



ORDINARY MINUTES

DATE: Wednesday, 6 November 2019

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 231/19 to 266/19

MEMBERSHIP – Quorum (5)

Membership:

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

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
5	DISCLOSURE OF INTEREST.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6.1	APPLICANTS: CRS B BELL AND M O'DEA.....	3
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	4
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
9.1	STRATEGIC DEVELOPMENT REPORTS.....	5
9.1.1	RESERVE 49690 LOT 530 MARMION STREET AND LANGTON ROAD - PLANTAGENET MEDICAL CENTRE ADDITIONS.....	5
9.2	WORKS AND SERVICES REPORTS.....	11
9.2.1	SOUNNESS PARK - PARKING.....	11
9.2.2	TOURISM DIRECTIONAL SIGN STACK – EXTRAORDINARY FEE.....	14
9.3	CORPORATE SERVICES REPORTS.....	17
9.3.1	FINANCIAL STATEMENTS – SEPTEMBER 2019.....	17
9.3.2	LIST OF ACCOUNTS – SEPTEMBER 2019.....	19

9.3.3	POLICY ADOPTION - RATES DEBT COLLECTION – HARDSHIP	21
9.3.4	POLICY REVIEW - GROUP RATING	25
9.3.5	AUDIO AMPLIFICATION EQUIPMENT - COUNCIL CHAMBERS	28
9.3.6	LOCAL GOVERNMENT INSURANCE SERVICES - 2019 SURPLUS DISTRIBUTION	31
9.4	EXECUTIVE SERVICES REPORTS.....	34
9.4.1	AUDIT AND RISK COMMITTEE - MEMBERSHIP	34
9.4.2	COMMITTEE REPRESENTATION - EX OFFICIO MEMBERSHIP	38
9.4.3	COUNCIL MEETINGS SCHEDULE 2020	41
9.4.4	PARDELUP VOLUNTEER BUSH FIRE BRIGADE – FORMATION –(ITEM WITHDRAWN)	45
9.4.5	POLICY REVIEW - ELECTED MEMBER EXPENSES TO BE REIMBURSED.....	46
9.4.6	SALEYARDS ADVISORY COMMITTEE - APPOINTMENT OF DEPUTY.....	51
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	54
10.1	COUNCIL POLICY F/FM/14 REGIONAL PRICE PREFERENCE - AMENDMENT.....	54
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING - CONFIDENTIAL	54
11.1	TENDER CO3-1920 - PROFILING AND STABILISATION SERVICES	55
12	CONFIDENTIAL.....	57
12.1	CORPORATE SERVICES REPORTS	57
12.1.1	TENDER C01-1920 – LICENCE OF MOUNT BARKER REGIONAL SALEYARDS CANTEEN	57
12.2	EXECUTIVE SERVICES REPORTS.....	59
12.2.1	FROST PARK HIRE - REQUEST FOR FEE WAIVER.....	59
12.2.2	VARIATION OF LEASE - PLANTAGENET MEDICAL CENTRE ...	61

13 CLOSURE OF MEETING..... 62

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 K Clements	Councillor
Cr S Etherington	Councillor (left the meeting at 6.20pm)
Cr L Handasyde	Councillor
Cr J Moir	Councillor (left the meeting at 4.34pm and returned at 4.36pm, left at 5.26pm and returned at 5.28pm, left at 5.44pm and returned at 5.49pm)
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr Andrus Budrikis	Executive Manager Strategic Development
Mr John Fathers	Executive Manager Corporate Services
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were no 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

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr J Moir

Item: 9.3.4
 Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
 Nature: Joint Owner of Contiguous UV Properties
 Extent: N/A

Cr J Moir

Item: 9.4.6
 Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
 Nature: Cattle farmer/Elders employee
 Extent: N/A

Cr J Moir

Item: 12.1.1
 Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
 Nature: Cattle farmer/Elders employee
 Extent: N/A

Cr M O'Dea

Item: 12.2.1

Type: Code of Conduct Disclosure (S5.102 LGA/Reg 34C Local Government Administration Regulations) Perceived interests Clause 2.3 Code of Conduct)

Nature: Member of the Mount Barker Turf Club

Extent: Impartiality

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 APPLICANTS: CRS B BELL AND M O'DEA

Cr B Bell requested Leave of Absence from 15 November 2019 to 8 December 2019 (Inc.)

Cr M O'Dea requested Leave of Absence from 19 November 2019 to 28 November 2019 (Inc.).

Moved Cr L Handasyde, seconded Cr J Oldfield:**That:**

- 1. Cr B Bell be granted Leave of Absence for the period 15 November 2019 to 8 December 2019 inclusive; and**
- 2. Cr M O'Dea be granted Leave of Absence for the period 19 November 2019 to 28 November 2019 inclusive.**

CARRIED (9/0)**NO. 231/19****7 CONFIRMATION OF MINUTES****Moved Cr B Bell, seconded Cr M O'Dea:**

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 8 October 2019 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)**NO. 232/19**

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 22 October 2019 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 233/19

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President addressed the meeting on debate etiquette. He requested Councillors to please not speak unless recognised by the Chair and advised that he would continue to implement the system of a show of hands for those voting against the motion.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

9.1.1 RESERVE 49690 LOT 530 MARMION STREET AND LANGTON ROAD - PLANTAGENET MEDICAL CENTRE ADDITIONS

File Ref:	N49677
Attachments:	Medical Centre Existing Plan Additional Consulting Rooms - West Additional Consulting Rooms - East Additional Consulting Rooms West - Concept Plan Additional Consulting Rooms East - Concept Plan Reception and Waiting Room Modifications - Concept Plan Works Program to BAL29 BAL construction levels in context
Responsible Officer:	Andrus Budrikis Executive Manager Strategic Development
Author:	Vincent Jenkins Principal Planning Officer
Proposed Meeting Date:	6 November 2019
Applicant:	Shire of Plantagenet

PURPOSE

The purpose of this report is to consider an application for development approval for additions to the Plantagenet Medical Centre at Lot 530 (Reserve 49690) Marmion Street and Langton Road, Mount Barker.

BACKGROUND

List of abbreviations included in this report:

APZ	Asset Protection Zone
AS3959	Australian Standard 3959 (Construction of buildings in bushfire-prone areas)
BAL	Bushfire Attack Level
BEEP	Bushfire Emergency Evacuation Plan
BMP	Bushfire Management Plan
CEO	Chief Executive Officer
FES	Fire Emergency Services
GSDC	Great Southern Development Commission
GST	Goods and Services Tax
KPI	Key Performance Indicator
MOU	Memorandum Of Understanding
SPP3.7	State Planning Policy 3.7 (Planning in Bushfire Prone Areas)
TPS3	Shire of Plantagenet Town Planning Scheme No. 3
VROC	Voluntary Regional Organisation of Councils
WAPC	Western Australian Planning Commission

The Medical Centre is owned by the Council although it is situated on Crown Land being Reserve 49690. Reserve 49690 is vested with the Shire of Plantagenet for the purpose of 'Medical Centre'.

The Council constructed the Medical Centre with grant funds, loan funds and own funds. The total cost of the building works was \$1.48 million and construction was finished in 2009.

The Council in November 2009 entered into a lease agreement with the Plantagenet Medical Group Unit Trust. The lease agreement is valid for 10 years with an option to renew for another five years. The Council in January 2017 entered into a new lease agreement with Prima Stella Pty Ltd.

The Council on 5 November 2018 received a draft proposal from the new tenant, Prima Stella Pty Ltd, for additions and alterations to the Medical Centre.

At its meeting held on 29 January 2019, the Council resolved:

'That Prima Stella Pty Ltd be advised that the Council is pleased to endorse the proposal for additions to the Mount Barker Medical Centre situated on Reserve 49690 at the corner of Marmion Street and Langton Road Mount Barker generally as shown on the attached plan and authorises the CEO to:

- 1. Further negotiate with Prima Stella Pty Ltd with regard to design, funding and fitout.*
- 2. Investigate Bushfire Attack Level (BAL) impact and requirements.*
- 3. Investigate internal and external funding requirements and opportunities.*
- 4. Re-negotiate as necessary existing lease arrangements.'*

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

TPS3 – zoned Local Scheme Reserve (Public Purpose).

