



ORDINARY MINUTES

DATE: Tuesday, 12 September 2017

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution Nos. 187/17 to 200/17

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	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 Mark Bird	Acting Manager Community Services
Ms Cobie MacLean	Administration Officer (Planning)

Apologies:

Nil

Members of the Public Present:

There was one member(s) of the public in attendance.

Previously Approved Leave of Absence:

Cr J Moir – 4 September 2017 to 14 September 2017 inclusive.

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Pavlovich

Item: 9.5.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife is a member of the Mount Barker Football Club.
Extent: Nil.

Cr Pavlovich

Item: 12.1.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife is a member of the Mount Barker Football Club.
Extent: Nil.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr J Oldfield:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 15 August 2017 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 187/17

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President and Deputy Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

9.2.1 CONFERENCE ATTENDANCE - NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS 2017

File Ref:	N42646
Attachments:	ALGA Roads17 Registration Program
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	12 September 2017

PURPOSE

The purpose of this report is to recommend the attendance of a Councillor at the 2017 National Local Roads and Transport Congress. The event is scheduled to be held in Albany from 6 to 8 November 2017.

BACKGROUND

The National Local Roads and Transport Congress is held annually by the Australian Local Government Association (ALGA). Cr Handasyde and the CEO attended the conference held in Toowoomba last year.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The cost of early registration for the two day conference is \$890.00 (early bird price to 29 September, \$990.00 after this) which includes a ticket to the Welcome Reception and the Congress Dinner.

There will be no requirement for travel and accommodation due to the venue being Albany and a Shire vehicle will be made available for commuting.

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.

REGIONAL IMPLICATIONS

A goal within the Southern Link VROC Strategic Plan 2015-2020 under the heading of Regional Economic Development – Strategy 2 provides: ‘Collaborate on safe and efficient road networks’. One of the actions with this strategy is to work collaboratively through the Regional Road Group to upgrade significant local roads that join Shires.

OFFICER COMMENT

The theme of this year’s Congress is ‘Shaping Transport’s Future’. Mayor David O’Loughlin, President of ALGA comments that: *‘Every year local government nationally spends around 25 cents in every dollar on local roads and transport. With that level of investment, local governments, without question, have a major stake in the future of Australia’s transport systems and networks.’*

The challenges ahead suggest that all levels of government need to be smarter than we currently are and do more to ensure that our transport infrastructure is fit for purpose. If nothing changes, it is estimated that the cost of congestion will reach around \$30billion by 2030, and freight is expected to double by 2030 and treble by 2050....’

It is proposed that by the time of the Conference a newly appointed Manager Works and Services would also be registered to attend.

The dates of the Congress will clash with the 7 November 2017 Council Meeting.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr J Hamblin:

That:

1. Authority be granted to Crs L Handasyde and B Bell to attend the 2017 National Local Roads and Transport Congress in Albany from 6 to 8 November 2017.
2. All costs including transport, meals and registration be met from account Members of Council – Councillor Conferences, Training and Accommodation pursuant to Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed.

CARRIED (8/0)

NO. 188/17

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – AUGUST 2017

File Ref:	N42801
Attachment:	Financial Statements
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	12 September 2017

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 August 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 31 August 2017 be received.

CARRIED (8/0)

NO. 189/17

9.4.2 LIST OF ACCOUNTS – AUGUST 2017

File Ref:	N42804
Attachment:	<u>August 2017</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	12 September 2017

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of August 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 L Handasyde, seconded Cr C Pavlovich:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 August 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 \$812,626.34;
2. Municipal Cheques 46001 to 46025 totalling \$111,239.95; and
3. Trust Cheques 439 to 445 totalling \$2,600.00.

CARRIED (8/0)

NO. 190/17

9.4.3 POLICY REVIEW - INSURANCE OF BUILDINGS ON COUNCIL CONTROLLED LAND

File Ref: N42574
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 12 September 2017

PURPOSE

The purpose of this report is to review Council Policy A/I/1 – Insurance of Buildings on Council Controlled Land.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 15 September 2015.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy review 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 2.5 (Council buildings and facilities that meet community needs) the following Strategy:

Strategy 2.5.1:

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

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

OFFICER COMMENT

The matter of insurance relies on insurable interest. That means if the Council owns something, it has an insurable interest and may insure it. Conversely, if the Council does not own something, it has no legal right to insure it.

