal complaints/grievance procedure follows and will be utilised to effectively resolve complaints of sexual harassment.

2. COMPLAINTS/GRIEVANCE PROCEDURE

- 2.1 All complaints of sexual harassment will be treated confidentially and resolved promptly.
- 2.2 Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.
- 2.3 It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.
- 2.4 A complaint of sexual harassment may be lodged with any of the following persons:
 - a) Immediate Supervisor/Manager (except where this person is the alleged harasser);
 - b) Division Manager (if applicable - except where this person is the alleged harasser);
 - c) Chief Executive Officer (if the alleged harasser is a Divisional Manager or the Shire President); and
 - d) Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor).
- 2.5 A person receiving a complaint of sexual harassment will:
 - a) Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management. Assure the

complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure;

- b) Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow up reports are provided until the matter is resolved, (or, in the event that the complaint relates to the Chief Executive Officer, the report shall be prepared for the Shire President); and
- c) Ensure no information regarding the complaint is discussed outside this procedure.

2.6 The person handling the complaint, whether it is the person who received the complaint or a more senior person will, with the approval of the complainant:

- a) As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour;
- b) Advise the alleged harasser of the right to contact his/her Union or advocate for advice and representation;
- c) Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard; and
- d) Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

2.7 If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:

- a) The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union may be party to the investigation; and
- b) All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.

2.8 During the period of the investigation of a case of serious sexual harassment:

- a) The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them;

- b) If requested by either party or by management, alternative working arrangements may be made; and
 - c) Any reasonable request by either party for legal or union representation shall not be denied.
- 2.9 If, following investigation and resolution, a complaint is judged to have been proved:
- a) Remedial action will be taken; and
 - b) A record of the detail of the remedial action will remain on the employee's personal file for a period of twelve months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer (or Shire President in the event that the complaint relates to the Chief Executive Officer).
- 2.10 If, following investigation, a complaint is judged to have been unproven, the complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
- 2.11 Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.
- 2.12 While it is the Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.'

be endorsed.

CARRIED (9/0)

NO. 209/17

8.5 EXECUTIVE SERVICES REPORTS

8.5.1 CHRISTMAS CLOSURE 2017/2018

File Ref:	N42478
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to seek approval for the closure of Shire facilities between the Christmas/New Year period – December 2017/January 2018.

The facilities are:

- Shire Administration Office;
- Shire Depot;
- Mount Barker Library;
- Mount Barker Swimming Pool; and
- The Rec.Centre.

BACKGROUND

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

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The closure of specific Council facilities over the Christmas period is an opportunity for all members of staff to use the two days negotiated as holidays as part of the Shire of Plantagenet Enterprise Agreements. The Chief Executive Officer would prefer that these holidays be taken between Christmas and New Year to minimise disruption to normal routine.

This year Christmas Day falls on a Monday. The Council will be asked to close the Council's facilities from the close of business on Friday 22 December 2017, with normal business resuming on Tuesday 2 January 2018.

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

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

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

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

- Saturday 23 December 2017 (Library staff to take annual leave/time in lieu)
- Monday 25 December 2017 - Public Holiday (Christmas Day)
- Tuesday 26 December 2017 - Public Holiday (Boxing Day)
- Wednesday 27 December 2017 - Local Government Day in Lieu
- Thursday 28 December 2017 - Local Government Day in Lieu
- Friday 29 December 2017 (majority of staff on RDO, remainder to take annual leave/time in lieu)
- Monday 1 January 2018 – Public Holiday (New Year's Day)

Closure days for The Rec.Centre would be:

- Monday 25 December 2017 to Monday 1 January 2018 (inclusive)

Closure day for the Swimming Pool would be:

- Monday 25 December 2017

Closure for Waste Management Facilities:

- No Council direction is needed for any Waste Management Facility for 2017 as each is closed on a Monday in any case.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That:

- 1. The Shire of Plantagenet's Administration Office be closed from close of business on Friday 22 December 2017 with the resumption of normal services on Tuesday 2 January 2018.**
- 2. The Depot be closed from close of business on Friday 22 December 2017 with the resumption of normal services on Tuesday 2 January 2018.**

3. The Mount Barker Public Library be closed from close of business on Friday 22 December 2017 with the resumption of normal services on Tuesday 2 January 2018.
4. The Rec.Centre be closed from close of business on Friday 22 December 2017 with the resumption of normal services on Tuesday 2 January 2018.
5. The Mount Barker Swimming Pool be closed on Monday 25 December 2017.
6. The closures inclusive of public holidays be advertised locally.