Fire and Emergency Services Act 1998 (as amended) – the FES Commissioner identifies and designates bushfire prone areas. Such areas are identified on the Map of Bush Fire Prone Areas. Designation of an area as being bushfire prone reflects the potential of bushfire to affect that site. It acts as a mechanism for initiating further assessment in the planning and building processes. Reserve 49690 Lot 53 Marmion Street corner Langton Road is located in a Bushfire Prone Area.

WAPC SPP3.7 - directs how land use should address bushfire risk management and applies to all land which has been designated as bushfire prone by the FES Commissioner. SPP3.7 shows the Medical Centre as a 'vulnerable land use' in a bushfire prone area. SPP3.7 requires assessment against the bushfire protection criteria as well as the creation of a BMP and/or a BEEP for occupants of a vulnerable land use. The intent of this policy measure is to recognise that such sites require

special consideration when located in bushfire prone areas. This will ensure that bushfire risk management is sufficiently addressed in the planning assessment of these land uses.

WAPC Guidelines for Planning in Bushfire Prone Areas December 2017 - These Guidelines provide supporting information for decision-making authorities to implement SPP3.7.

WA Building Regulations 2012

AS3959 Construction of Buildings in Bushfire Prone Areas (2018) – The objective of this Standard is to prescribe construction details for buildings to reduce the risk of ignition from a bushfire, appropriate to the:

- Potential for ignition caused by embers, radiant heat or flame generated by a bushfire; and
- Intensity of the bushfire attack on the building.

To achieve this, the Standard defines six categories of BAL, details their assessment methodology and specifies constructions standards corresponding to each.

Land Administration Act 1997 – Management Orders/Vesting Orders

Local Government Act 1995 Section 6.11(3)(b); and,
Local Government (Financial Management) Regulations 1996 Section 18.
The above provisions relate to reserve accounts.

In addition, pursuant to the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, all contracts above \$150,000.00 (ex GST) must be tendered for.

EXTERNAL CONSULTATION

The matter has been discussed internally with the new tenant, Prima Stella Pty Ltd.

FINANCIAL IMPLICATIONS

The Shire of Plantagenet Annual 2019/20 budget includes \$420,918 expenditure for the Plantagenet Medical Centre expansion.

POLICY IMPLICATIONS

The following clause of Policy A/PA/15 – Asset Management applies:

- '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.'*

Addressing the points above:

- a) ***Need for the facility (short and long term)*** - the Medical Centre is a critical piece of infrastructure that services the residents of the district and neighbouring Shires. According to 2016 Census data, the population of the
-

Shire is statistically older than the Regional WA average with our largest population group being in the 55 to 69 aged range. Appropriate health service provision is essential to ensuring older people can age in their homes. The provision of infrastructure to facilitate service provision will support older residents to stay in their homes.

- b) **Legislative requirements** will be met through adherence to building regulations. The project is not impacted by any other legislation.
- c) **Opportunities for rationalisation** – the proposed additions will allow for further rationalisation of the centre, allowing for an increase in services and frequency of service delivery to the community.
- d) **Future Liability including ultimate retention/disposal** - the additions are likely to extend the life of the facility and are unlikely to impact negatively on the asset management planning for the centre.
- e) **Opportunities for multiple use** – whilst the lease of the Medical Centre is held by a single entity, the leaseholder makes spaces available to other health professionals such as a dentist, allied health professionals such as physiotherapist, exercise physiologist and a pathology service.

ASSET MANAGEMENT IMPLICATIONS

The lease provides for the joint management of the asset between the landlord and the tenant. Further, rental received is placed into a reserve for the purpose of renewal, refurbishments and improvements of the Medical Centre structure.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017 - 2026 provides at Outcome 1.1 (Health and family support services that are accessible and meet the needs of our community) the following Strategy:

Strategy 1.1.1:

'Advocate for medical and hospital services within the region'

Additionally, the plan lists one of the opportunities for the region as being *'Improved quality of life for the aged through increased services, more medical professionals and services.'*

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

Further, the Council's Corporate Plan, Goal 1 – Community Pride and Wellbeing notes an outcome of 2.2 *'Advocate for medical and hospital services in the region'*. The KPI is *'Availability of Health and Family Support Services in Plantagenet'*.

By supporting the officer recommendation the KPI will be met.

STRATEGIC RISK IMPLICATIONS

An issue which has previously been identified as a high risk within the Shire's Strategic Risk Register is the *'Failure to successfully deliver major projects'*. The management action assigned to this risk is that *'A decision will be made by the*

Council and CEO regarding whether to undertake project management in-house or use external expertise based on the scope and skills needed'.

On this occasion, it is considered that the Shire has the personnel with the necessary expertise to manage this project.

OFFICER COMMENT

The existing Medical Centre building is a single storey timber stud frame building on a concrete slab. The current building floor area is 566m² with the building divided into two fire compartments by a fire rated wall. The west fire compartment is 150m² in area and the east fire compartment is 416m² in area.

The original building was designed with 15 consulting rooms divided into two operational areas. The western part of the building is predominantly medical consulting rooms and the eastern part of the building is an ancillary medical services area. Each area is currently serviced by a separate waiting room. The office, staff and utility rooms are shared by the building as a whole.

The original design indicated expansion of the building as is proposed in the concept plan. The additions will add six consulting rooms involving 96.5m² of floor area to the west operational area and three consulting rooms involving 50.7m² of floor area to the east operational area. A total addition of 147m² of floor area and nine consulting rooms will be added to the existing 15 consulting rooms. The total floor area for the building including the additions will be 713.2m². The proposed additions will include the use of materials and colours that complement the existing medical centre building.

The Council engaged Bio Diverse Solutions and Eco Logical Australia to carry out a BAL assessment and prepare and review the BMP including a BEEP for the Medical Centre site. Bio Diverse Solutions and Eco Logical Australia are suitably accredited Bushfire Planning and Design practitioners to prepare and review the BMP and BEEP.

For the Medical Centre expansion to conform to the Guidelines for Planning in Bushfire Prone Areas 2017 and SPP3.7 the following recommendations will need to be implemented at the application site:

- Implementation of modifications to the APZ area at both the Medical Centre site and adjoining Reserve 23108 in accordance with requirements of the Works Program set in the BMP and no introduction of further vegetation;
- Ongoing management of the APZ area in accordance with requirements of the Works Program set in the BMP;
- Implementation of the BEEP set in the BMP; and
- Construction of the proposed additions to the Medical Centre in accordance with AS3959-2018 for BAL-29.

Further advice included in the BMP involves retrofitting of the original Medical Centre building in accordance with AS3959-2018 for BAL-29.

Reserve 23108 adjoins the west property boundary of the Medical Centre site. Reserve 23108 is set aside for the purpose of 'Health Hospital and Allied Purposes' with the Management Order in favour of the Lower Great Southern Health Services

Board. As part of the original Medical Centre development, the WA Country Health Services Department in May 2015 granted approval for the Council to establish and maintain the APZ at Reserve 23108 to keep the Medical Centre building safe from bushfire threat.

To protect the Medical Centre building and to increase the safety of visitors to the building during a bushfire event a condition of development approval will require a fire safety audit to confirm that the APZ at the Medical Centre site and adjoining Reserve 23108 is to the Works Program set in the BMP. Bio Diverse Solutions will carry out the Works Program compliance audit.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That in accordance with clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, development approval be granted for additions to the Plantagenet Medical Centre building at Lot 530 (Reserve 49690) Marmion Street and Langton Road, Mount Barker subject to:

- 1. Development being in accordance with the Plantagenet Medical Centre Expansion Concept Plans dated 10 September 2019 and the Project Report Plantagenet Medical Centre Expansion Plans Concept Stage dated 10 September 2019; and**
- 2. Development being in accordance with the Bushfire Management Plan: Plantagenet Medical Centre dated 19 June 2019.**
- 3. Provision of a certificate of compliance for the implementation of the Works Program to a BAL29 standard in accordance with the Bushfire Management Plan: Plantagenet Medical Centre dated 19 June 2019.**

Advice Note:

In addition to complying with the Bushfire Management Plan: Plantagenet Medical Centre dated 19 June 2019 the original Medical Centre building being retrofitted in accordance with AS3959-2018 for BAL29.

CARRIED (9/0)

NO. 234/19

9.2 WORKS AND SERVICES REPORTS

9.2.1 SOUNNESS PARK - PARKING

File Ref:	N49828
Attachments:	Attachment One - Souness Park Map- Parking
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	06 November 2019

PURPOSE

The purpose of this report is to consider a recommendation to restrict public access to the Souness Park irrigation tanks and pump shed from McDonald Avenue by locking the gates leading to this area of the facility.