No delegations relate to this policy. This policy is considered appropriate and can be endorsed without change.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy A/I/1 – Insurance of Buildings on Council Controlled Land, as follows:

OBJECTIVE:

To clarify the Council's position on the responsibility for insurance costs of buildings erected on land owned by or under the care, control and management of the Council.

POLICY:

The Council will not accept responsibility for the cost of insurance of buildings erected by other organisations on land under Council control unless the Council has an insurable interest due to building ownership or legal agreement.'

be endorsed.

CARRIED (8/0)

NO. 191/17

9.4.4 POLICY REVIEW - NATURAL BURIALS

File Ref:	N42575
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	12 September 2017

PURPOSE

The purpose of this report is to review Council Policy A/CA/1 – Natural Burials.

BACKGROUND

This policy was adopted by the Council at its meeting held on 15 September 2015.

STATUTORY ENVIRONMENT

Cemeteries Act 1986
Local Government Act 1995
Shire of Plantagenet Cemeteries Local Law 2008

The Cemeteries Act 1986 provides that local governments perform the functions of a Cemetery Board.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The review of 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 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy:

Strategy 2.3.3:

‘Provide appropriately maintained cemeteries for our community’

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

OFFICER COMMENT

No delegations relate to this policy. No natural earth burials have yet taken place. Nevertheless, the existing policy is considered appropriate and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That Council Policy A/CA/1 - Natural Burials, as follows:

OBJECTIVE:

To provide natural burial opportunities that conserve and enhance local biological diversity, water resources and soil quality, and by doing so, maintain the ecological functions and integrity of the larger regional ecosystem.

POLICY:

1. To reduce the impact of conventional burial and cremations on the environment:
 - a) No embalming of the body will be permitted and the deceased must be conveyed in an approved casket or coffin, constructed of a biodegradable and untreated material derived from a sustainable resource; and
 - b) Burial sites will be planted with indigenous flora.
2. To maintain or enhance the quality of the natural environment:
 - a) Plots may be laid out in a similar way as a conventional cemetery but regeneration will be used in place of traditional memorial practices;
 - b) Additional flora may be grown around the plot to create a green or natural setting that will provide a haven for fauna in the future;
 - c) Natural burials shall only involve a single burial except where two burials are to occur simultaneously during the conduct of the same funeral, in which case a second burial will be permitted. This ensures that the newly created environment remains undisturbed; and
 - d) Plot locations will be surveyed and mapped. A defined survey mark will be placed nearby to indicate grave locations.
3. To achieve rapid and real return of the body to the earth:
 - a) Natural burial is defined as burial that conforms to the ordinary course of nature;
 - b) The aim is to return the body to the soil as quickly as would naturally occur;
 - c) The absence of embalming may assist this; and
 - d) The body is buried to a depth with an active layer of soil to maximise the rate of decomposition and the use of biodegradable coffins or caskets will further enhance this process.
4. To provide a more natural and sustainable alternative to conventional burial:
 - a) Natural burial aims to lower the environmental impact and carbon footprint of burial; and

- b) In the absence of embalming and through the use of coffins and caskets which are simpler and less ornate certain environmental components attributed to the conduct of conventional funerals may be reduced.
5. To ensure low ongoing sustainable maintenance requirements:
- a) Less maintenance will be carried out in a natural burial cemetery due to the reduced need for landscaping, plot manicuring, and headstone upkeep and memorabilia management; and
 - b) Natural cemeteries do not require regular mowing and only require minimal upkeep such as initial watering, tending of juvenile trees and weed control.
6. Cremated remains interred in the designated gravesite shall be contained in a biodegradable container that is non-retrievable. Alternatively, cremated remains may be placed directly into the earth.
7. No headstone or memorial, marker, stone, vase, tribute or any structure temporary or otherwise may be placed or erected at the gravesite.
8. Charges for natural earth burials be based on cost recovery.'
- be endorsed.