CARRIED (9/0)

NO. 210/17

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 CROWN LAND RESERVE 28136 – REMOVAL OF REMNANT VEGETATION

Cr C Pavlovich has given notice of his intention to move the following motion pursuant to Clause 3.7 of Standing Orders:

Cr Pavlovich

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

Nature: Perceived.

Extent: Family member has part ownership in property in the estate. Not a proximity.

3:40pm Cr C Pavlovich withdrew from the meeting.

Moved Cr L Handasyde, seconded Cr J Oldfield:

That:

- 1. The Council facilitate the process of removing remnant vegetation from Crown Land Reserve 28136 adjacent to the residential area bordered by Deane Street and Ingoldby Road Mount Barker (known as the 'Old Drive-In Site') on the east and south sides of existing housing.**
- 2. The cleared area will be to create a satisfactory fire exclusion zone to protect the housing development from wildfire within the Crown Reserve.**
- 3. The BAL guidelines will be used to determine the area defined in clause 2.**
- 4. The cost of equipment required to clear the remnant vegetation to comply with clauses 1, 2 and 3 will be from Shire of Plantagenet Cash-in-lieu of Public Open Space Trust Account, subject to Ministerial approval.**
- 5. The clearing to be completed within 60 days of receiving a clearing permit (if required by legislation) and approval.**

CARRIED (6/2)

NO. 211/17

Councillor Comment

FINANCIAL CONSIDERATION

Minor plant hire of estimated up to \$2,000 and ongoing annual maintenance.

The BAL assessment criteria imposed on this area by the state government has stopped all development in its tracks. At least four residential building projects have been cancelled due to the significant cost of compliance to the BAL requirements. The area is almost fully developed with new housing that does not comply with the BAL requirements.

In order to enable the last few blocks to be developed on an even commercial footing and to protect the whole estate from the risk of wild fire, this small strategic clearing is required.

The Reserve 28136 is currently zoned for recreation and the newly created open space would provide an area for people to kick the footy, fly frisbees, play with their dogs or any other recreation that requires open public space. This new open public space is some distance away from any other option say at ANZAC or Sounness Parks. The property is also marked for future residential in our TPS 3 and should be included in our TPS 5 currently in draft form. If the property is destined for residential development in the future then the public open space for recreation and be moved to create a fire risk buffer to the new development.

Council has a vested interest in this crown land, obligation to mitigate risk to the community and encourage suitable residential development.

4:06pm Cr C Pavlovich returned to the meeting.

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

Moved Cr L Handasyde, seconded Cr B Bell:

That new business of an urgent nature, namely:

**Mount Barker Swimming Club – Request for Support to Host WA
Country Pennants Competition in March 2021**

be introduced to the meeting.

CARRIED (9/0)

NO. 212/17

**10.1.1 MOUNT BARKER SWIMMING CLUB - REQUEST FOR SUPPORT TO
HOST WA COUNTRY PENNANTS COMPETITION IN MARCH 2021**

File Ref: N43111
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Fiona Pengel
Manager Community Services
Proposed Meeting Date: 10 October 2017

PURPOSE

The purpose of this report is to recommend Council support for the Mount Barker Swimming Club's (MBSC) bid to host the WA Country Pennants Swimming Competition to be held in March 2021.