BACKGROUND

The Mount Barker Hockey Club and other sport spectators currently use an informal parking area around the Souness Park irrigation tanks (see Attachment One).

Although the tanks and pump shed are protected by bollards they are frequently hit and pushed over by reversing vehicles. Also, vehicles have been observed parking on the banks of the western (cricket) oval or to the west of the tank area. These areas have been recently flagged off but in a general sense this parking arrangement looks untidy and has the potential to cause damage to valuable infrastructure including the banks of the western oval.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

There has been no external consultation

FINANCIAL IMPLICATIONS

To install bollards as indicated on Attachment One would cost in the vicinity of \$500.00 with the funds to come from Account 20212.0492 – Souness Park Facilities Maintenance.

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 2.5 (Council buildings and facilities that meet community needs) the following:

Strategy 2.5.1:

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

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

The Shire of Plantagenet Corporate Business Plan 2019/2020 – 2022/2023 includes Action 2.5.1.1:

'Ensure all Council buildings are maintained and secured to defined service levels (in line with Asset Management Plan and Building Maintenance Program).'

OFFICER COMMENT

Given that approval is pending to commence the use of effluent water at the Sounness Park facilities there is also a potential health and environmental risk if the infrastructure is damaged and a leak or spill occurs. As part of the Council's Hazard Control documentation (HACCP) the Council has to be able to demonstrate access to infrastructure is restricted to members of the public. This could be simplified if the gates on McDonald Avenue which provide access to the tanks' location (highest risk area) were locked.

Permanent bollarding along the roadway on the main driveway of Sounness Park west of the western oval (see Attachment One) would be required to prevent vehicles driving in this gate and along the grassed area east towards the tanks.

A decision to lock these gates and restrict access is likely to be unpopular with the Mount Barker Hockey Club. It should be pointed out that there is a purpose built car park at the Club Rooms for all users of the sporting facility. Additional car parking space could be built outside the fence on McDonald Avenue and a pedestrian access gate installed. Crossovers and a roadway already exist and the carpark could be gravelled and compacted quite easily to an acceptable standard.

Councillors should note that the hockey turf facility in Albany does not have a designated car park. Rather, pedestrians must park and walk approximately 100m to the hockey turf and the Lower Great Southern Hockey Association clubrooms. This distance is the same from the car park to the hockey turf at Sounness Park.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That:

1. Access by members of the public to the Sounness Park irrigation tanks and pump shed be restricted by locking the gates on McDonald Avenue leading to this section of the facility (see Attachment One) such that authorised persons only can access that part of Sounness Park from McDonald Avenue; and
2. The Chief Executive Officer be requested to write to the Plantagenet Sporting Club and other Clubs using Sounness Park advising them of the changes to car parking arrangements at Sounness Park.

AMENDMENT

Moved Cr K Clements, seconded Cr L Handasyde:

That a point 3 be added to the motion as follows:

- '3. The Executive Manager Works and Services to investigate additional parking at the Sounness Park precinct, including costs of development, reporting back to the Council no later than 28 January 2020.'

CARRIED (9/0)

NO. 235/19

COUNCIL DECISION

That:

1. Access by members of the public to the Sounness Park irrigation tanks and pump shed be restricted by locking the gates on McDonald Avenue leading to this section of the facility (see Attachment One) such that authorised persons only can access that part of Sounness Park from McDonald Avenue; and
2. The Chief Executive Officer be requested to write to the Plantagenet Sporting Club and other Clubs using Sounness Park advising them of the changes to car parking arrangements at Sounness Park.
3. The Executive Manager Works and Services to investigate additional parking at the Sounness Park precinct, including costs of development, reporting back to the Council no later than 28 January 2020.

CARRIED (9/0)

NO. 236/19

9.2.2 TOURISM DIRECTIONAL SIGN STACK – EXTRAORDINARY FEE

File Ref: N49664
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Nicole Selesnew
Administration Officer Works and Services
Proposed Meeting Date: 6 November 2019

Report Disclosure: The author of this report is the Secretary of the Porongurup Promotions Association Incorporated (PPA) and owns a business located on Porongurup Road which has a tourism aspect. The author wishes to advise they will not be purchasing a Tourism Directional Sign at the Extraordinary Fee.

PURPOSE

The purpose of this report is to recommend an extraordinary fee for a Tourism Directional Sign Stack in the Porongurup district.

BACKGROUND

The PPA has requested a Tourism Directional Sign Stack be installed on Porongurup Road, adjacent to the Castle Rock Road intersection. The sign is proposed to face south so vehicles exiting the Porongurup National Park on the Castle Rock Road will see the sign. The PPA's membership comprises a range of tourism businesses based throughout the Porongurup area with up to 14 members interested in installing a sign on the proposed sign stack.

The 2019/2020 adopted budget includes a Service and Tourism Directional Sign Fee of \$440.00. The fee was set to recover costs associated with a sign application including: purchase of the street / road sign, business sign, sign posts, brackets, service location checks and installation.

The fee did not consider a collective of businesses applying to purchase signs for a Tourism Directional Sign Stack.

STATUTORY ENVIRONMENT

Sections 6.16 - 6.19 inclusive of the Local Government Act 1995 determine the procedure for setting fees and charges. As this will be effectively altering the 2019/2020 adopted fees and charges, local public notice will need to be given setting the effective date.

EXTERNAL CONSULTATION

External consultation has occurred with the PPA.

FINANCIAL IMPLICATIONS

The financial implications for this report will be minimal. The intention of the proposed Tourism Directional Sign Stack fee is to recover costs incurred by the Council as a result of the installation of a sign.

POLICY IMPLICATIONS

Council Policy I/RS/19 - Directional, Service and Tourism Signage applies.

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 2.2.3:

'Control advertising signage'.

And further at Outcome 3.4 (A strong tourism region):

Strategy 3.4.1:

'Promote and support local and regional tourism initiatives'.

Strategy 3.4.2:

'Provide infrastructure and services to support tourism'.

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

The Shire of Plantagenet Corporate Business Plan 2019/2020 – 2022/23 includes Action 3.4.2.1:

'Provide infrastructure and services to support local tourism.'

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

OFFICER COMMENT

The PPA has requested a Tourism Directional Sign Stack be installed on the Porongurup Road, facing the Castle Rock Road exit from the Porongurup National Park. The Department of Conservation, Biodiversity and Attractions (DCBA) has estimated 63,851 visitors and 19,000 vehicles moved along the Castle Rock Road over an 11 month period from 2018 to 2019. The PPA has identified an opportunity to promote local tourist businesses to these visitors through a strategically located directional sign.

The request received from the PPA indicates up to 14 businesses willing to advertise on the proposed sign stack including wineries, cafes, accommodation and galleries. The request is considered a once-off as it is highly unlikely there is another collective of tourist businesses located within close proximity seeking to do the same.

The 2019/2020 adopted budget includes a fee of \$440.00 for a Service and Tourism Directional Sign. The fee covers: the purchase of the street / road sign, tourist business sign, sign posts, brackets, service location checks, installation and administration. The fee has been used to administer single 'fingerboard' sign requests but is not pertinent for a collective of businesses making an application for a sign stack. If the full fee of \$440.00 was applied to each business wanting to purchase a sign on the sign stack the overall cost for the 14 businesses would be \$6,160.00. This amount would be well in excess of the actual cost to install the sign stack.

Assuming the Council wishes to recover costs for the purchase and installation of a sign stack, an extraordinary fee of \$1,000.00 is proposed which will cover the Council's costs of fabrication and installation. This will also give the opportunity for the Porongurup Promotions Association to offer to its members a discount to the normal Council fee should ten or more businesses advertise. Two spaces will be reserved by the Council for Mount Barker directional advertising.

This extraordinary fee should apply to this application only and the PPA be given a timeline to submit their application. Beyond this time frame the existing Service and Tourism Directional Sign Fee will apply.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

- 1. An extraordinary fee for the Porongurup Promotions Association for a Tourism Directional Sign Stack at the intersection of Porongurup and Castle Rock Roads of \$1,000.00 be created:**
- 2. The Porongurup Promotions Association be advised that the Tourism Directional Sign Stack fee will apply for a 29 day period, being 11 November 2019 to 9 December 2019.**
- 3. Any further applications to become part of the Porongurup Tourism Directional Sign Stack beyond 9 December 2019 will be subject to the adopted Annual Budget Fees and Charges.**
- 4. Local Public Notice be given of the proposed amendment to the adopted fees and charges.**

CARRIED (9/0)

NO. 237/19

Absolute Majority

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – SEPTEMBER 2019

File Ref:	N49410
Attachment:	Financial Statements
Responsible Officer:	John Fathers Executive Manager Corporate Services
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	8 October 2019

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2019.