CARRIED (8/0)

NO. 192/17

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 MOUNT BARKER FOOTBALL CLUB - INVOICE RELIEF

Cr Pavlovich

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife is a member of the Mount Barker Football Club.
Extent: Nil.

3:24pm Cr C Pavlovich withdrew from the meeting.

File Ref: N42588
Attachments: [Copy of Invoice](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 12 September 2017

PURPOSE

The purpose of this report is to recommend the writing-off of invoices totalling \$550.00 relating to the hire of the Rec.Centre by the Mount Barker Football Club for training while Sounness Park was unsuitable for training.

BACKGROUND

The Sounness Park Football Oval has recently been subject to heavy recreational traffic. This heavy traffic, coupled with wet weather, water logging, black beetle infestation and unsatisfactory treatment of winter grass has resulted in the Mount Barker Football Club undertaking training where possible at the Rec.Centre to minimise damage to the Oval surface.

This has resulted in Rec.Centre charges of \$530.00.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.12 provides at subsection 1(c) that: *'a local government may write off any amount of money and that this may only be done an absolute majority.'*

The Council pursuant to Delegation 2.5 has delegated to the Chief Executive Officer the power to write-off amounts under \$20.00.

EXTERNAL CONSULTATION

The request for the write-off came from the President of the Mount Barker Football Club at a meeting held with the Chief Executive Officer on 21 August 2017.

FINANCIAL IMPLICATIONS

Should the Council agree to write-off the debt, revenue of \$530.00 will not be collected.

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 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.4:

'Actively promote and assist community groups and clubs'.

Should the Council choose to write-off this debt it would be in line with the Council's Strategic Community Plan in this instance.

OFFICER COMMENT

A retrospective request such as that made by the Football Club would normally not be considered. The hire fees incurred by the Football Club are not insubstantial and have been adopted by the Council in its budget.

However, given recent negative publicity regarding the condition of the Sounness Park surface, it is recommended that this amount be written off.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr B Bell:

That Recreation Centre charges incurred by the Mount Barker Football Club for the hire of the Mount Barker Rec.Centre relating to Invoice 10344 in the amount of \$530.00 be written off.

CARRIED (7/0)

NO. 193/17

3:25pm Cr C Pavlovich returned to the meeting.

9.5.2 POLICY REVIEW - COMMITTEE MEETINGS AND WORKSHOPS - ATTENDANCE BY MEMBERS OF THE PUBLIC

File Ref: N42638
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 12 September 2017

PURPOSE

The purpose of this report is to review Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public.

BACKGROUND

This policy was last reviewed on 3 March 2015.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.23 (1) states:

'the following are to be open to members of the public:

- (a) all council meetings;*
- (b) all meetings of any committee to which a local government power or duty has been delegated.'*

Further, Section 5.23 (2) states:

'If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (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;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal –*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

Where the trade secret or information is held by, or is about, a person other than the local government.

- (f) a matter that if disclosed, could be reasonably expected to –*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government's property; or*

- (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23 (a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.'*

As Council committees and workshops held do not enjoy any delegation of a power or duty, they need not be open to members of the public.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3:

'Ensure the council's decision making process is effective and transparent'; and

Strategy 4.1.4:

'Support strategic alliances, stakeholder forums and advisory committees that assist Shire if Policy development and service planning.'

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

OFFICER COMMENT

A recent Memorandum written by the CEO to Councillors outlined the confidential nature of workshops and clarified the assumption that members of the public are not automatically entitled to attend a workshop. This provides Councillors and Senior Staff the ability to discuss any issue candidly. Alternatively, should members of the public be invited to attend workshops, there may be a need for them to be asked to leave if a matter to be discussed moves into an area requiring them to go behind closed doors. Also, candid discussion may be curtailed.

