



# ORDINARY MINUTES

**DATE:** Tuesday, 27 February 2018

**TIME:** 3:00pm

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

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

**Resolution Nos: 24/18 to 49/18**  
**MEMBERSHIP – Quorum (5)**

**MEMBERSHIP – Quorum (5)**

**Membership:**

Cr C Pavlovich Shire President  
Cr B Bell  
Cr K Clements  
Cr S Etherington JP  
Cr L Handasyde  
Cr B Lang  
Cr J Moir  
Cr M O’Dea  
Cr J Oldfield Deputy Shire President

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.*

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

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Ms Fiona Pengel	Manager Community Services
Mr David Lynch	Manager Works and Services

### Apologies:

Nil

### Members of the Public Present:

There were 5 members of the public present

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and 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**

##### **3.2.1 MOUNT BARKER TURF CLUB INC.**

Asked by: Mr Stephen Carter President Mount Barker Turf Club

Is the Shire able to amend its by-laws relating to the management plan for Frost Park to enable the gates to be locked on mornings when horse training is in progress on the racetrack?

Response by: Cr Chris Pavlovich Shire President

The Shire President thanked Mr Carter for his question and advised that the Council would take this on notice, investigate and respond in due course.

### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **4.1 MR COLIN MOLLOY, PRESIDENT MOUNT BARKER TOURIST BUREAU**

Mr Molloy spoke in support of the Amazing South Coast DMO, drawing attention to points of concern and information for consideration. A copy of Mr Molloy's presentation is attached to these minutes.

#### **4.2 MS STACEY PEARSE**

Ms Pearse addressed the Council regarding hooning on the unsealed section of the corner of Marmion and Thomas Streets, Mount Barker. Ms Pearse requested the road be sealed and re-aligned. It was noted the forthcoming Councillor Bus trip was scheduled to include this intersection.

**4.3 MR PAUL OAKLEY – ITEM 9.1.1 RESERVE 10338 LOT 634 LOWOOD ROAD, MOUNT BARKER – RETAIL SHOP AND WORKSHOP**

Mr Oakley addressed the Council and requested that the Council consider alternative hours of opening and the condition of resealing the roof for the development at Reserve 10338 Lot 634 Lowood Road Mount Barker.

**5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

**6.1 CR M O'DEA**

Cr M O'Dea requested Leave of Absence from 9 March 2018 to 20 March 2018 inclusive.

**Moved Cr L Handasyde, seconded Cr Clements:**

**That Cr M O'Dea be granted leave of absence for the period 9 March 2018 to 20 March 2018 inclusive.**

**CARRIED (9/0)**

**NO. 24/18**

**7 CONFIRMATION OF MINUTES**

**Moved Cr S Etherington, seconded Cr B Bell:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 30 January 2018 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 25/18**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately.

The Shire President advised Councillors of the resignation of Mr Stephen Fink from Plantagenet Sporting Club

**Moved Cr C Pavlovich, seconded Cr B Bell:**

- 1. That the resignation of Stephen Fink, Chair of the Plantagenet Sporting Club, be noted and that Stephen's hard work and dedication as the inaugural Chair of the Plantagenet Sporting Club be acknowledged.**
  
- 2. The CEO be requested to write to Mr Fink expressing the Council's appreciation.**

**CARRIED (9/0)**

**NO. 26/18**



## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 RESERVE 10338 LOT 634 LOWOOD ROAD, MOUNT BARKER – RETAIL SHOP AND WORKSHOP

<b>File Ref:</b>	<b>N43559</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>
<b>Applicant:</b>	<b>Paul Oakley</b>

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#### **PURPOSE**

The purpose of this report is to consider an application for retail shop and workshop at Crown Reserve 10338 Lot 634 Lowood Road, Mount Barker.

#### **BACKGROUND**

The proposed retail shop and workshop will be carried out at Lot 634 Lowood Road previously occupied by Chris & Joy's Preloved Goods retail shop. Lot 634 is part of Crown Reserve 10338 and is controlled by the Public Transport Authority (PTA) under a Management Order.

On 14 November 2017, the Council received an application for development approval (DA) for garden equipment and machinery retail shop including an ancillary repair and service workshop. The application however was incomplete and not authorised by the landowner (PTA). The Council on 5 December 2017 received further supporting information and the necessary landowner authorisation.

The retail shop and workshop proposal involves the sale of new and used garden equipment and machinery, spare parts and accessories. The proposal further involves a workshop to repair and service all types of petrol, diesel and electric outdoor products including chain saws, lawn mowers, pumps, generators, whipper snippers and brush cutters. The workshop also includes the assembly of new hydraulic hoses for agricultural, earthmoving and heavy transport vehicles.

This DA was advertised for government agency comments and recommendations from 18 December 2017 to 28 January 2018.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

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

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Local Scheme Reserve (Railway) and the Council must determine whether this use is in accordance with the reserve purpose.

Metropolitan Water Supply, Sewerage and Drainage Act 1909.

Metropolitan Water Supply, Sewerage and Drainage By-laws 1982 - An industrial waste permit may be required to be issued by the Water Corporation prior to the discharge of trade waste into the reticulated sewer network.

Health (Miscellaneous Provisions) Act 1911.

Health (Asbestos) Regulations 1992.

Code of Practice for the Management and Control of Asbestos in Workplaces 2005.

Environmental Protection (Noise) Regulations 1997 – set prescribed standards for noise emissions and set out clear methods for noise assessment and control, providing certainty to industry as to the standard expected.

**EXTERNAL CONSULTATION**

In accordance with Delegation 7.1A letters were sent to the Water Corporation (WC) and PTA for comment and recommendations for the minimum 42 day period ending on 28 January 2018.

The 42 day period is set by the Planning and Development (Local Planning Schemes) Regulations 2015.

The WC advised that reticulated water and sewerage services are available at the site. The WC has further advised that the proposal does not appear to impact on WC infrastructure or operations. The PTA advised it has no objections to the use change.

**FINANCIAL IMPLICATIONS**

The development application fee of \$147.00 has been paid.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

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

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

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

By supporting the officer recommendation the KPI will be met.

### **OFFICER COMMENT**

The subject portion of Lot 634 Lowood Road is 547.2m<sup>2</sup> in area and is located in the Railway Local Scheme Reserve. Existing development at the subject portion of Lot 634 consists of one building that was previously used for the purposes of a shop. The building is 369m<sup>2</sup> in area and is now owned by the applicant and it will be upgraded to improve its appearance, functionality and security. The land under the building is leased from the PTA by the applicant. The two existing advertising signs on the building will be replaced with new advertising signs that will be similar in size and location. A new advertising sign will also be attached to the south elevation of the building.

All retail shop and workshop operations will be carried out within the existing building, excluding the lean-to structure to the front of the building.

This subject portion of Lot 634 is 547.2m<sup>2</sup> in area with the existing building covering 369m<sup>2</sup> (67%) of the lot meaning an area of only 178.2m<sup>2</sup> remains for further development. There are no development provisions set in TPS3 for the Railway Local Scheme Reserve. The size and placement of the existing building will only allow for the provision of limited car parking bays and no area for landscaping. In addition, the areas not occupied by the existing building are covered in bitumen seal. A condition of development approval should require the car parking layout and crossover being approved by the Manager Works and Services prior to the business operating. The Manager Works and Services is considering the formalising of the bitumen area south of this site as a public car parking area.

The restricted area for development on this lot due to the presence of the existing building is a relevant consideration for not requiring landscaping in this instance.

Asbestos containing material is present at the existing building. Asbestos sheets were used to cover the roof and box gable areas of the building. Asbestos fibres can pose a risk to health if airborne. If asbestos fibres are in a stable material such as bonded in asbestos-cement sheeting and in good condition (non-friable) they pose little health risk.

The Council's Principal Building Surveyor and Environment Health Officer have carried out inspections of the building. Both officers have considered the asbestos sheets to be in a non-friable condition. Asbestos materials in a non-friable condition are unlikely to release measurable levels of asbestos fibre into the airborne environment if they are left undisturbed. A condition of development approval shall require internal roof and box gable areas to be appropriately sealed to ensure the

asbestos containing material remains in a stable condition. These internal areas will need to be sealed prior to the business operating. A further condition of development approval should require external roof and box gable areas to be appropriately sealed by 31 January 2019.