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 (i.e.: surplus/(deficit) position).

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the Financial Statements for the period ending 30 September 2019 be received.

CARRIED (9/0)

NO. 238/19

9.3.2 LIST OF ACCOUNTS – SEPTEMBER 2019

File Ref:	N49568
Attachment:	List of Accounts - September 2019
Responsible Officer:	John Fathers Executive Manager – Corporate Services
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	6 November 2019

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of September 2019.

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (21 May 2019). 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 K Woltering:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2019 be received and recorded in the minutes of the Council, the summary of which is as follows:

- 1. Electronic Payments and Direct Debits totalling \$610,320.33;**
- 2. Municipal Cheques 46614 – 46643 totalling \$93,169.63.**

CARRIED (9/0)

NO. 239/19

9.3.3 POLICY ADOPTION - RATES DEBT COLLECTION – HARDSHIP

File Ref:	N49741
Responsible Officer:	John Fathers Executive Manager Corporate Services
Author:	Pam Chambers Rates Officer
Proposed Meeting Date:	6 November 2019

PURPOSE

The purpose of this report is to recommend adoption of a new policy (F/RR/1) relating to rates debt collection for ratepayers suffering financial hardship.

BACKGROUND

The Shire of Plantagenet has repeatedly received enquiries from its debt recovery agency, AMPAC and financial counsellors as to whether it has a hardship policy for ratepayers in financial difficulty.

In the past the only reference to hardship has been in the Debt Collection Policy – F/FM/15 which states at clause 1.6:

'Ratepayers who are unable to pay rates and charges by the due date either because of reasons beyond their control or because payment would cause undue hardship, may apply to enter into an agreement to make periodic payments subject to the following:

- (a) The Chief Executive Officer is to endorse the arrangement.*
- (b) Special arrangements will be for regular instalments with the debt to be finalised by 30 June of the financial year where possible.'*

It is considered that this clause does not adequately assist those ratepayers that are suffering genuine financial hardship.

STATUTORY ENVIRONMENT

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

- '(1) Efficient systems and procedures are to be established by the CEO of a local government —*
- (a) for the proper collection of all money owing to the local government;'*

FINANCIAL IMPLICATIONS

There would be a loss of revenue raised from the interest charges on rates arrears.

BUDGET IMPLICATIONS

The 2019/2020 budget includes \$32,000.00 for penalty interest income. If adopted, this policy would likely apply to around 10 current ratepayers, that have a combined debt of approximately \$50,000.00. At the current interest rate of 9.0%, the loss of penalty interest income would be approximately \$4,500.00 per annum.

POLICY IMPLICATIONS

This report recommends the adoption of a new policy – ‘Rates Debt Collection – Hardship’.

The following related policies and delegations apply:

- Debt Collection Policy F/FM/15;
- Delegation 2.10 Rates Issues – General Delegation; and
- Delegation 2.11 Rates – Recovery where unpaid.

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 4.6.3:

‘Maintain, develop and monitor rating and property strategies.’

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

It is important to ensure that money owed to the Shire of Plantagenet is collected in a consistent and timely manner. It is also important to acknowledge that some ratepayers may, at times encounter difficulty in paying rates and charges.

It is considered that the intent of debt recovery procedures is not to cause hardship to any ratepayer and that consideration be given to cases of genuine extreme financial hardship where the interest on outstanding rates will cause the ratepayer further hardship.

The policy has been developed to provide a reprieve to ratepayers in financial hardship from interest accumulation on their rates (and charges) arrears. It would allow them an opportunity to begin to clear their arrears with the incentive that they are actually clearing arrears instead of just interest charges each year. The aim is to limit the number of properties that have more than three years’ worth of arrears, which may be subject to possible sale for non-payment of rates under Section 6.64 of the Local Government Act 1995.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That new policy F/RR/1 - Rates Debt Collection – Hardship as follows:

OBJECTIVE

To acknowledge that ratepayers may at times encounter genuine financial hardship and to provide a level of relief for those ratepayers by not adding additional debt recovery charges and penalty interest, subject to conditions.

POLICY

1. This policy outlines the criteria for assessing applications of cases of financial hardship.
2. An application from a ratepayer claiming extreme financial hardship will be assessed by the CEO. No further debt recovery action will be taken while the application is under consideration.
3. If in the opinion of the CEO, the ratepayer is experiencing genuine extreme financial hardship, cessation of further debt recovery action and cancellation of interest accruing on overdue amounts may be permitted, subject to:
 - a) The ratepayer's circumstances being supported by a written application and an original letter from a financial counsellor or a qualified financial body (a fully accredited member of Financial Counsellors Association of Western Australia or Bank).
 - b) A payment arrangement approved by the CEO being entered into on the basis that the total debt outstanding at the date the arrangement is made will be extinguished within three years or less from the date of that arrangement. This amount does not include future rates and charges.
 - c) The applicant being the owner or co-owner of the property and liable for payment of rates and charges and also occupy the property as his/her main place of residence.
 - d) The ratepayer not being a company or trustee;
 - e) The ratepayer not being bankrupt or subject to a bankruptcy petition;
 - f) No revenue being derived from the property that is the subject of the application.
4. Should the ratepayer default on the agreed arrangement by three payments or more, the agreement will be terminated, interest charges will be reapplied and debt recovery proceedings will resume.
5. At the end of the term of the arrangement a new application will be required and subject to all the conditions of the original application.'

be adopted.

AMENDMENT

Moved Cr J Oldfield, seconded Cr B Bell:

‘That:

- 1. In part 3 of the motion the word ‘CEO’ be deleted and replaced with the word ‘Council’; and**
- 2. In part 3b) of the motion the words ‘approved by the CEO’ be deleted.’**

MOTION TO ADJOURN THE QUESTION

Moved Cr J Moir, seconded Cr K Clements:

That the question be adjourned to enable further consideration to be given to the policy intent and a report be brought back to the Council on 3 December 2019.

CARRIED (8/1)

NO. 240/19

Cr Oldfield voted against the motion.

9.3.4 POLICY REVIEW - GROUP RATINGCr J Moir

Item: 9.3.4

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

Nature: Joint Owner of Contiguous UV Properties

Extent: N/A

4.34pm Cr Moir withdrew from the meeting, but prior to departure sought permission from the Council to participate in discussions and decision making procedures as his interest was in common with a significant number of electors or ratepayers.

Moved Cr K Clements, seconded Cr J Oldfield:

That Cr Moir be allowed to participate in discussion and decision making procedures, pursuant to Section 5.68(1)(b)(ii)(II) of the Local Government Act (1995) as his interest is common to a significant number of electors or ratepayers.

CARRIED (8/0)**NO. 241/19**

4.36pm Cr Moir returned to the meeting

File Ref: N49740**Attachment:** [Valuer General's Office Policy 3.103 – Land – The Unit of Valuation, Gross Rental Value](#)[Valuer General's Office Policy 4.310 – Group Valuations – Unimproved Values in Rural Areas](#)**Responsible Officer: John Fathers
Executive Manager Corporate Services****Author: Pam Chambers
Rates Officer****Proposed Meeting Date: 6 November 2019****PURPOSE**

The purpose of this report is to review Council Policy A/PA/13 – Group Rating.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 5 December 2017.

STATUTORY ENVIRONMENT

Group rating of land parcels is covered by the Valuation of Land Act 1978 and is also subject to legal precedent as detailed in Valuer General's Office (VGO) Policies 3.103 and 4.310.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget 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 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies.'

Further, the Council's Corporate Business Plan 2019/2020 – 2022/2023 includes Action 4.6.3.1:

'Set fair and reasonable property rating levels, which aim to achieve equity in the maintenance of infrastructure between generations and maintain accurate rating roll records.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

The VGO provides valuation details to local government for the purposes of applying property rates. The Council has no choice but to apply rates and charges on land parcels as valued by the VGO.

The VGO has policies (3.103 and 4.310 - attached) which require valuing adjoining lots as a single valuation in the following circumstances:

Unimproved Value Properties

- The lots are contiguous and in common ownership.
- The lots are used and occupied as one holding and would normally be expected to sell as one holding.
- The current contiguity and use will continue into the foreseeable future.
- The bases of valuation is confirmed by sales evidence.