The recommendation in this report is to endorse the policy without change.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That Council Policy CE/CS/3 – Committee Meetings and Workshops – Attendance by the Public, as follows:

‘OBJECTIVE

To give direction as to when members of the public may attend Council Committee meetings and workshops.

POLICY

The Council acknowledges that:

1. Members of the public may be permitted to attend Council appointed Committee meetings and workshops.
2. Although members of the public have no specific right to be in attendance at Committee meetings and workshops, the Council may allow such attendance unless the matters to be discussed could have been classified as confidential pursuant to the Local Government Act 1995 Section 5.23 (2).'

be endorsed.

CARRIED (8/0)

NO. 194/17

9.5.3 POLICY REVIEW - ELECTED MEMBER EXPENSES TO BE REIMBURSED

File Ref:	N42639
Attachments:	Elected Members Expenses to be reimbursed Policy with amendments
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	12 September 2017

PURPOSE

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

BACKGROUND

This policy was previously reviewed at the Council Meeting held 31 March 2015.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.98 (2)(b) and (4).

Local Government (Administration) Regulations 1995 Regulation 32.

FINANCIAL IMPLICATIONS

There are no financial implications for this report however annual allocations are included for budget consideration relating to Account 20026.0029 (Conferences, Training and Accommodation) and Account 20026.0032 (Local Government Convention).

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.1:

'Provide effective leadership for the community';

Strategy 4.1.4:

'Support strategic alliances, stakeholder forums and advisory committees that assist Shire in policy development and service planning' and

Strategy 4.1.5:

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

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

REGIONAL IMPLICATIONS

The Southern Link VROC Strategic Directions 2015-2020 identifies in Goal Two: (Provide sub regional leadership through the VROC) '*Ensure Southern Link VROC is included into induction for all new Elected Members*' and '*Conduct Elected Member Forums to promote the progress of the VROC.*'

OFFICER COMMENT

One amendment has been made in Part 3 to increase the maximum allowance of \$375.00 to \$400.00 per day inclusive of accommodation, meals and parking expenses.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

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

'OBJECTIVE

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

POLICY

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

- 1. a) Council and Committee meetings held in accordance with the provisions of the Local Government Act;**
- b) Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;**
- c) Conferences and training sessions specifically authorised by the Council;**
- d) Any official social function organised by, or on behalf of, the Shire of Plantagenet.**
- 2. Travel**
 - a) Councillors should utilise Council vehicles to attend meetings where they are authorised delegates of the Council subject to a vehicle being available;**
 - b) Reimbursement for the use of a private vehicle to be set in accordance with Clause 15.2 (Vehicle Allowance) of the Local Government Industry Award 2010;**

- c) Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of expenses will not be provided by the Council; and
- d) If a Council vehicle is made available and not utilised, no expenses will be reimbursed for the use of a private vehicle.

3. Accommodation

Accommodation, meals, and parking expenses incurred to a maximum of \$400.00 per day will be reimbursed provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

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

4. Conference/Meeting Attendance Costs

Where conference attendance is authorised by the Council, all conference attendance costs will be paid/reimbursed. Reimbursement for partners of members will be limited to:

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

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

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

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

8. Reports of conference or seminar attendance are required in writing to the Council for inclusion in the Information Bulletin immediately following the conference/seminar attendance.

9. The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the Council is involved, rather than individual or personal development type conference/seminars.

- 10. Elected Member – Local Government Training – Learning and Development Pathway**
- 10.1** As soon as practicable after appointment, newly elected are encouraged to undertake the training module ‘Understanding Local Government’. This course provides an overview of the roles and responsibilities of Elected Members, the Local Government environment and protocols and procedures affecting the way Local Governments operate.
- 10.2** Within their first term, Councillors are encouraged to undertake the Elected Member Skill Set which involves two days or six hours online training which addresses the introductory skills required to operate effectively in the Local Government environment.
- 10.3** All Councillors are encouraged to strive for a Diploma of Local Government which involves 10 modules (two of which may have been completed within the ‘Elected Member Skill Set’ training).
- 10.4** All Local Government training requests referred to in 10.1, 10.2 and 10.3 above are to be forwarded to the Chief Executive Officer who, in consultation with budget allocations, make arrangements for registrations.