An air compressor will be used as part of the business operations. The air compressor will be located in the existing storage area located outside the main building. A condition of development approval should require this area to be insulated to reduce noise emissions.

Subject to appropriate approval conditions, the proposed retail shop and workshop operation is not likely to adversely affect the amenity of the location. The proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER RECOMMENDATION**

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed retail shop and workshop at Crown Reserve 10338 Lot 634 Lowood Road, Mount Barker be approved subject to:

1. Development being in accordance with the plans dated 14 November 2017.
2. All retail shop and workshop operations occurring within the existing building only, excluding the lean-to structure to the front of the building.
3. All retail shop and workshop operations being restricted to Monday to Saturday between 8:00am and 6:00pm.
4. All internal roof and box gable areas being sealed to the satisfaction of the Manager Development Services prior to the business operating.
5. All external roof and box gable areas being sealed to the satisfaction of the Manager Development by 31 January 2019.
6. The building covering the air compressor being insulated to the satisfaction of the Manager Development Services.
7. All car bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and being constructed, delineated and drained to the satisfaction of the Manager Works and Services.
8. The car parking layout and entry crossover being approved by the Manager Works and Services prior to commencement of any parking site works.
9. All liquid and solid waste being collected, stored and disposed of to the satisfaction the Manager Development Services.
10. The external appearance of the building being upgraded to the satisfaction of the Manager Development Services.

## Advice Note:

1. The applicant is to liaise with the Council's Environmental Health Officer and Principal Building Surveyor prior to carrying out any work on asbestos containing materials to ensure compliance with the relevant statutory and Code of Practice requirements.
2. Compliance with the following statutory instruments:
  - Health Act 2011;
  - Health (Asbestos) Regulations 1992;
  - Shire of Plantagenet Health Local Law 2008;
  - Environmental Protection Act 1986;
  - Environmental Protection (Noise) Regulations 1997;
  - Occupational Safety and Health Act 1984; and
  - Code of Practice for the Management and Control of Asbestos in Workplaces 2005.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Clements, seconded Cr M O'Dea:**

**That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed retail shop and workshop at Crown Reserve 10338 Lot 634 Lowood Road, Mount Barker be approved subject to:**

1. **Development being in accordance with the plans dated 14 November 2017.**
2. **All retail shop and workshop operations occurring within the existing building only, excluding the lean-to structure to the front of the building.**
3. **All retail shop and workshop operations being restricted to Monday to Saturday between 7:00am and 8:00pm and 10.00am to 6.00pm on Sunday.**
4. **All internal roof and box gable areas being sealed to the satisfaction of the Manager Development Services prior to the business operating.**
5. **All external roof and box gable areas being sealed to the satisfaction of the Manager Development by 31 January 2019.**
6. **The building covering the air compressor being insulated to the satisfaction of the Manager Development Services.**
7. **All car bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and being constructed, delineated and drained to the satisfaction of the Manager Works and Services.**

8. The car parking layout and entry crossover being approved by the Manager Works and Services prior to commencement of any parking site works.
9. All liquid and solid waste being collected, stored and disposed of to the satisfaction the Manager Development Services.
10. The external appearance of the building being upgraded to the satisfaction of the Manager Development Services.

**Advice Note:**

1. The applicant is to liaise with the Council's Environmental Health Officer and Principal Building Surveyor prior to carrying out any work on asbestos containing materials to ensure compliance with the relevant statutory and Code of Practice requirements.
2. Compliance with the following statutory instruments:
  - Health Act 2011;
  - Health (Asbestos) Regulations 1992;
  - Shire of Plantagenet Health Local Law 2008;
  - Environmental Protection Act 1986;
  - Environmental Protection (Noise) Regulations 1997;
  - Occupational Safety and Health Act 1984; and
  - Code of Practice for the Management and Control of Asbestos in Workplaces 2005.

LOST (3/6)

**FURTHER MOTION/COUNCIL DECISION**

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

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed retail shop and workshop at Crown Reserve 10338 Lot 634 Lowood Road, Mount Barker be approved subject to:

1. Development being in accordance with the plans dated 14 November 2017.
2. All retail shop and workshop operations occurring within the existing building only, excluding the lean-to structure to the front of the building.
3. All internal roof and box gable areas being sealed to the satisfaction of the Manager Development Services prior to the business operating.
4. All external roof and box gable areas being sealed to the satisfaction of the Manager Development by 31 January 2020.
5. The building covering the air compressor being insulated to the satisfaction of the Manager Development Services.

6. All car bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and being constructed, delineated and drained to the satisfaction of the Manager Works and Services.
7. The car parking layout and entry crossover being approved by the Manager Works and Services prior to commencement of any parking site works.
8. All liquid and solid waste being collected, stored and disposed of to the satisfaction the Manager Development Services.
9. The external appearance of the building being upgraded to the satisfaction of the Manager Development Services.

**Advice Note:**

1. The applicant is to liaise with the Council's Environmental Health Officer and Principal Building Surveyor prior to carrying out any work on asbestos containing materials to ensure compliance with the relevant statutory and Code of Practice requirements.
2. Compliance with the following statutory instruments:
  - Health Act 2011;
  - Health (Asbestos) Regulations 1992;
  - Shire of Plantagenet Health Local Law 2008;
  - Environmental Protection Act 1986;
  - Environmental Protection (Noise) Regulations 1997;
  - Occupational Safety and Health Act 1984; and
  - Code of Practice for the Management and Control of Asbestos in Workplaces 2005.

**CARRIED (8/1)**

**NO. 26/18**

Cr Clements requested his vote be recorded against the motion

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 POLICY REVIEW - GRAVEL AND SAND ACQUISITION

<b>File Ref:</b>	<b>N44442</b>
<b>Attachments:</b>	<a href="#">Attachment 1 – State Gravel Supply Strategy, pp 66-68</a> <a href="#">Attachment 2 – Policy with Changes Noted</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>  <b>Author: David Lynch</b> <b>Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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#### **PURPOSE**

The purpose of this report is to review Council Policy NRM/EI/1 – Gravel and Sand Acquisition.

#### **BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 1 March 2016.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 3.27 and Schedule 3.2 – ‘Particular things local governments can do on land that is not local government property’

Local Government Act 1995, Section 3.31 – ‘General procedure for entering property’

Local Government Act 1995, Section 3.32 – ‘Notice of entry’

Local Government Act 1995, Section 3.33 – ‘Entry under warrant’

#### **FINANCIAL IMPLICATIONS**

The current policy provides a value for gravel and sand at a rate of \$1.00 per m<sup>3</sup> (ex GST). This rate has not changed since 2009. It should be noted the Manager Works and Services may negotiate a higher rate where deemed necessary.

The policy also provides options for landowners to choose private works to the value, in lieu of cash payment, or a combination of private works and cash payment for gravel and/or sand provided.

#### **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 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.1:



*'Maintain and further develop Shire Roads, drainage and pathways at appropriate standards and continue to seek to maximise grant funding to support this aim.'*

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/21 includes Action 2.4.1.1:

*'Ensure the Council's ongoing access to materials for the construction and maintenance of its road network.'*

Accordingly the recommended outcome for this report aligns with the Corporate Business Plan.

### **OFFICER COMMENT**

Materials suitable for quality road and drainage works are becoming harder to secure. This is due to a number of factors including changing agricultural land uses (plantations, outdoor rotational piggeries etc.), increasing urbanisation, especially in the Kendenup area, competition with commercial business and the most accessible or traditional sources having been exhausted.

There are also some landowners who either don't wish to allow access to gravel on their property for their own reasons or place conditions on their approval, such as the gravel only to be used on local roads that they access.

Commercial businesses are willing to pay landowners in the vicinity of \$2.50 to \$3.50 (inc GST) per m<sup>3</sup> of material removed, compared to the current Council rate of \$1.00 per m<sup>3</sup> (ex GST).

To overcome these issues the Council has a number of options, namely offering a higher royalty on the basis of good location and quality of material or invoking the relevant sections of the Local Government Act and taking the material as required.