Gross Rental Value Properties

- Land in common ownership.
- Actual and contiguous occupation extends across more than one lot.

- Open storage used in conjunction with an industrial building.
- Improvements erected across lot boundaries.
- Residential garden, pool, tennis courts etc used in conjunction with a house.

It is considered appropriate for the Council to reaffirm this policy that reflects the current practice of applying single lot rating to all lots within the Shire, except for situations where the VGO applies a group valuation to them.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy A/PA/13 – Group Rating, as follows:

'OBJECTIVE:

To clarify the situations where group rating of separate lots can be applied.

POLICY:

That the Council will individually rate all separate lots unless the Valuer General's Office applies a group valuation in accordance with that Department's policies relating to group valuations.'

be endorsed.

CARRIED (9/0)

NO. 242/19

9.3.5 AUDIO AMPLIFICATION EQUIPMENT - COUNCIL CHAMBERS

File Ref:	N47749
Attachments:	Audio equipment brochures circulated separately
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Executive Manager Corporate Services
Proposed Meeting Date:	6 November 2019

PURPOSE

The purpose of this report is to report back to the Council on investigations for audio amplification equipment in the Council Chamber.

BACKGROUND

At its meeting held on 10 September 2019, the following notice of motion was presented:

'That

- 1. The CEO be requested to undertake investigations for the installation of audio amplification equipment for the Council Chambers; and*
- 2. The investigation referred to above include the type and cost of such a system and will include amplification equipment for members of the public when addressing the Council.'*

The Council resolved *'that the question be adjourned to allow the CEO to prepare an appropriate report, such report to be presented on or before the Ordinary Council Meeting to be held on 8 October 2019'*.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Ongoing financial implications would be minimal and relate to ongoing repair or replacement of equipment.

BUDGET IMPLICATIONS

The Council's 2019/2020 current budget does not include any funding allocation for this equipment. Costs range from approximately \$18,200.00 to \$46,000.00. Funding may be identified in a future review of the 2019/2020 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 4.1.3:

'Ensure the Council's decision making process is effective and transparent.'

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

RISK IMPLICATIONS

There are no risk implications for this report.

OFFICER COMMENT

The assumption was made that a microphone would be required for all seating positions and one for the lectern. With three at the head table, eight councillors, three senior staff and a lectern, this requires 15 microphones. The other equipment requirements depend on the system selection, but essentially require an amplifier and two wall mounted speakers, positioned near the public gallery. Audio recording would not be incorporated in the system.

Two main options have been investigated, being wired and wireless systems. There are pro and cons for each. The wireless system is easily deployed, but is considerably more expensive and often not used for smaller local governments. An approximate cost is \$46,000.00.

Wired systems are less mobile but can be relatively easily set up and dismantled with daisy chained connections. These are often used by smaller local governments and would require an investment of approximately \$18,200.00 (ex GST). The wires from the microphones would link to two main truck lines on the floor, which would be covered by trip prevention mats. It is estimated that, in order to take apart the system to enable the Council Chambers furniture to be re-arranged, would take approximately 15-20 minutes.

The option of using wireless lapel microphones was looked at, however these are not ideal in a local government environments for cost, practicality and technical reasons.

In the case of wired or wireless systems, the microphones come with inbuilt speakers and can be left on during a meeting or turned on and off as desired.

A number of councillors do have issues with clearly hearing all of the debate in Council meetings and workshops. There is little doubt that some members of the public also have similar difficulties. Implementing such an option will provide local audio amplification for councillors and staff though the microphone/speakers and would also boost audio levels for members of the public via two wall mounted speakers near the gallery.

Copies of generic overview systems and brochures have been circulated separately for information.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That:

1. The proposal to implement a wired audio amplification system in the Council Chambers, incorporating 15 microphones and two wall mounted speakers and associated equipment, be endorsed; and
2. The Chief Executive Officer be requested to incorporate an allocation of funds for this item in a forthcoming review of the 2019/2020 budget.

AMENDMENT

Moved Cr B Bell, seconded Cr K Woltering:

That the words 'and recording component' be added after the word 'equipment' in part 1 of the motion.

LOST (3/6)

Crs Pavlovich, Oldfield, Clements, O'Dea, Etherington and Handasyde voted against the motion.

FURTHER AMENDMENT

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

That the words 'a forthcoming review of the 2019/2020' be deleted and replaced with the words 'the 2020/2021 draft'.

CARRIED (6/3)

NO. 243/19

Crs Bell, Etherington and Moir voted against the motion.

COUNCIL DECISION

That:

1. The proposal to implement a wired audio amplification system in the Council Chambers, incorporating 15 microphones and two wall mounted speakers and associated equipment, be endorsed; and
2. The Chief Executive Officer be requested to incorporate an allocation of funds for this item in the 2020/2021 draft budget.

CARRIED (8/1)

NO. 244/19

Cr Handasyde voted against the motion.

9.3.6 LOCAL GOVERNMENT INSURANCE SERVICES - 2019 SURPLUS DISTRIBUTION

File Ref:	N47749
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Executive Manager Corporate Services
Proposed Meeting Date:	6 November 2019

PURPOSE

The purpose of this report is to authorise the Chief Executive Officer to determine how to receive the 2019 Local Government Insurance Services (LGIS) annual surplus distribution.

BACKGROUND

LGIS has advised that its 2018/19 financial performance results have now been finalised and a surplus distribution is available to member local governments. The Shire of Plantagenet's share of the surplus is \$30,545.00.

This year, the Shire can choose to receive its surplus distribution in three ways or as a combination of those, as follows:

- As an immediate refund via electronic transfer;
- Opt for LGIS to retain the funds to offset the contribution next year; or
- LGIS to hold the amounts in trust for risk mitigation activities.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The Shire can choose to receive the sum of \$30,545.00 in a number of ways, either in 2019/2020 or as a discount on its 2020/2021 premiums.

BUDGET IMPLICATIONS

The Council's 2019/2020 budget anticipates that the majority of the surplus funds will be received as a refund in Budget Item 'Reimbursements – Other', which has a budget target of \$50,000.00.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.6:

'Ensure Shire's property, administration and records systems are managed effectively and efficiently'

Further the Shire's Corporate Business Plan 2019/2020 to 2022/2023 states at Action 4.6.6.10:

'Ensure that the Shire's infrastructure is prudently insured and that the Council possesses adequate coverage for risks such as public liability and workers compensation'

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

RISK IMPLICATIONS

There are no risk implications for this report.

OFFICER COMMENT

LGIS is a service of the Western Australian Local Government Association (WALGA), for which it partners with Jardine Lloyd Thompson Australia (JLT) and which is governed by a sub-board to the WALGA State Council. It was the decision of the LGIS board, endorsed by State Council, that each local government decide on how it wished to apply its surplus share by determination of the Council to ensure that all elected members were involved in the process.

The surplus this year is a consequence of a lower than anticipated number of claims in Property and Workcare insurance, a better than expected performance in investments, and a reduced requirement of the capital needed to be carried by the Scheme.

Average surplus returns to the Shire have been \$23,772.00 per year for the most recent five years. Previously, the majority has been received as a direct credit, with a small proportion retained in a Member's Experience Account, for allocation towards risk mitigation activities. Previous examples of such activities are flu vaccinations, staff health assessments, hearing tests, skin screens and emergency risk management programs.

It is recommended that the Chief Executive Officer be authorised to determine how to receive the 2019 Local Government Insurance Services (LGIS) annual surplus distribution. Due to the budget assumption mentioned above, it is likely that the majority would be received as a refund with the remainder dependent on identification of appropriate risk mitigation activities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the Chief Executive Officer be authorised to determine how to receive the 2019 Local Government Insurance Services (LGIS) annual surplus distribution.

CARRIED (9/0)

NO. 245/19

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 AUDIT AND RISK COMMITTEE - MEMBERSHIP

File Ref:	N49854
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	06 November 2019

PURPOSE

The purpose of this report is to amend the membership of the Audit and Risk Management Committee to include the Shire President.