Notes:

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

be endorsed.

CARRIED (8/0)

NO. 195/17

9.5.4 POLICY REVIEW - INTERNAL CONTROL

File Ref:	N42643
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	12 September 2017

PURPOSE

The purpose of this report is to review Policy C/IC/C – Internal Control.

BACKGROUND

This policy was adopted at the meeting of the Council held on 27 May 2014 in response to a new regulation (Section 17) of the Local Government (Audit) Regulations.

STATUTORY ENVIRONMENT

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

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

Local Government (Financial Management) Regulations 1996. Regulation 5 states (in part) as follows:

- '(1) Efficient systems and procedures are to be established by the CEO of a local government –*
- (a) for the proper collection of all money owing to the local government; and*
 - (b) for the safe custody and security of all money collected or held by the local government; and*
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
- and*
- (d) to ensure proper accounting for municipal or trust –*
 - (i) revenue received or receivable; and*
 - (ii) expenses paid or payable; and*
 - (iii) assets and liabilities;*
- and*

- (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
 - (f) *for the maintenance of payroll, stock control and costing records; and*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to –*
- (a) *ensure that the resources of the local government are effectively and efficiently managed;'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

'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

It is considered that this policy is sufficient and does not require any changes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Internal Control Policy C/IC/1 as follows:

'OBJECTIVE

To ensure that appropriate internal controls are implemented in order to:

- 1. Fulfil the statutory obligations under the Local Government (Financial Management) Regulations 1996 and Local Government (Audit) Regulations 1996; and**
- 2. Ensure that the Shire's assets are safe from loss due to fraud and mismanagement.**

POLICY

The Council will, through the CEO, ensure that appropriate and efficient internal controls are in place covering:

1. Staffing and segregation of duties;
2. Information technology;
3. Documented procedures and processes covering the recording, reporting and authorisation of transactions; and
4. Monitoring performance and adherence.'

be endorsed.

CARRIED (8/0)

NO. 196/17

9.5.5 PORONGURUP HALL - LOCATIONS 3569 AND 3570 (RESERVE 15133) - PROPOSED LEASE TO PORONGURUP COMMUNITY ASSOCIATION INC.

File Ref:	N42554
Attachments:	Draft Lease Draft Diagram of proposed extension
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	12 September 2017

PURPOSE

The purpose of this report is to recommend to the Council the leasing of Locations 3569 and 3570 (Reserve 15133) Porongurup Road, Porongurup (Porongurup Hall) to the Porongurup Community Association Inc. (PCA).

BACKGROUND

At its meeting held on 26 May 2015 the Council resolved the following:

'That authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the lease agreement between the Shire of Plantagenet and the Porongurup Community Association Inc. (as attached) for Locations 3569 and 3570 (Reserve 15133) Porongurup Road, Porongurup (Porongurup Hall) with the following provisions:

- 1. Rental amount to be \$1.00 per annum if and when demanded.*
- 2. The term of the lease to be twenty one years.*
- 3. The Lessee be responsible for contents insurance on fittings and fixtures not the property of the Council, building maintenance not of a structural nature, garden and ground maintenance and supply charges.*
- 4. The Lessee will, at the Lessee's expense, effect and keep current a policy covering public liability providing a minimum cover of ten million dollars (\$10,000,000.00) or such higher amount as the Lessor specifies, provided that the premium for such policy will be reimbursed to the Lessee by the Lessor annually.'*

STATUTORY ENVIRONMENT

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

'...the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational,

sporting or other like nature; and members of which are not enlisted or permitted to receive a pecuniary profit from the body's transactions.'

As such a lease to the PCA is an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with Scott Drummond, Suzie Luscombe and Fiona Glen from the PCA. The Friends of Porongurup Range have offered their support to the Porongurup Community Association to lease the Hall.

FINANCIAL IMPLICATIONS

The Council would reimburse the PCA the cost of its public liability insurance. The cost to the Council would be approximately \$800.00 to \$1,000.00 per year.