Issued in March 1998 by the Western Australian State Government, the State Gravel Supply Strategy (SGSS) has an excellent summary of legislation at Section 4.6.1 (pp 66-68) which summarises the fact that road building materials are owned by the Crown, not the land title holder (except for land alienated before 1899). These pages are shown at Attachment One. Local governments are more restricted in their rights of access than Main Roads WA (MRWA).

Forced acquisition should be the last resort for the Council but adverse perception and its implications would be tempered by:

- Paying the royalty rate regardless of the circumstances of the acquisition,
- Constructing access roads in a location and manner to create minimal disruption to the landowner, and
- Rehabilitating the pit and access roads to best practice standards.

This approach is in line with the recommendations of the SGSS.

The ability to offer a landowner higher royalties should not be considered a cost imposition if a material source is available closer to the worksite and/or a higher quality source. The current policy does not take into account either of these factors leaving no flexibility for negotiation.

As an example the MWS is currently negotiating with a landowner in close proximity to the Mount Barker townsite, with a very high quality source that could supply in

excess of 100,000m<sup>3</sup> of gravel materials for road construction, and landfill cover requirements for the O'Neill Road Waste Facility within 20 to 30 km of the site for 10 to 20 years. Whilst the landowner is not totally opposed to allowing access, the lack of perceived compensation is slowing negotiations considerably. Additionally this material is in an ideal position to supply materials for upcoming WANDRRA works. Only high quality materials should be used for these repair works given the damage is generally in lower lying positions or is forced to survive flooding events.

Changes to the policy include an additional point to clarify the Council's intention to extract gravel from a property where the landowner does not grant permission to do so. Further, specific values for sand and clay have been included and the rate per m<sup>3</sup> for gravel has been increased.

Some other minor changes have been made to ensure formatting consistency and to improve the clarity and flow of the document.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr J Moir:**

**That the amended Council Policy NRM/EI/1 – Gravel and Sand Acquisition as follows:**

### **OBJECTIVE**

**To provide clear guidelines for the acquisition of gravel, sand and clay for construction and maintenance purposes.**

### **POLICY**

#### **1. Scope**

**This policy applies to all transactions between the Council and individuals when obtaining materials from private land for construction and maintenance purposes.**

#### **2. Legislation**

**Local Government Act 1995, Section 3.27 and Schedule 3.2 – 'Particular things local governments can do on land that is not local government property'**

**Local Government Act 1995, Section 3.31 – 'General procedure for entering property'**

**Local Government Act 1995, Section 3.32 – 'Notice of entry'**

**Local Government Act 1995, Section 3.33 – 'Entry under warrant'**

#### **3. Application of Policy**

**3.1. The Council will, when materials for construction and maintenance purposes need to be sourced from private land, obtain such material**

by consultation with the landowner or his/her authorised representative. Where such negotiations are successful the Council will be responsible for:

- 3.1.1 Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction;
  - 3.1.2 Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures;
  - 3.1.3 Negotiating compensation to the landowner for materials extracted and associated justifiable imposts.
- 3.2 Values for materials are to be determined by the Manager Works and Services on a case by case basis as follows:
- 3.2.1 Gravel is to be at a rate of up to \$2.00 per m<sup>3</sup> (ex GST). The suggested range is to be \$1.00 per m<sup>3</sup> (ex GST) for moderate quality material to \$2.00 per m<sup>3</sup> (ex GST) for gravel that does, or has the ability through crushing or screening to conform to Main Roads WA Specification 501.08.01 for Naturally Occurring Basecourse material.
  - 3.2.2 Sand is to be at a rate of up to \$1.50 per m<sup>3</sup> (ex GST). The sand must be clean, free of deleterious materials such as clay, roots or other organic matter and contain no particles greater than 5mm in any dimension.
  - 3.2.3 Clay and lesser quality materials to be used for landfill cover or embankment materials is to be at a rate of up to \$1.00 per m<sup>3</sup> (ex GST).
- 3.3. Where landowners contribute to road construction and maintenance works by providing, without claim for compensation, gravel materials or sand, the Manager Works and Services is to be authorised to carry out private works at the request of the landowner. The valuation of the landowner's contribution to the road works is to be determined by the Manager Works and Services.
- 3.4. The private works in part 3.3 above may only be carried out on the property from which materials have been extracted, and subject to plant availability.
- 3.5. Prior to taking materials from private property, permission shall be obtained from the landowner or his/her authorised representative, in the form of a signed agreement.
- 3.6. When landowner consent for the extraction of road building or other materials required for public works is not granted and the Chief Executive Officer considers that acquisition of these materials is in the best interests of the public, the Chief Executive Officer provides such notices, and takes such actions, as are prescribed by the Local Government Act 1995 to secure these materials.

If materials are extracted without the landowner's consent then the rates of royalty that would have been applicable and remedial actions to the land that would have been taken, will apply as if the landowner had given their permission.

- 3.7. Upon completion of all requirements of the agreement in part 3.4, the Manager Works and Services shall ensure the landholder is adequately satisfied, by way of a signed acceptance letter.'

be adopted.

**CARRIED (9/0)**

**NO. 27/18**

**9.2.2 PROPOSED ROAD RESERVE CLOSURE AND AMALGAMATION - LOT 2031 FRANKLAND-ROCKY GULLY ROAD, ROCKY GULLY**

<b>File Ref:</b>	<b>N44399</b>
<b>Attachments:</b>	<a href="#">Map 1 – Location of Road Reserve</a> <a href="#">Map 2 – Infrastructure on Lot 2031</a>
<b>Responsible Officer:</b>	<b>David Lynch</b> <b>Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne</b> <b>Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>
<b>Applicant:</b>	<b>Isolation Ridge Vineyards Pty Ltd</b>

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**PURPOSE**

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to permanently close a portion of unconstructed road reserve and its amalgamation into the adjacent Lot 2031 Frankland-Rocky Gully Road, Rocky Gully and to recommend such closure.

**BACKGROUND**

The Council at its meeting held on 7 November 2017 resolved:

*‘That:*

- 1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close a portion of road reserve running through Lot 2031 Frankland-Rocky Gully Road, Rocky Gully as shown on Map 1.*
- 2. A further report be prepared for the Council’s consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held in March 2018.’*

The report also proposed that the portion of road reserve be amalgamated with the adjacent Lot 2031 Frankland Rocky Gully Road, Rocky Gully with the landowner covering all the costs of the process.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997, Section 58 – ‘Closing roads’

Land Administration Regulations 1998, Regulation 9 – ‘Local government request to close road permanently (Act s.58 (2)). requirements for’

Land Administration Act 1997, Section 87 – ‘Sale etc. of Crown land for amalgamation with adjoining land’

**EXTERNAL CONSULTATION**

As required by Section 58 of the Land Administration Act 1997, public notice of the proposal was placed in the Albany Advertiser on 7 December 2017 and the

Plantagenet News on 6 December 2017. No submissions to the proposal were received from members of the public prior to the submission end date.

Written notice of the proposal inviting submissions to be forwarded to the Shire in writing by 12 January 2018 was provided to various parties as detailed in Section 58 of the Land Administration Act 1997. Responses were received from Western Power, Main Roads WA, Telstra, Department of Jobs, Tourism, Science and Innovation, Department of Mines, Industry Regulation and Safety each of which raised no objection to the proposal.

### **FINANCIAL IMPLICATIONS**

The landowner requesting the road reserve closure has paid the application fee of \$625.00.

Further costs which may be incurred in the road reserve closure and amalgamation process such as purchase price, stamp duty, survey costs, document preparation, registration fees and possible service relocation costs will be met by the applicant.