BACKGROUND

At the Special Meeting of the Council held on 22 October 2019 by Absolute Majority decision of the Council the following Councillors were appointed to the Audit and Risk Management Committee: Crs Oldfield, Clements, O'Dea and Handasyde as members, with Crs Pavlovich and Woltering appointed as Deputies to act on behalf of any individual member when that member is unable to attend a committee meeting

Subsequent discussions between the Shire President and the CEO revolved around whether there was an absolute need for the Shire President to be part of this committee. Given that any correspondence regarding this committee from the Department of Local Government will be forwarded to the Shire President in the first instance, it is thought best if the Shire President forms part of that membership cohort.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.10, subsection (4) provides:

'If at a meeting of the Council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.'

EXTERNAL CONSULTATION

The CEO has discussed this matter with both the Shire President and Deputy Shire President.

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.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

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.'

STRATEGIC RISK IMPLICATIONS

N/A

REGIONAL IMPLICATIONS

N/A

OFFICER COMMENT

There are sound reasons for the Shire President to be on the Audit and Risk Management Committee.

In the normal course of business the Shire President will receive correspondence regarding this committee and would, if certain circumstances arose, receive correspondence regarding actions of the CEO.

As the Shire President has now formally informed the CEO that he wishes to be a member of that committee the local government shall accede to this request.

There are several courses of action now open to the Council.

Firstly, an existing member of the committee could advise the CEO of his or her resignation pursuant to Section 5.11 of the Act. ('otherwise becomes vacant').

Alternatively, the Council could pursuant to the same Section of the Act mentioned above remove a member from the committee.

The Council could also increase the membership of the committee although generally it is not recommended to have more than a simple majority of Councillors on a committee. Either form a 'committee of the whole' of Councillors or 'keep membership below a simple majority'.

Finally, the Council could remove all members from the committee and commence the process of appointment again. It should be noted that there is no need to put forward a revocation motion pursuant to Regulation 10 Local Government (Administration) Regulations 1996 as the power to remove a person from office already exists pursuant to Section 5.11 subsection (2) paragraph (b).

Further a revocation decision would require an Absolute Majority of the Council while a section 5.11 decision will only require a Simple Majority. Therefore, two separate motions are necessary.

In conclusion, in the event no Councillor resigns from the committee, and in the event that Council declines to create a membership in excess of four, it is recommended that all members of the committee be removed from the office of committee member and elections follow.

VOTING REQUIREMENTS

Removal from office is a Simple Majority decision.

Appointments to office require an Absolute Majority decision.

OFFICER RECOMMENDATION (MOTION ONE)

That as the Shire President has indicated his intention pursuant to Section 5.10(4) of the Local Government Act 1995 to be a member of the Council's Audit and Risk Management Committee; for the purposes of effecting this membership, all existing members of that committee be removed from office.

OFFICER RECOMMENDATION (MOTION TWO)

That:

1. Cr Pavlovich, Cr ..., Cr... and Cr ... be appointed as members of the Audit and Risk Management Committee; and
1. Cr ... be appointed as Deputy to act on behalf of any individual member appointed when that member is unable to attend.

ALTERNATIVE RECOMMENDATION

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

That the resignation of Cr L Handasyde from the Audit and Risk Committee be noted.

CARRIED (8/1)

NO. 246/19

Cr Clements voted against the motion.

FURTHER ALTERNATIVE RECOMMENDATION

Moved Cr J Oldfield, seconded Cr K Woltering:

That Cr C Pavlovich be appointed as a member of the Council's Audit and Risk Committee pursuant to Section 5.10(4) of the Local Government Act 1995.

CARRIED (8/1)

NO. 247/19

Cr Clements voted against the motion.

Absolute Majority

Reason for Change

A written resignation was received from Cr Handasyde for membership of the Audit and Risk Committee after the Agenda was circulated and the above Alternative Recommendations were considered more appropriate.

9.4.2 COMMITTEE REPRESENTATION - EX OFFICIO MEMBERSHIP

File Ref:	N49884
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	06 November 2019

PURPOSE

The purpose of this report is to present a recommendation to the Council regarding ex officio representation by Councillors on external committees and organisations. It will recommend adoption of a new policy.

BACKGROUND

At a special meeting of the Council held on 18 October 2011 when appointing the Council's representatives to the Mount Barker Tourist Bureau Board, Mount Barker Community Centre Board and the Mount Barker Community College Council, the representatives were appointed 'ex officio' non-voting.

At the special meeting of the Council held on 22 October 2019 the issue of ex officio representation was raised and the CEO was requested to report further.

STATUTORY ENVIRONMENT

The term ex officio is not a term that is used in the current Local Government Act.

By way of explanation, the term 'ex officio' is defined by Renton's 'Guide for Meetings and Organisations' volume 2 (1994) as:

'The Latin expression 'ex officio' means 'by virtue of her or his office'.

The expression is used when individuals are automatically given a position on one body because they hold certain positions in another body or because they are the formal holders of some specified position in the same body. Thus the rules may give the Chair of a social subcommittee or the immediate past president ex officio positions on the committee. Unless the rules provide otherwise, ex officio members have full voting rights and are counted in the usual way for quorum purposes.

The rules can, however be drawn to give ex officio members any desired voting strength from none at all to a complete right of veto...'

The thinking behind Council members only having non-voting ex officio rights is based on the premise that a Councillor should at all times be aware of the interests of the Council above that of any other body that he or she may be sitting on by virtue of he or she being a Councillor. That is, one cannot serve two masters.

Councillors may like to note that the Local Government Act 1960-1976 provided at Section 182 that the mayor or president was ex officio a member of any committee appointed by a Council. That is, by virtue of his or her office.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

EXTERNAL CONSULTATION

N/A

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 4.1 (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

As noted earlier, the term ex officio does not necessarily mean that the ex officio cannot vote. This is a matter entirely up to the rules of the organisation of which the ex officio representative is a member. That is, not the Council.

There are examples where the Council has appointed members to other bodies and where that person is a voting delegate. For example, the Plantagenet Sporting Club's constitution provides for a Councillor to be a member. However, that Councillor member of the Plantagenet Sporting Club has full voting rights and, strictly speaking, it would be difficult for that Councillor Representative not to vote as it would be contrary to the rules of that organisation. That is, the rules of the Plantagenet Sporting Club did not call for an ex officio Council member. Again, strictly speaking, should the Council want its member of the Plantagenet Sporting Club ex officio it would need to promote a rule change of the Plantagenet Sporting Club.

In other circumstances, where the Council representative is afforded a courtesy to attend meetings it could be pointed out that in such circumstances the Councillor Representative was not a voting member and therefore didn't count towards a quorum.

Further, in some instances the Council actually appoints voting delegates. For example, the Council's WA Local Government Association representatives are specifically appointed to vote at that organisation's annual general meeting.

It would also seem counterproductive for the Council's representatives on the South Coast Alliance Inc. to be ex officio non-voting.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That new policy CE/CS/7 – Councillors - Ex Officio Membership as follows:

'OBJECTIVE

To advise Councillors, who have been appointed by the Shire to outside organisations and committees, regarding their voting responsibilities when representing the Council.

POLICY

That whenever a Councillor is appointed by the Council to an external organisation or committee that Councillor will:

- a) Always represent the interests of the Council, as set out in the Council's policies, procedures, directions, resolutions and the Local Government (Rules of Conduct) Regulations 2007;**
- b) Act in an ex officio/non-voting capacity if the organisation's own rules allow such a position to be adopted;**
- c) Where an ex officio capacity is not possible, represent the Council in accordance with part a) above; and**
- d) Ensure that the Minutes of the organisation are provided either, to the Councillor representative who should then provide these Minutes to the CEO, or by the organisation to the CEO for distribution to all Councillors.'**

be adopted.

CARRIED (9/0)

NO. 248/19

9.4.3 COUNCIL MEETINGS SCHEDULE 2020

File Ref:	N49682
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	06 November 2019

PURPOSE

The purpose of this report is to review and schedule ordinary meetings of the Council for 2020.

BACKGROUND

At its meeting held 6 November 2018 it was resolved:

'That:

1. *The ordinary meetings of the Council for January to December 2019 inclusive be held at four weekly intervals as follows:*
 - a) *Tuesday 29 January 2019*
 - b) *Tuesday 26 February 2019*
 - c) *Tuesday 26 March 2019*
 - d) *Tuesday 23 April 2019*
 - e) *Tuesday 21 May 2019*
 - f) *Tuesday 18 June 2019*
 - g) *Tuesday 16 July 2019*
 - h) *Tuesday 13 August 2019*
 - i) *Tuesday 10 September 2019*
 - j) *Tuesday 8 October 2019*
 - k) *Wednesday 6 November 2019*
 - l) *Tuesday 3 December 2019*
2. *All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.*
3. *All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.'*

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 5.3 provides that a Council is to hold ordinary meetings and may hold special meetings.