BACKGROUND

At the Council meeting held on 15 August 2017, the MBSC President presented to the Council a proposal for the club to host the WA Country Pennants competition in March 2021. The club was seeking support and an assurance that the pool and facilities would be available for use at that time.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

The MBSC has raised this proposal and are a major user of the pool. The local schools, another major user group, are unlikely to be affected by this event.

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

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

Strategy 1.5.2:

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

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

OFFICER COMMENT

The WA Country Pennants is the major country swimming competition in the WA swimming calendar. Anecdotally, the competition attracts in the region of 1,000 participants and supporters.

Supporting the club's bid to host the competition in March 2021 will increase the chances of a successful bid. In committing to hosting the WA Country Pennants it should be noted that construction of any new pool facilities would need to be scheduled around the time of the competition.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the Mount Barker Swimming Club be advised the Council is supportive of the club bidding for the WA Country Pennants to be held in March 2021 and will be happy to work with the club to achieve that outcome.

CARRIED (9/0)

NO. 213/17

Moved Cr L Handasyde, seconded Cr B Bell:

That new business of an urgent nature, namely:

WA Local Government Association New Councillor Seminar – Councillor Attendance

be introduced to the meeting.

CARRIED (9/0)

NO. 214/17

10.1.2 WA LOCAL GOVERNMENT ASSOCIATION NEW COUNCILLOR SEMINAR - COUNCILLOR ATTENDANCE

File Ref:	N43110
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	10 October 2017

PURPOSE

The purpose of this report is to recommend the attendance of Councillor (elect) Bevan Lang to a New Councillor seminar organised by the WA Local Government Association (WALGA) on 17 November 2017.

BACKGROUND

WALGA has sent an invitation to all newly elected Councillors to attend a New Councillor Seminar being held in Perth.

The workshop will cover topics including:

- Good Governance and Professional Development
- The Relationship between Mayor/President and CEO
- Integrated Strategic Planning
- Planning
- Leadership

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Registration is free however Cr Lang will incur travel and may incur accommodation expenses. A council vehicle will be made available.

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:

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

Councillor (elect) Lang has indicated his willingness and availability to attend the seminar.

Other Councillors, if they wish and with Council authority, may also attend this seminar.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Hamblin:

That:

- 1. Councillor (elect) Bevan Lang and Cr Jeff Moir be authorised to attend the WA Local Government Association New Councillor Training Seminar 2015 being held on Friday 17 November 2017 in Perth.**
- 2. Expenses incurred to attend this seminar be charged to Budget Item ‘Members of Council – Councillor Conferences Training and Accommodation’.**

CARRIED (9/0)

NO. 215/17

11 CONFIDENTIAL

Moved Cr L Handasyde, seconded Cr B Bell:

That new business of an urgent nature, namely:

Local Tourism Organisation Proposal

be introduced to the meeting.

CARRIED (9/0)

NO. 216/17

11.1.1 LOCAL TOURISM ORGANISATION PROPOSAL

File Ref: N43107
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 October 2017

PURPOSE

The purpose of this report is to seek a financial contribution towards the detailed design of an operating model for a new Local Tourism Organisation (LTO).

MOTION TO PROCEED BEHIND THE CLOSED DOORS

Moved Cr L Handasyde, seconded Cr J Oldfield:

4:10pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is 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;

CARRIED (9/0)

NO. 217/17

MOTION TO PROCEED IN PUBLIC

4:28pm Moved Cr B Bell, seconded Cr L Handasyde:

That the meeting proceed in public.

CARRIED (9/0)

NO. 218/17

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That with regard to the Churchill Consultancy proposal 'LTO Operating Model Design' dated 4 October 2017 a contribution capped at \$7,500.00 (ex GST) is authorised subject to:

1. The contract being entered into by Discover Albany Foundation and/or Denmark Tourism (Inc); and
2. The Lower Great Southern Economic Alliance having access to the intellectual property contained within the final report.
3. The expenditure being charged to Budget line 20049.0273 (Professional Services).

CARRIED (9/0)

NO. 219/17

12 CLOSURE OF MEETING

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

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