### **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 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.4:

*'Investigate and respond to road safety and traffic issues throughout the District.'*

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 2.4.4.2:

*'Ensure both temporary and permanent road closures are processed and approved in accordance with all necessary legal and administration requirements.'*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

### **OFFICER COMMENT**

As there has been no objection to the proposal it is recommended that the Council request the Minister for Lands to permanently close a portion of the unconstructed road reserve running through Lot 2031 Frankland Rocky Gully Road, Rocky Gully and it be amalgamated into the adjacent Lot 2031 Frankland Rocky Gully Road, Rocky Gully with the landowner covering all the costs of the process.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. Pursuant to Section 58 of the Land Administration Act 1997, the Minister for Lands be requested to permanently close the portion of road reserve running through Lot 2031 Frankland Rocky Gully Road, Rocky Gully as shown on Map 1.**
- 2. The closed portion be amalgamated into the adjacent Lot 2031 Frankland Rocky Gully Road, Rocky Gully with the applicant covering all the costs of the process.**

**CARRIED (9/0)**

**NO. 28/18**

## 9.3 COMMUNITY SERVICES REPORTS

### 9.3.1 COMMUNITY BUS

<b>File Ref:</b>	<b>N44448</b>
<b>Attachments:</b>	<a href="#">Community Bus Survey Summary</a>
<b>Responsible Officer:</b>	<b>Fiona Pengel Manager Community Services</b>
<b>Author:</b>	<b>Isabelle Draffehn Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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#### **PURPOSE**

The purpose of this report is to summarise findings resulting from research and community consultation regarding the purchase of a community bus by the Shire of Plantagenet.

#### **BACKGROUND**

The purchase of a community bus has been raised with the Shire of Plantagenet for several years, prompting further investigation and community consultation.

In the past, the Volunteer Fire and Rescue Service (VFRS) had a bus that was available to the community for hire. The VFRS disposed of this vehicle as the management became onerous and the service was no longer viable.

A community survey was conducted through August and September 2017 to identify if there was an unmet need for a community bus service within our Shire. A total of 58 community members completed the survey which represents just over 1% of the population of the Shire; 51 (88.93%) of them being in favour of acquiring a community bus.

Despite high interest from the respondents in the bus, the usage patterns indicated in the survey were insufficient for justifying the purchase of a vehicle. Most groups/individuals advised that they would use the bus on an 'ad hoc/as needs' basis.

Research identified that the capital purchase of a bus (Ford Transit, 12 seater), and the purchase and construction of a shed housing the bus would be approximately \$75,000.00. Annual operating costs were estimated at \$11,800.00 based on 15,000km usage per year.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

External consultation has occurred with community groups and the general public through a community survey.



**FINANCIAL IMPLICATIONS**

Lotterywest has indicated that unless a community bus is guaranteed to be used seven days a week, it is unlikely to receive funding. Therefore, capital and operating costs would need to be covered by the Shire of Plantagenet. These costs would be in the region of \$195,000.00 over a ten year period.

Should the Shire assume the management of the bus, this would also require staff resources for bookings, cleaning and inspections of the bus.

**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**

Should a community bus be purchased it would be included in the Shire's Asset Register. Licensing, insurance and servicing associated with the bus would be the responsibility of the Shire.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The proposal for purchasing a community bus has been raised several times in the past four years. Initially it was hoped that a community group would take on the management of a community bus, however, this model did not eventuate.

To further investigate the community need for a bus, a survey was undertaken that was emailed to all community and sporting groups, advertised in the Plantagenet News, and hard copies provided to particular interest groups and at the Shire administration office.

The results of this survey are attached and no clear direction was indicated as to the size of the vehicle (12, 21 25+ seater) or if groups required a driver to be supplied as part of the service. Respondents indicated that the bus would mostly be used on an ad hoc basis.

The rate of hiring a bus from a commercial operator would be similar to hiring the community bus from the Shire if it was operated on a cost recovery basis.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That no further action be taken regarding the purchase of a community bus.**

**CARRIED (9/0)**

**NO. 29/18**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 BUDGET REVIEW - JANUARY 2018

<b>File Ref:</b>	<b>N44274</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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#### **PURPOSE**

The purpose of this report is to review and adjust the adopted 2017/2018 Annual Budget to recognise variations in actual income and expenditure.

#### **BACKGROUND**

The 2017/2018 annual budget was adopted by the Council at a special meeting held on 11 July 2017. This review is the second quarterly review of the 2017/2018 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

#### **STATUTORY ENVIRONMENT**

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

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

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

*and determination is to be provided to the Department.'*

## **FINANCIAL IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2016–2027 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategy:

Strategy 4.6.1:

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

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

## **OFFICER COMMENT**

This is the main budget review of the year. In terms of operating result, operating income is currently 1.6% below (year to date) budget and operating expenditure is 3.0% above (year to date) budget. The value of outstanding rates is currently 16.5%, which is approximately 5% lower than the half year value in the last two years.

The capital works program is currently 59% under (year to date) budget. Capital roadworks are now largely under way and it is expected that the program will be completed by the end of the financial year, with the exception of two Black Spot projects which are being held up with clearing permit delays. Heavy plant purchases and annual fleet purchases are scheduled for March – April 2018.

Transfers to reserve funds have been carried out in line with the budget and budget amendments identified in the August 2017 budget review.

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

- The estimated actual surplus carried forward at 30 June 2017, as detailed in the draft audited 2016/2017 annual financial report, was \$1,033,076.00. The budgeted surplus carried forward was \$1,107,370.00. A variance of \$74,294.00 exists between the budgeted and actual balance carried forward, which resulted mainly from a higher value in the pre 30 June invoices being received after 1 July 2017 than expected. Savings in this review will cancel out this deficit.
- The budget split between the Commonwealth Government Grants Commission Grant for Equalisation and Road Maintenance is incorrect. Changes to the split have been made, which have a \$nil cash impact.
- A sum of \$25,000.00 was budgeted for electoral expenses. With no election taking place, the November 2017 budget review made available \$23,000.00 for

reallocation, the remaining being used on advertising costs. That budget review did not take into account WA Electoral Commission administration costs of approximately \$6,600.00, which should be allocated back to this account.

- The administration was requested to investigate the cost of installing an interactive projector and white board in the Council Chamber. A quotation has been received for an Epson EB-695Wi Ultra Short Throw Interactive Projector and 2,100mm x 1,200mm porcelain whiteboard, at a cost of \$3,795.00 (excluding GST). If endorsed, this could be allocated to Budget Item 'Administration - Minor Furniture & Equipment Purchases', although would require a 'top up' of approximately \$2,000.00, which could be reallocated from savings in Budget Item 'Administration – Fringe Benefits Tax'.
- Budget Item 'Other Expenses - Purchase of Plant / Equipment (< \$1,200)' under Bush Fire Brigades has additional operating expenditure of approximately \$9,500.00 for fire fighting foam and reflective signage. This extra expenditure will be covered by Department of Fire and Emergency Services. Adjustments will be made to the income and expenditure accounts accordingly.
- The Shire's Environmental Health Officer (EHO) resigned in May 2017. There had initially been some discussion with Alliance partners about a Regional EHO. In the meantime, the Shire has used City of Albany EHOs on a contract basis. The Shire's Environment Officer has now taken on a joint role, taking on EHO duties, while undertaking formal training over the next two years. A number of fund transfers are required to allocate sufficient funds to the relevant accounts. Overall, savings of approximately \$38,000.00 should be realised in the current financial year.
- Waste disposal site maintenance has an allocation of \$385,000.00. At this stage of the year, a sum of \$250,692.00 has been allocated, with such expenditure reflecting the increasing costs of environmental compliance and proper tip site management. Additional funds of \$45,000.00 are sought for this financial year.
- The arrangements for reimbursement from the Department of Education of cleaning and maintenance costs at the Rec.Centre has been reviewed, with a reduction in the previous quantum of cleaning hours available for reimbursement. The current budget amount of \$25,825.00 should be reduced to a more realistic amount of \$9,400.00.
- The 'Residence / Office' building at the museum complex requires some works to be done with rotting verandah beams, posts and floor boards. The estimated cost is up to \$8,000.00. An additional \$5,000.00 is required in Budget Item 'Recreation & Cultural Buildings - Building Renewal'. This work has been commenced due to the urgent nature of the repairs and the need to have it completed for the forthcoming 150th celebrations of that facility.
- Roadworks project Beattie Road (SLK 0.00 to 3.50) was allocated a sum of \$130,000.00 in the budget. The necessary works to resheet gravel with drainage improvements have been completed for \$70,000.00. A sum of \$60,000.00 is available for reallocation.
- Roadworks project Fourth Avenue - SLK 0.00 to 0.61 is currently approximately \$24,000.00 over the initial budget allocation of \$55,500.00. A reallocation of surplus funds from roadworks job Marion Street - SLK 0.00 to 0.56 totalling

\$5,867.00 can be applied, with the remaining being funded from other savings in this review.