Local Government Act 1995 – Section 5.5 requires the CEO to convene ordinary meetings by giving each Council member at least 72 hours notice of a date, time and place of a meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 – regulation 12 requires that ordinary council meetings to be held in the next 12 months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

FINANCIAL IMPLICATIONS

The frequency and timing of meetings and workshops may impact on catering costs.

POLICY IMPLICATIONS

Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public and Policy No. CE/CS/6 – Briefing Sessions for Councillors applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.3:

'Ensure the Council's decision making process is effective and transparent.'

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

REGIONAL IMPLICATIONS

South Coast Alliance Inc and Southern Link VROC Meetings are scheduled in such a way to avoid any meeting conflicts.

OFFICER COMMENT

It will be recommended that the current four weekly cycles continue with the first meeting of 2020 to be held on 28 January 2020.

The traditional 3pm start is mooted, along with the November meeting of Council being moved to the Wednesday in line with the amended Council Decision made at the Ordinary Meeting of Council held 6 November 2018.

Councillors have, from time to time, queried whether a 3.00pm commencement time for ordinary meetings is the most appropriate.

Generally, Council meetings conclude in less than 2 hours. Therefore a later meeting would not necessarily require a late night. A later starting time (say 6.00pm)

may give members of the public the opportunity to attend. Also an earlier meeting time (say 10.00am) may allow some members of the public to attend. There have been no complaints or submissions to the CEO about the 3.00pm start time.

The four week meeting cycle also means, over the course of the year, the date of the meeting moves toward the beginning of the month. In fact, in 2019, if the four week cycle had been retained over Christmas, there would have been two Council meetings in December. Although this causes no problem and a four week cycle fits in with work cycles, the potential to meet, say, on the fourth Tuesday of every month, would work as well.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr J Oldfield:

That:

1. **The ordinary meetings of the Council for January to December 2020 inclusive be held at four weekly intervals as follows:**
 - a) **Tuesday 28 January 2020**
 - b) **Tuesday 25 February 2020**
 - c) **Tuesday 24 March 2020**
 - d) **Tuesday 21 April 2020**
 - e) **Tuesday 19 May 2020**
 - f) **Tuesday 16 June 2020**
 - g) **Tuesday 14 July 2020**
 - h) **Tuesday 11 August 2020**
 - i) **Tuesday 8 September 2020**
 - j) **Tuesday 6 October 2020**
 - k) **Wednesday 4 November 2020**
 - l) **Tuesday 1 December 2020**
2. **All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.**
3. **All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.**

AMENDMENT

Moved Cr J Moir, seconded Cr S Etherington:

That in part 1.k) of the motion the word and numeral 'Wednesday 4' be deleted and replaced with the word and numeral 'Tuesday 3'.

CARRIED (9/0)

NO. 249/19

COUNCIL DECISION

That:

1. The ordinary meetings of the Council for January to December 2020 inclusive be held at four weekly intervals as follows:
 - a) Tuesday 28 January 2020
 - b) Tuesday 25 February 2020
 - c) Tuesday 24 March 2020
 - d) Tuesday 21 April 2020
 - e) Tuesday 19 May 2020
 - f) Tuesday 16 June 2020
 - g) Tuesday 14 July 2020
 - h) Tuesday 11 August 2020
 - i) Tuesday 8 September 2020
 - j) Tuesday 6 October 2020
 - k) Tuesday 3 November 2020
 - l) Tuesday 1 December 2020
2. All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
3. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

CARRIED (9/0)

NO. 250/19

9.4.4 PARDELUP VOLUNTEER BUSH FIRE BRIGADE – FORMATION –(ITEM WITHDRAWN)

File Ref: N49696
Attachment: [Map – Reserve 19858 \(Lots 555 & 556\)](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 06 November 2019

The CEO advised that this matter was withdrawn from the Agenda.

9.4.5 POLICY REVIEW - ELECTED MEMBER EXPENSES TO BE REIMBURSED

File Ref:	N49742
Attachments:	Elected Members Expenses to be reimbursed Policy with amendments
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	6 November 2019

PURPOSE

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

BACKGROUND

This policy was previously reviewed at the Council Meeting held 12 September 2017.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.98 (2)(b) and (4) and Section 5.126.

Local Government (Administration) Regulations 1995 Regulation 32 and Regulation 35.

FINANCIAL IMPLICATIONS

There are no financial implications for this report however annual allocations are included for budget consideration relating to Account 20026.0029 (Conferences, Training and Accommodation) and Account 20026.0032 (Local Government Convention). However, given legislative changes requiring Councillors to undertake training, expenditure will increase.

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 4.1 (Effective governance and leadership) the following Strategies:

Strategy 4.1.1:

'Provide effective leadership for the community';

Strategy 4.1.4:

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

Strategy 4.1.5:

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

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

BUDGET IMPLICATIONS

In the previous financial year the Councillor training allocation of \$20,000.00 was less than half spent. An identical allocation has been made in the current financial year in expectation of increased expenditure.

REGIONAL IMPLICATIONS

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

OFFICER COMMENT

A significant amendment to this policy is required due to changes to the Local Government Act requiring newly elected councillors to undertake specific training.

All newly elected councillors are required to, within 12 months of being elected, pass the course of training titled 'Council Member Essentials' that consists of the following modules:

1. Understanding Local Government;
2. Serving on Council;
3. Meeting Procedures;
4. Conflicts of Interest; and
5. Understanding Financial Reports and Budgets.

This course is provided by both North and South Metropolitan TAFE and WALGA.

The modules will be offered as online or in person courses but details are not yet finalised.

There would be obvious advantages, as the training is compulsory, for all affected Councillors to be enrolled simultaneously.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

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

‘OBJECTIVE

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

POLICY

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

- 1. a) Council and Committee meetings held in accordance with the provisions of the Local Government Act;**
- b) Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;**
- c) Conferences, seminars and training sessions specifically authorised by the Council;**
- d) Any official social function organised by, or on behalf of, the Shire of Plantagenet.**
- 2. Travel**
 - a) Councillors should use Council vehicles to attend conferences, seminars and training where they are authorised delegates of the Council subject to a vehicle being available;**
 - b) Reimbursement for the use of a private vehicle to be set in accordance with Clause 15.2 (Vehicle Allowance) of the Local Government Industry Award 2010;**
 - c) Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of expenses will not be provided by the Council; and**
 - d) If a Council vehicle is made available and not used, no expenses will be reimbursed for the use of a private vehicle, unless prior arrangements are agreed by the CEO.**

3. Accommodation

Accommodation, meals, and parking expenses incurred to a maximum of \$400.00 per day will be reimbursed provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid

only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

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

4. Conference/Meeting/Training Attendance Costs

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

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

5. Priority will be given to any conference/seminar or training that is specifically relevant to Councillors and in particular, conferences, seminars or training courses held by organisations of which the Council is a member, or has an interest in, and which would usually be attended by the Council's appointed representatives to those organisations. Attendance at such conference, seminar or training is subject to approval by the Council. Councillors' attendance at seminars/conferences/training is subject to budget provision.

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

7. Reports of conference or seminar attendance are required in writing to the Council for inclusion in the Information Bulletin within six weeks following the conference/seminar attendance.

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

9. Elected Member –Training for Council Members – Council Member Essentials

9.1 As soon as practicable after appointment, newly elected councillors are required to undertake the training course 'Council Member Essentials'. This course provides an overview of the

roles and responsibilities of Elected Members, the Local Government environment and protocols and procedures affecting the way Local Governments operate and consists of the following modules: (i) Understanding Local Government; (ii) Serving on Council; (iii) Meeting Procedures; (iv) Conflicts of Interest; and (v) Understanding Financial Reports and Budgets.

- 9.2 All Councillors are encouraged to strive for a Diploma of Local Government which involves 13 modules (five of which will have been completed within the 'Council Member Essentials' training).
- 9.3 All Local Government training requests referred to in 9.1 and 9.2 above are to be forwarded to the Chief Executive Officer who, in consultation with budget allocations, is authorised to make arrangements for registrations.

Notes:

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

be endorsed.

CARRIED (9/0)

NO. 251/19

9.4.6 SALEYARDS ADVISORY COMMITTEE - APPOINTMENT OF DEPUTYCr J Moir

Item: 9.4.6
 Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
 Nature: Cattle farmer/Elders employee
 Extent: N/A

5.26pm Cr Moir withdrew from the meeting.