POLICY IMPLICATIONS

Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' applies. The objective of this policy is *'To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.'*

Section 3.d. of the policy 'Other Service Organisation/Sporting Club' states the following:

'Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. The decision is to be made by the Council when the respective leases are renewed.'

The degree to which rates should be waived for each of these is considered on a case by case basis, but as a guide the following factors are to be considered:

- *Benefits to the Shire as a whole of activities being provided;*
- *Number of active participants or people benefitting;*
- *Structure of organisation (ie: not for profit or other, membership fees payable, base of operations);*
- *Ability to recoup costs, such as commercial kitchen, bar or fee for service.*
- *Exclusion/inclusion of sections of the community.'*

LEGAL IMPLICATIONS

Councillors are advised that recent legal advice indicates that when the Council leases Council property that the land which is subject to the lease should be rateable.

ASSET MANAGEMENT IMPLICATIONS

The PCA is planning to undertake extensions and refurbishment of the Hall. Discussions have commenced with Lotterywest. Diagrams are attached. Any works would be subject to Council endorsement prior to the issue of a building licence.

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, Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) provides the following strategy:

'Strategy 2.2.6: Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'

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

OFFICER COMMENT

The signing of the lease had been delayed while identified required maintenance was undertaken. This was completed in November 2016 and involved:

- Connection of kitchen sink outlet to septic system;
- Re-flashing of kitchen window to stop water leak;
- Replacement of balustrade to rear steps and landing;
- Additional length of downpipe to water tank overflow;
- Installation of two double power points to main hall area;
- Installation of additional bracing and struts to side entrance door wall and roof trusses.

Although the Hall is not on the Council's Municipal Heritage Inventory, it is listed as a place to be reviewed at such time as the Inventory as a whole is reviewed. This review was due in 2002 but funding has not been available.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

1. **Authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the lease agreement between the Shire of Plantagenet and the Porongurup Community Association Inc. (as attached) for Locations 3569 and 3570 (Reserve 15133) Porongurup Road, Porongurup (Porongurup Hall) with the following provisions:**
 - a. **Rental amount to be \$1.00 per annum if and when demanded.**
 - b. **The term of the lease to be twenty one years.**

- c. The Lessee be responsible for contents insurance on fittings and fixtures not the property of the Council, building maintenance not of a structural nature, garden and ground maintenance and supply charges.
 - d. The Lessee will, at the Lessee's expense, effect and keep current a policy covering public liability providing a minimum cover of ten million dollars (\$10,000,000.00) or such higher amount as the Lessor specifies, provided that the premium for such policy will be reimbursed to the Lessee by the Lessor annually.
2. For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the Shire, number of active participants and the not for profit status of the Lessee, that a 100% waiver of annual levied rates shall apply.
3. The intention of the lessee to seek funds to undertake refurbishment and extensive works be noted.

CARRIED (8/0)

NO. 197/17

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

12.1.1 SOUNNESS PARK CLUBROOMS - AUDIO AND VISUAL EQUIPMENT

Cr Pavlovich

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife is a member of the Mount Barker Football Club.
Extent: Nil.

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

File Ref: N42583
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 12 September 2017

PURPOSE

The purpose of this report is to recommend that the audio and visual equipment that was installed into the Sounness Park clubrooms be purchased by the Shire of Plantagenet.

MOTION TO PROCEED BEHIND THE CLOSED DOORS

Moved Cr L Handasyde, seconded Cr J Hamblin:

3:40pm 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:

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

CARRIED (7/0)

NO. 198/17

MOTION TO PROCEED IN PUBLIC

3:42pm Moved Cr S Etherington, seconded Cr L Handasyde:

That the meeting proceed in public.

CARRIED (7/0)

NO. 199/17

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the Mount Barker Football Club be offered the sum of \$10,000.00 for the purchase of the audio visual equipment as specified as attached.

CARRIED (7/0)

NO. 200/17

3:42pm Cr C Pavlovich returned to the meeting.

13 CLOSURE OF MEETING

3:43pm The Presiding Member declared the meeting closed.

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