- Following a claim for 2017/18 footpath restoration under the January 2017 storm event, approval has been granted for additional income of \$70,170.00. As the expenditure has already been accounted for, this sum can be made available for reallocation. In addition, two maintenance accounts for storm damage (income and expenditure) can be cancelled as it has been confirmed that this is a capital item. This has a \$nil cash impact.
- The depreciation on footpaths has increased due to a higher valuation attributable for the 2017/18 financial year. An additional \$9,065.00 is required for this account, which is a \$nil cash impact.
- Standpipe water usage (expenditure and income) are well below budget. Both accounts are recommended to be adjusted by \$40,000.00, which is a \$nil cash impact.

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

#### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That the budget review for the period 1 July 2017 to 31 January 2018 be adopted and the 2017/2018 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
General	Surplus carried forward Difference	\$1,107,370	\$1,033,076	(\$74,294)
10007.0212	Grants Commission Grant - Equalisation - Untied	\$398,374	\$368,072	(\$30,302)
10008.0211	Grants Commission Grant - Road Maintenance - Untied	\$366,898	\$397,200	\$30,302
20025.0030	Other Expenses - Elections - Professional Services	(\$700)	(\$7,357)	(\$6,657)
20513.0085	Other Expenses - Purchase of Plant / Equipment (< \$1,200)	(\$2,000)	(\$11,500)	(\$9,500)
10515.0201	Grant Income - FESA Grant	\$139,536	\$149,036	\$9,500
20048.0085	Office Expenses - Minor Furniture & Equipment Purchases	(\$5,000)	(\$7,000)	(\$2,000)
20276.0265	Financial Expenses - Fringe Benefits Tax	(\$70,000)	(\$68,000)	\$2,000
20111.0130	Employee Costs - Salaries - Health	(\$85,212)	(\$21,052)	\$64,160
20111.0264	Employee Costs - Relief Salaries - Health	(\$15,000)	(\$30,110)	(\$15,110)
20160.0130	Employee Costs - Salaries - Waste	(\$161,545)	(\$170,546)	(\$9,002)
20260.0130	Employee Costs - Salaries - Public Works Overheads	(\$362,527)	(\$364,778)	(\$2,250)
20165.0052	Waste Disposal Sites - Grounds Maintenance	(\$385,000)	(\$430,000)	(\$45,000)
11102.0227	Reimbursements - Education Dep't	\$25,825	\$9,400	(\$16,425)
50407.0252	Recreation & Cultural Buildings - Building Renewal	(\$10,000)	(\$15,000)	(\$5,000)
51714.0250	Beattie Road - SLK 0.00 to 3.50	(\$130,000)	(\$70,000)	\$60,000
51632.0250	Marion Street - SLK 0.00 to 0.56	(\$5,867)	\$0	\$5,867
51717.0250	Fourth Avenue - SLK 0.00 to 0.61	(\$55,500)	(\$81,957)	(\$26,457)
41201.0209	Direct Road Grants - Storm Damage	\$1,350,000	\$1,420,170	\$70,170
20225.0039	Road Maintenance - Storm Damage	(\$25,000)	\$0	\$25,000
10134.0197	Contributions - Roadworks Contributions (Storm Damage)	\$25,000	\$0	(\$25,000)
20224.0190	Non Cash Expenses - Depreciation - Footpaths	(\$74,846)	(\$83,911)	\$0
21328.0319	Water Supply (Standpipes)	(\$75,000)	(\$35,000)	\$40,000
11320.0400	Other Income - Sale of Water	\$70,000	\$30,000	(\$40,000)
TOTAL		\$2,019,807	\$2,010,742	\$0

**MOTION TO SUSPEND STANDING ORDERS**

Moved Cr B Bell, seconded Cr J Moir:

That those sections of Standing Orders that would prevent a Councillor from speaking more than once to an item be suspended.

**CARRIED (9/0)  
NO. 30/18**

**MOTION TO RESUME STANDING ORDERS**

Moved Cr B Bell, seconded Cr B Lang:

That Standing Orders be resumed.

**CARRIED (9/0)**  
**NO. 31/18**

The Motion was then put.

**CARRIED (9/0)**  
**NO. 32/18**

**Absolute Majority**



**9.4.2 FINANCIAL STATEMENTS – JANUARY 2018**

<b>File Ref:</b>	<b>N44306</b>
<b>Attachment:</b>	<a href="#">Financial Statements</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Alison Kendrick</b> <b>Senior Administration Officer - Finance</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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**PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 January 2018.

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

**That the Financial Statement for the period ending 31 January 2018 be received.**

**CARRIED (9/0)**

**NO. 33/18**

**9.4.3 LIST OF ACCOUNTS – JANUARY 2018**

<b>File Ref:</b>	<b>N44371</b>
<b>Attachment:</b>	<a href="#">List of Accounts - January 2018</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Vanessa Hillman</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of January 2018.

**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 (20 June 2017). 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 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 31 January 2018 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$257,630.23;
2. Municipal Cheques 46135 to 46136, 46143 to 46156 and 46159 to 46164 totalling \$122,032.69; and
3. Cancelled Cheques 46137 to 46142 and 46157 to 46158.

**CARRIED (9/0)**

**NO. 34/18**

**9.4.4 MATERIAL VARIANCE AMOUNT - 2018/2019**

<b>File Ref:</b>	<b>N44380</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 February 2018</b>

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**PURPOSE**

The purpose of this report is to adopt reportable budget variance values for the 2018/2019 financial year.

**BACKGROUND**

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formerly AAS 5) to be used in the statements of financial activity for reporting material variances. According to AASB 1031:

*'materiality means, in relation to information, that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by the management or governing body of the entity.'*

The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

For several years, the material variances have been set at:

1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.
2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.

**STATUTORY ENVIRONMENT**

Regulation 34 of the Local Government (Financial Management) Regulations requires local governments to report on a monthly basis. The Financial Management Regulations require local governments to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question and must include - material variances i.e. material variances between the comparable amounts in year to date budget and year to date actual.

The relevant parts of that Regulation are detailed below:

*'34. Financial activity statement report — s. 6.4*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —...*

*(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

*...*

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.'*

### **FINANCIAL IMPLICATIONS**

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

### **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 2017-2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

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

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

### **OFFICER COMMENT**

The current material variances used by the Council are working well and meet legal and practical requirements.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Lang, seconded Cr M O'Dea:**

**That material financial variances for the 2018/2019 financial year be set at:**

- 1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.**
- 2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.**

**CARRIED (9/0)**

**NO. 35/18**

**9.4.5 POLICY REVIEW – BUDGET PREPARATION**

<b>File Ref:</b>	<b>N44277</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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**PURPOSE**

The purpose of this report is to review Council Policy F/FM/10 - Budget Preparation.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 29 March 2016.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017-2026 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.

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.6.1.5 *'Ensure that annual budgets are realistic, accurate, comply with legislation and achieve the aims established by the Council in its Long Term Planning documents'.*

**OFFICER COMMENT**

This policy has guided the budget preparation process for the last six years. It has worked well and can be endorsed without change.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr J Oldfield:

That Council Policy F/FM/10 – Budget Preparation as follows:

**OBJECTIVE:**

To provide guidance in relation to preparation of the annual budget and the programming of major works and asset purchases.

**POLICY:****Fees and Charges**

- 1.1 The objective for setting fees and charges is to adopt a self funding approach as the preferred revenue collection method where a direct recognisable service is provided. A balance is to be achieved between implementing the self funding principle versus discounted pricing to recognise a community service obligation.
- 1.2 The Council annually, in conjunction with the budget adoption process, review all fees and charges levied for services with the aim of increasing the overall level of fees and charges by the Local Government Cost Index averaged over a three year period. The review of the fees and charges is to consider:
  - a) The cost of providing the service;
  - b) The purpose of the service and in particular whether it is consumed by a discrete part of the community or is general public service;
  - c) The extent to which a subsidy should apply for reasons of community affordability, comparative pricing to private or neighbouring local government facilities/services or encouragement of greater use of Council facilities; and
  - d) An appropriate level for infringements which balances a fair cost and a deterrent factor.