File Ref: N49846
Responsible Officer: Rob Stewart
 Chief Executive Officer
Author: Rob Stewart
 Chief Executive Officer
Proposed Meeting Date: 06 November 2019

PURPOSE

The purpose of this report is to recommend to the Council that a Deputy Committee Member be appointed to the Saleyards Advisory Committee.

BACKGROUND

At the Special Meeting of the Council held on 22 October 2019, Cr Brett Bell was elected as a Deputy to any other Council member of the Saleyards Advisory Committee.

By email dated 23 October 2019 Cr Bell has resigned from this position.

STATUTORY ENVIRONMENT

Section 5.11 of the Local Government Act 1995 provides that a person's membership of a committee continues until (among other things) that person's membership 'otherwise becomes vacant'.

Local Government (Administration) Regulations 1996 provides, at Regulation 4 that committee members may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

A Deputy Committee member is appointed pursuant to Section 5.11A of the Act.

EXTERNAL CONSULTATION

N/A

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.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

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.

STRATEGIC RISK IMPLICATIONS

N/A

REGIONAL IMPLICATIONS

N/A

OFFICER COMMENT

The Council may or may not resolve to appoint a replacement Deputy for Cr Bell.

At the 22 October 2019 Special Meeting, Councillors O'Dea, Handasyde, Moir and Oldfield were appointed as members of the Saleyards Advisory Committee.

It is presumed however that even though the Committee has a membership of five, including four Councillors, that a Deputy will be appointed. The Deputy could be Cr Pavlovich, Cr Woltering or Cr Etherington.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr K Woltering:

That:

- 1. The resignation of Cr Bell from the position of deputy member on the Saleyards Advisory Committee be noted; and**
- 2. Cr Etherington be appointed as the Deputy to act on behalf of any individual Council member of the Saleyards Advisory Committee when that member is unable to attend.**

CARRIED (8/0)

NO. 252/19

Absolute Majority

5.28pm Cr Moir returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 COUNCIL POLICY F/FM/14 REGIONAL PRICE PREFERENCE - AMENDMENT**

Cr Moir gave 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:

Moved Cr J Moir, seconded Cr B Bell:

That:

- 1. Council Policy F/FM/14 Regional Price Preference be updated such that clause 4.2 is amended to read 'Prescribed Area: The local government area within the Shire of Plantagenet; and**
- 2. The proposal in part 1 above be advertised in accordance with Regulation 24F of the Local Government (Functions and General) Regulations 1996 and a further report be presented to the Council at the conclusion of advertising.**

CARRIED (9/0)

NO. 253/19

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

Moved Cr K Clements, seconded Cr S Etherington:

That new business of an urgent nature, namely: Tender C03-1920 Profiling and Stabilisation Services, be introduced to the meeting.

CARRIED (9/0)

NO. 254/19

11.1 TENDER CO3-1920 - PROFILING AND STABILISATION SERVICES

File Ref: N49944
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 06 November 2019

PURPOSE

The purpose of this report is to consider submissions received for the tender CO3-1920 Profiling and Stabilisation Services.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr K Clements, seconded Cr L Handasyde:

5.39pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

CARRIED (9/0)

NO. 255/19

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr K Clements:

5.43pm That the meeting proceed in public.

CARRIED (9/0)

NO. 256/19

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr J Oldfield, seconded Cr B Bell:****That:**

1. **Tender CO3-1920 Profiling and Stabilisation Services be awarded to the following two companies for the relevant roads named below at the tender price submitted (ex GST) by them:**
 - a) **Palmer Civil Construction – Mount Barker Road, O’Neill Road and St Werburghs Road at \$70,533.19; and**
 - b) **West Coat Profilers Civil – Woogenellup Road at \$88,158.36.**
2. **The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.**
3. **The Executive Manager Works and Services be authorised to partition other stabilising works for the 2019/20 financial year between these companies based on machine and personnel capabilities.**

CARRIED (9/0)**NO. 257/19**

12 CONFIDENTIAL

12.1 CORPORATE SERVICES REPORTS

12.1.1 TENDER C01-1920 – LICENCE OF MOUNT BARKER REGIONAL SALEYARDS CANTEEN

Cr J Moir

Item: 12.1.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Cattle farmer/Elders employee
Extent: N/A

5.44pm Cr Moir withdrew from the meeting.

File Ref: N49730
Attachments: Licence – Saleyards Canteen
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Executive Manager Corporate Services
Proposed Meeting Date: 6 November 2019

PURPOSE

The purpose of this report is to consider tenders received for the licence of the canteen at the Mount Barker Regional Saleyards.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr K Clements, seconded Cr L Handasyde:

5.44pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

CARRIED (9/0)

NO. 258/19

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr K Clements:

5.48pm That the meeting proceed in public.

CARRIED (9/0)

NO. 259/19

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That:

- 1. The tender submitted by Mrs Evonne Mitchell for the licence of the canteen at the Mount Barker Regional Saleyards for the period being up to 30 June 2022, at a rate of \$87.28 per sale day (including GST) and subject to annual consumer price index increases, be accepted.**
- 2. Authority be granted for the Chief Executive Officer to execute the licence for the Canteen at the Mount Barker Regional Saleyards on Portion of Lot 3 Albany Highway, Mount Barker to Mrs Evonne Mitchell.**

CARRIED (9/0)

NO. 260/19

5.49pm Cr Moir returned to the meeting.

12.2 EXECUTIVE SERVICES REPORTS**12.2.1 FROST PARK HIRE - REQUEST FOR FEE WAIVER**Cr M O'Dea

Item: 12.2.1
 Type: Code of Conduct Disclosure (S5.102 LGA/Reg 34C Local Government Administration Regulations) Perceived interests Clause 2.3 Code of Conduct)
 Nature: Member of the Mount Barker Turf Club
 Extent: Impartiality

File Ref: N49887
**Responsible Officer: Rob Stewart
 Chief Executive Officer**
**Author: Rob Stewart
 Chief Executive Officer**
Proposed Meeting Date: 06 November 2019

PURPOSE

The purpose of this report is to present a request from the Mount Barker Turf Club for the Council to waive hire fees for Frost Park for the duration of their licence.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr K Clements, seconded Cr L Handasyde:

5.51pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

CARRIED (9/0)

NO. 261/19

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr K Clements:

6.18pm That the meeting proceed in public.

CARRIED (9/0)

NO. 262/19

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Clements:

That the request by the Mount Barker Turf Club for relief of hire fees for Frost Park for the duration of the Licence for portion of Frost Park be refused.

CARRIED (8/1)

NO. 263/19

Cr O'Dea voted against the motion

12.2.2 VARIATION OF LEASE - PLANTAGENET MEDICAL CENTRE

File Ref: N49827
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Donna Fawcett
Human Resources Coordinator
Proposed Meeting Date: 06 November 2019

PURPOSE

The purpose of this report is to seek approval for the Seal of the Council to be fixed to a Deed of Variation of Lease between the Shire of Plantagenet (Lessor), Prima Stella Pty Ltd (Lessee) trading as Plantagenet Doctors Unit Trust and Felicity Jane Tadj and Sian Elizabeth Turner (Guarantor), for the Plantagenet Medical Centre located on Reserve 49690, being 40 Marmion Street, Mount Barker.

6.20pm Cr Etherington withdrew from the meeting.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr K Clements, seconded Cr L Handasyde:

6.20pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

CARRIED (9/0)

NO. 264/19

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr K Clements:

6.25pm That the meeting proceed in public.

CARRIED (9/0)

NO. 265/19

OFFICER RECOMMENDATION

That authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Variation of Lease (as attached) between the Shire of Plantagenet (Lessor) and Prima Stella Pty Ltd (Lessee) trading as Plantagenet Doctors Unit Trust and Felicity Jane Tadj and Sian Elizabeth Turner (Guarantor), for the Plantagenet Medical Centre located on Reserve 49690, being 40 Marmion Street, Mount Barker.

MOTION TO ADJOURN THE QUESTION

Moved Cr B Bell, seconded Cr J Moir:

That the question be adjourned to allow the CEO to gather more information in relation to the proposed Plantagenet Medical Centre extension costs, income and liabilities and report back to Council on 3 December 2019.

CARRIED (8/0)

NO. 266/19

13 CLOSURE OF MEETING

6.25pm The Presiding Member declared the meeting closed.

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