**Works Program**

- 2.1 The following parameters are recommended for efficient and effective financial management in relation to interim overdraft conditions which may prevail in the early and closing parts of each financial year:
  - a) Defer procurement of new budgeted heavy plant items until after January each year.
  - b) Discourage the programming of materially intensive works in the early and closing parts of each financial year.
  - c) Not to procure fixed assets within the last month of the financial year unless extenuating circumstances exist.

**Rates**

- 3.1 Rates will be reviewed annually with the following factors being considered:
  - a) The range of services and service levels, activities, objectives and plans detailed from time to time in the Council's Strategic



- Community Plan, Corporate Business Plan and associated documents;**
- b) Levels of the Consumer Price Index (All Groups) Perth and the Western Australian Local Government Cost Index;**
  - c) Sector growth and prevailing economic conditions;**
  - d) Comparison with other local governments in the region;**
  - e) Minimum rate to be imposed as all ratepayers should contribute equally to basic Council services. Minimum rates should also have a penalty factor levy to encourage development and discourage reduced amenity;**
  - f) The setting of rubbish collection and recycling charges should be based on the self funding principle; and**
  - g) The Council will set and maintain a ratio upon which the proportion of rates raised between property valuation categories will be based, regardless of re-valuations undertaken by the Valuer General's Office. The primary reason for this is to maintain equity and smooth out timing differences in re-valuations. Notwithstanding this, the Council should satisfy itself that respective rating levels on each category are equitable.'**

**be endorsed.**

**CARRIED (9/0)**

**NO. 36/18**

**9.4.6 ATTENDANCE FEES AND ALLOWANCES - COUNCILLORS - 2018/2019**

**File Ref:** N44381  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 28 February 2018

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**PURPOSE**

The purpose of this report is to review and recommend adoption of the elected member expenses and allowances for the 2018/2019 financial year.

**BACKGROUND**

The Shire of Plantagenet currently pays elected members the following attendance fees and allowances:

- Annual attendance fee (Shire President) \$15,100.00
- Annual attendance fees (Councillor) \$8,060.00
- Shire President's Annual Allowance \$6,630.00
- Deputy Shire President's Annual Allowance \$1,657.50

Minimum and maximum fees for annual attendance fees and annual allowances are determined by the State Government Salaries and Allowances Tribunal.

**STATUTORY ENVIRONMENT**

Local Government Act 1995  
Local Government (Administration) Regulations.

The Local Government Act 1995 (section 5.98 to 5.102), Local Government (Administration) Regulations 30 to 34 and determinations of the Salaries and Allowances Tribunal legislate the payment of expenses and allowances to elected members. This legislation defines minimum and maximum allowances for the Shire of Plantagenet, a Band 3 local government, as follows:

- Annual attendance fee (Shire President) – Minimum \$7,612.00; Maximum \$25,091.00.
- Annual attendance fees (Councillor) - Minimum \$7,612.00; Maximum \$16,205.00.
- Shire President's Annual Allowance:
  - Minimum - \$1,015.00;
  - Maximum - \$36,591.00
- Deputy President's Annual Allowance - Minimum \$253.75, Maximum \$9,147.75.

Section 5.98A (1) of the Local Government Act 1995 states that:

*'A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the*

*Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

*Absolute majority required.'*

Section 5.99 of the Local Government Act 1995 states that:

*'A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

*Absolute majority required.'*

Section 5.63(1)(c) of the Act states that the requirement to declare an interest does not apply to a person who has *'an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers'*.

## **FINANCIAL IMPLICATIONS**

An allocation of \$87,868.00 has been made in the 2017/2018 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2018/2019 draft budget.

## **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 2017-2026 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**

The recommended fees and allowances include an increment of 1% in keeping with current trends and consumer price index movements.

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That in accordance with Sections 5.98A (1) and 5.99 of the Local Government Act 1995, elected member attendance fees and allowances for the 2018/2019 financial year be set as follows:

1. Annual attendance fee (Shire President) \$15,250.00.
2. Annual attendance fee (Councillor) \$8,140.00.
3. Shire President's Annual Allowance \$6,700.00.
4. Deputy President's Annual Allowance \$1,675.00.

**CARRIED (9/0)**

**NO. 37/18**

**Absolute Majority**

**9.4.7 COMPLIANCE AUDIT RETURN 2017**

<b>File Ref:</b>	<b>N44438</b>
<b>Attachments:</b>	<a href="#">Compliance Audit Return</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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**PURPOSE**

The purpose of this report is to recommend to the Council the adoption of the Compliance Audit Return for the calendar year 1 January to 31 December 2017 and to enable the Council to fulfil its statutory obligations with regard to the Compliance Audit.

**BACKGROUND**

A Compliance Audit is required to be completed once in each calendar year.

**STATUTORY ENVIRONMENT**

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995. The Local Government (Audit) Regulations 1996 includes the following sub regulations in Regulation 14:

- '(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –*
- (a) presented to the council at a meeting of the council; and*
  - (b) adopted by the council; and*
  - (c) recorded in the minutes of the meeting at which it is adopted.'*

After the Compliance Audit Return has been presented to the Council, a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations; and
- (b) any additional information explaining or qualifying the Compliance Audit is to be submitted to the Department of Local Government and Communities by 31 March 2018.

**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 2017-2026 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 provide accurate recording, management, security and reporting functions.'*

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.6.1.2 – Ensure the Audit function is carried out in accordance with legislative requirements.

**OFFICER COMMENT**

The completed Compliance Audit Return is attached to the report. The 2017 Compliance Audit revealed one area of non-compliance, namely that a review of the delegations register was not completed by 30 June 2017. This was due to a full review of the register taking longer than expected. The reviewed and amended delegations register was adopted by Council on 5 December 2017.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Compliance Audit Return for the calendar year 1 January 2017 to 31 December 2017 be adopted and submitted to the Department of Local Government and Communities.**

**CARRIED (9/0)**

**NO. 38/18**

**9.4.8 POLICY REVIEW - ASSET MANAGEMENT**

<b>File Ref:</b>	<b>N43469</b>
<b>Attachments:</b>	<b>Policy A/PA/15 – Asset Management</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 February 2018</b>

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/15 – Asset Management.

**BACKGROUND**

Council Policy A/PA/15 was last reviewed by the Council at its meeting held on 8 December 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 2017-2026 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following Strategy:

Strategy 2.6.1:

*‘Implement maintenance, servicing and renewal of Council assets in a timely manner that maximises its life and performance, with a focus on infrastructure and core buildings’*

Further, the Council’s Corporate Business Plan 2016/2017 – 2020/2021 includes Action 2.6.1.1:

*‘Implement Asset Management Framework and Principles.’*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan. Further, a program such as that set out in the policy should contribute to the achievement of Council Key Performance Indicator ‘2.6 - Assets and infrastructure managed over the long term to meet current and future needs’.

**OFFICER COMMENT**

The Asset Management Policy provides clear direction as to how the Council, as custodian of community assets, manages the Shire's infrastructure within an asset management framework. It also provides a strategic approach in decision making in relation to assets.

The Asset Management Policy summarises the responsibilities of the Council and staff, and includes the key principles that will be used to make informed decisions in relation to assets. This policy is needed to demonstrate a strong commitment to care for the Council's assets for present and future communities.

The policy has been amended to reflect recent work to develop an asset management plan beyond the Council's initial Stage 1 Plan. Another change is to re-specify the classes of assets in the Asset Management Plan, which is based on the structure of the Council's financial asset register. Other minor grammatical and wording changes have been made.

It should be noted that the Asset Management Working Group referred to in the policy is made up of a number of senior staff and other staff responsible for fixed assets. The group is co-ordinated by the Deputy Chief Executive Officer. It does not necessarily meet formally, rather there is liaison between staff on matters relating to asset management when appropriate.

Other than these amendments, it is considered that the current policy is sufficient and should be endorsed.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That amended Policy No. A/PA/15 Asset Management, as follows:

<b>'DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
Corporate Services	Administration	Property Administration

**OBJECTIVE:**

To ensure that services provided by the Shire of Plantagenet continue to be delivered in a sustainable manner. This will be achieved through the corporate goal of having a whole of life asset management approach and by ensuring that the assets used to support the service delivery continue to function to the level of service determined by the Council.

It will also provide clear direction as to how the Council, as custodian of community assets, will manage those assets within an Asset Management Framework.

**POLICY:**

The Shire of Plantagenet is committed to ensuring that Asset Management is recognised as a major corporate function within the Council and that staff are committed to supporting the function in line with this policy.



The Shire is committed to making informed decisions in relation to its assets. To achieve this, the Shire has prepared an Asset Management Improvement Strategy (AMIS) and an Asset Management Plan that will guide the implementation of asset management practices across the organisation with the major outcome being the adoption by the Council of an Asset Management Plan (AMP) for the following classes of assets:

- a) Buildings;
- b) Plant and Equipment;
- c) Furniture and Equipment;
- d) Road Infrastructure;
- e) Stormwater Drainage Infrastructure;
- f) Pathway Infrastructure;
- g) Parks and Reserves Infrastructure; and
- h) Other Infrastructure.

The AMPs will form part of the Shire's day-to-day business practices. They will define the level of service to be provided and will be used to make informed decisions in relation to considering the need to maintain or renew existing assets, acquire new assets, upgrade existing assets or dispose of assets to support service delivery. AMPs will include financial modelling of the renewal profile of each asset class.

The Council will develop and implement a long term (10 year) 'rolling' financial plan (LTFP) that incorporates infrastructure renewal requirements as identified within the various AMPs.

In making informed decisions in relation to assets, the Shire will consider the following key principles:

1. Philosophy of renewing assets before acquiring new assets.
2. Where possible, rationalising assets that are no longer used or do not provide the necessary level of service defined for that asset.
3. Prior to consideration of any major refurbishment or improvement to an asset, a critical review of the following shall occur as part of the evaluation process:
  - a) Need for the facility (short and long term);
  - b) Legislative requirements;
  - c) Opportunities for rationalisation;
  - d) Future liability including ultimate retention/disposal; and
  - e) Opportunities for multiple use.
4. Where the Council proposes to build or otherwise take on responsibility for a building with a cost greater than \$100,000.00, the proposal will be assessed under the Council's adopted Business Case Guidelines for New Buildings. All other capital works projects in excess of \$100,000.00 will be subject to a cost / benefit analysis. Projects will also be assessed against the objectives and priorities within corporate planning documents, including the Strategic Community Plan, Corporate Business Plan and Asset Management Plans.

5. In addition to the requirements identified in the AMP in respect to road infrastructure, the Council will aim to maximise state and federal grants and recognise the need to allocate sufficient local government funds on road projects in each year to support this aim.

### **RESPONSIBILITY AND REPORTING**

**Council** - Responsible for approving (including amendments to) this Policy, the AMIS and AMPs. The Council is also responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of the above documents. In adopting AMPs, the Council is also determining the Level of Service for each asset class.

**Chief Executive Officer (CEO)** - Responsible for ensuring that systems are in place to ensure that this Policy, the AMIS and AMPs are prepared and kept up to date and that recommendations are put to the Council in relation to appropriate resource allocation to fulfil the objectives of the above documents. Responsible for identifying processes for meeting training needs for councillors and staff. The CEO reports to the Council on all matters relating to asset management.

**Asset Management Working Group (AMWG)** – Responsible for co-ordinating the development of this Policy, the AMIS and AMPs.

**All Managers** – Responsible for supporting the allocation of staff to the AMWG and ensuring that resources under their control are appropriately allocated to achieving the AMIS. All Managers report to the CEO on all matters relating to the implementation of AMPs under their area of control.

### **POLICY DEFINITIONS**

**‘Asset’** means a physical item that is owned or controlled by the Shire of Plantagenet, and provides or contributes to the provision of service to the community (In this context are fixed assets that support the delivery of services to the community such as roads, buildings and parks).

**‘Asset Management’** means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet the Council’s priorities for service delivery.

**‘Asset Management Plan’** means a plan developed for the management of an asset or asset category (that includes community service, technical and financial considerations) over the lifecycle of the asset.

**‘Asset Renewal’** – see renewal.

**‘Level of Service’** means the combination of function, design and presentation of an asset. The aim of asset management is to match the asset and level of service to the community expectation, need and level of affordability.

**‘Life Cycle’** means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

**‘Whole of life cost(s)’** means the total cost of an asset throughout its service life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.

**‘Maintenance’** means regular ongoing day-to-day work necessary to keep the asset operating and to achieve its optimum life expectancy.

**‘Operations’ means the regular activities to provide public health, safety and amenities and to enable the assets to function e.g.: road sweeping, grass mowing, cleaning, street lighting and graffiti removal.**

**‘New’ means creation of a new asset to meet additional level of service requirements.**

**‘Resources’ means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).**

**‘Renewal’ means the restoration, rehabilitation or replacement of an existing asset to its original capacity. This may include the addition of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.**

**‘Renewal Profile’ means a predicted future capital expenditure profile necessary to achieve a user-defined asset condition outcome.**

**‘Risk’ means the probability and consequence of an event that could impact on the Council’s ability to meet its corporate objectives.**

**‘Service Life’ means the period over which an asset is expected to be usable, with normal repairs and maintenance, for the purpose it was acquired.**

**‘Stakeholders’ are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.**

**‘Upgrade’ means the enhancement of an existing asset to provide a higher level of service.’**

**be endorsed.**

**CARRIED (9/0)**

**NO. 39/18**

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

<b>File Ref:</b>	<b>N44163</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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**PURPOSE**

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

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 2 February 2016.

At its meeting held on 30 January 2018, this policy was presented for review. The recommendation appeared to reflect a previous version of the policy and the Council resolved that the question be adjourned to enable further research to be undertaken, with a further report to be presented at the Ordinary Meeting of the Council to be held on 27 February 2018.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

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

- ‘(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –*
- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
  - (b) the manner of assessment of the additional amount,*
- and cause local public notice to be given in relation to the policy.’*

Local Government (Administration) Regulations

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

- ‘(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total -*
- (a) the value of the person’s final annual remuneration, if the person -*
    - (i) accepts voluntary severance by resigning as an employee; and*
    - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;*
- or*
- (b) in all other cases, \$5,000.’*

**FINANCIAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2016-2027 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**

The policy, as amended by the Council at its meeting held on 29 October 2013 and endorsed by the Council on 2 February 2016 is now presented. It is considered that this policy is sufficient and should be endorsed. It should be noted that casual staff are entitled to receive the benefits outlined in this policy.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Oldfield, seconded Cr B Lang:

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

**OBJECTIVE:**

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

**POLICY:**

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

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

**A Certificate of Appreciation.**
  - 1.2 Greater than four years and up to and including eight years of office:**

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

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

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

**1.4 Greater than 12 years of office:**

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

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

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

**2. Staff – Upon Resignation**

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

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

**2.2 Greater than 10 years of service:**

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

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

**3. Councillors and Staff – During Office/Service**

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

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

**Certificate of Recognition;**

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

**A Plaque of Recognition; and**

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

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

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

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

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

be endorsed.

**CARRIED (9/0)**

**NO. 40/18**

## **9.5 EXECUTIVE SERVICES REPORTS**

### **9.5.1 MASS HELIUM BALLOON RELEASES**

<b>File Ref:</b>	<b>N44363</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 February 2018</b>

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#### **PURPOSE**

The purpose of this report is to consider a request from the Hon. Robin Chapple MLC, seeking the Council's position on the mass release of balloons into the environment.

The matter is raised by the Member of the Legislative Council as concerns exist that mass releases of balloons into the environment not only cause a subsequent litter problem but can also pose a danger to wildlife.

#### **BACKGROUND**

Jurisdictions are only recently becoming aware of the impact of the mass release of balloons into the environment.

The Keep Australia Beautiful Council (WA) notes that balloon fragments are often mistaken for food by animals, subsequently causing injury and death. Also strings attached to balloons can strangle or entrap animals and birds.

The Keep Australia Beautiful Council (WA) also notes that in NSW a maximum of 20 balloons only can be released at any one time. The Sunshine Coast in Queensland has banned the intentional release of helium balloons into the atmosphere and Tasmania is presently considering a law to do similarly.

#### **STATUTORY ENVIRONMENT**

The Litter Act (1979) provides that it is an offence to deposit litter '...on any land or onto any waters...'. So, even though balloons released into the atmosphere eventually become litter when they subsequently land on ground or water, it becomes difficult to prove the offence as the offence may actually be committed many kilometres away.

#### **EXTERNAL CONSULTATION**

No external consultation has occurred with regard to this matter.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.



**POLICY IMPLICATIONS**

There is no Council policy regarding the release of balloons into the atmosphere and policy development may indeed be warranted.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2016-2027 provides at Outcome 2.7 (Protection of natural environment) the following Strategy:

Strategy 2.7.4:

*'Promotes and supports initiatives to protect and conserve native bush, flora and fauna.'*

If it is accepted that litter created from balloons may be harmful to wildlife, then outcome 2.7 of the Shire of Plantagenet Strategic Community Plan 2016-2027 will apply.

**OFFICER COMMENT**

It is understood that legislation banning the mass release of helium balloons into the atmosphere will be considered by the Western Australian Parliament. Therefore, there is little to be gained for the Shire of Plantagenet to follow a similar path except to advise the Hon. Robin Chapple MLC of the Council's position. The negative impact of plastics in our environment, on flora and fauna in the environment, have been well documented and balloon fragments would form part of this mass. It therefore appears reasonable to support a ban on the mass release of helium balloons into the atmosphere.

However, it could be argued that as the Council has no specific legislative control in the area that some form of public consultation should take place prior to any definitive position being settled. It is therefore considered reasonable to seek input from the community before any position is finalised.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That prior to the Council forming a position on the mass release of helium balloons into the atmosphere, public consultation be undertaken and that a further report be prepared for the Council's consideration at the Ordinary Meeting of the Council scheduled 24 April 2018.

**ALTERNATIVE MOTION/COUNCIL DECISION**

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

**That the Hon. Robin Chapple MLC be advised that the Shire of Plantagenet is supportive of meaningful initiatives to reduce waste and preserve the environment.**

**CARRIED (9/0)**

**NO. 41/18**

## 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr L Handasyde has given notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 3.7 of Standing Orders:

‘That upon every decision of the Council made during a Council meeting, the vote recorded will include the names of those Councillors who voted against the substantive motion.’

### **COUNCILLOR COMMENT**

This method is common amongst many other councils. It allows staff to keep track of voting trends and the minutes will reflect who voted a certain way for future reference.

This would be an improvement on the ad hoc system now where a councillor may ask that their name is recorded. It also increases the accountability of councillors in their voting and allows the public to see clearly those who voted on a certain matter a certain way.

It is a more transparent and professional methodology and will add rigour for the accurate recording of minutes with regard to voting.

The Presiding Member invited Cr Handasyde to put his Notice of Motion.

**Moved Cr L Handasyde, seconded Cr M O’Dea:**

**That upon every decision of the Council made during a Council meeting, the vote recorded will include the names of those Councillors who voted against the substantive motion.**

**CARRIED (8/1)**

**NO. 42/18**

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

**12 CONFIDENTIAL****12.1 CORPORATE SERVICES REPORTS****12.1.1 RENEWAL OF AGREEMENT TO PROVIDE LICENSING SERVICES –  
AUTHORITY TO AFFIX COMMON SEAL**

**File Ref:** N44282

**Attachment:** Agreement for the Provision of Licensing Services in the Shire of Plantagenet  
Agreement for the Provision of Non Road Law Functions in the Shire of Plantagenet

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

**Author:** John Fathers  
Deputy Chief Executive Officer

**Proposed Meeting Date:** 27 February 2018

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**PURPOSE**

The purpose of this report is to seek authority to affix the Common Seal of the Council to new agreements for the provision of licensing services on behalf of the Department of Transport.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**4.35pm** That the meeting be closed to members of the public pursuant to Section 5.23(2)(c) relating to 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. 43/18**

**MOTION TO PROCEED IN PUBLIC**

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

**4.36pm** That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 44/18**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr M O’Dea:**

**That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to an Agreement for the Provision of Licensing Services in the Shire of Plantagenet and an Agreement for the Provision of Non Road Law Functions in the Shire of Plantagenet.**

**CARRIED (9/0)**

**NO. 45/18**

**12.2 EXECUTIVE SERVICES REPORTS****12.2.1 REGIONAL DESTINATION MARKETING ORGANISATION**

**File Ref:** N44425  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 27 February 2018

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**PURPOSE**

The purpose of this report is to recommend:

1. The establishment of a unified industry led Destination Marketing Organisation (DMO) for the Great Southern region.
2. Consideration of a request for support from Discover Albany Foundation (DAF) and Denmark Tourism Incorporated (DTI) to enable the establishment of a new DMO.
3. Endorsement of the provision of the support requested, providing formal approval from Alliance members.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**4.39pm** That the meeting be closed to members of the public pursuant to Section 5.23(2)(e) relating to a matter that if disclosed, would reveal -  
(i) a trade secret; or  
(ii) information that has a commercial value to a person; or  
(iii) information about the business, professional, commercial or financial affairs of a person,

**CARRIED (9/0)**

**NO. 46/18**

**MOTION TO PROCEED IN PUBLIC**

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

**4.45pm** That the meeting proceed in public

**CARRIED (9/0)**

**NO. 47/18**

**OFFICER RECOMMENDATION**

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

That:

1. The completed detailed design document (Amazing South Coast Final Report – December 2017) outlining a proposed model for a new Regional Destination Marketing Organisation (DMO) be received.
2. The letter dated 28 December 2017 formally requesting support from Alliance partners for the establishment of a Regional DMO received from Discover Albany Foundation (DAF) and Denmark Tourism Incorporated (DTI) be received.
3. The Minutes from the Meeting of the Lower Great Southern Economic Alliance held on 8 February 2018 which resolved to endorse the provision of support requested by DTI and DAF required from Alliance partners to establish the DMO be noted.
4. The DMO establishment concept be supported.
5. The Chief Executive Officer be authorised to negotiate a service contract with the Alliance Members and representatives of the proposed DMO and report back to the Council for final approval.

**AMENDMENT**

Moved Cr K Clements, seconded Cr J Oldfield:

That after the word 'supported' in part 4 of the motion, the following words be added:

'subject to:

- a) The DMO Board having a member representing tourism interests of the District of the Shire of Plantagenet; and
- b) Financial contributions by the Shire of Plantagenet being limited to the same levels as the Shire's 2017/18 Tourist Bureau (Inc) expenditure.'

**CARRIED (9/0)**

**NO. 48/18**

**COUNCIL DECISION**

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

That:

1. The completed detailed design document (Amazing South Coast Final Report – December 2017) outlining a proposed model for a new Regional Destination Marketing Organisation (DMO) be received.
2. The letter dated 28 December 2017 formally requesting support from Alliance partners for the establishment of a Regional DMO received from Discover Albany Foundation (DAF) and Denmark Tourism Incorporated (DTI) be received.
3. The Minutes from the Meeting of the Lower Great Southern Economic Alliance held on 8 February 2018 which resolved to endorse the provision of support requested by DTI and DAF required from Alliance partners to establish the DMO be noted.
4. The DMO establishment concept be supported subject to:
  - a) The DMO Board having a member representing tourism interests of the District of the Shire of Plantagenet; and
  - b) Financial contributions by the Shire of Plantagenet being limited to the same levels as the Shire's 2017/18 Tourist Bureau (Inc) expenditure.
5. The Chief Executive Officer be authorised to negotiate a service contract with the Alliance Members and representatives of the proposed DMO and report back to the Council for final approval.

**CARRIED (9/0)**

**NO. 49/18**

**13 CLOSURE OF MEETING**

4.45pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_