



ORDINARY MINUTES

DATE: Tuesday, 10 November 2015

TIME: 3:00pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

Resolution numbers: 251/15 to 266/15

MEMBERSHIP – Quorum (5)

Membership:

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

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:02pm The Presiding Member declared the meeting open.

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

Cr K Clements	Shire President
Cr L Handasyde	Councillor
Cr B Bell	Councillor (Left the Chamber 3:05pm, returned 3:07pm)
Cr M O'Dea	Councillor
Cr J Hamblin	Councillor (Left the Chamber at 3:31pm, returned 3:32pm)
Cr S Etherington	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left the Chamber 3:29pm, returned 3:30pm)

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Saurin	Manager Community Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

Apologies:

Nil

Members of the Public Present:

Nil

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr John Fathers – Acting Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors and staff present in the Council Chambers.

Mr Fathers then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item: 9.1.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Member of All Saints Church
Extent: Not required

Cr C Pavlovich

Item: 9.5.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Named in training opportunity.
Extent: Not required

Cr J Hamblin

Item: 11.1.1

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

Nature: Financial gain through travel subsidy

Extent: Not required

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 APPLICANT: CR M O'DEA

Cr M O'Dea requested Leave of Absence for 8 December 2015.

Moved Cr L Handasyde, Cr C Pavlovich:

That Cr M O'Dea be granted Leave of Absence for 8 December 2015.

CARRIED (9/0)

NO. 251/15

7 CONFIRMATION OF MINUTES

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 13 October 2015.

Moved Cr B Bell, seconded Cr S Etherington:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 13 October 2015 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 252/15

Minutes, as circulated, of the Special Meeting of the Shire of Plantagenet, held on 27 October 2015.

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the Minutes of the Special Meeting of the Shire of Plantagenet held on 27 October 2015, as circulated, be taken as read and adopted subject to:

Page 1 – Under the heading ‘In attendance’:

Cr O’Dea be recorded as leaving the Chamber at 11.25am, returning at 11.26am; and Cr Hamblin be recorded as leaving the Chamber at 11:45am, returning at 11.46am; and

Page 26 - Cr M O’Dea be recorded as withdrawing from the meeting at 11:25am, not 11:25pm.

CARRIED (9/0)

NO. 253/15

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 73 LANGTON ROAD, MOUNT BARKER - STALL HOLDERS PERMIT - APPLICATION TO TRADE IN A PUBLIC PLACE AND A SIGN ON A PUBLIC THOROUGHFARE

Cr B Bell

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Member of All Saints Church
Extent: Not required

3:05pm Cr B Bell withdrew from the meeting.

File Ref: N35775
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 10 November 2015
Applicant: Dioceses of Bunbury – All Saints’ Anglican Church

PURPOSE

The purpose of this report is to firstly consider an application for a trader’s permit to enable the applicant, Dioceses of Bunbury, All Saints’ Anglican Church, to conduct trading activities on a public thoroughfare in conjunction with their retail ‘Op Shop’ store located at Lot 73 (14) Langton Road, Mount Barker. Secondly, to consider an application to erect a sign on the footpath adjacent to the shop.

BACKGROUND

The applicants wish to display assorted goods and clothing within the public thoroughfare directly in front of the Anglican Op Shop store, Monday to Saturday from 9:00am to 4:00pm. The proposed display area will occupy an area of 1.0m² of the public thoroughfare.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008

FINANCIAL IMPLICATIONS

The applicant, as a not-for-profit religious community organisation, has requested that the Council waives the application and annual permit renewal fees, currently set

at \$125.00 and \$60.00 respectively, in accordance with the Shire of Plantagenet – Fees and Charges 2015/2016.

The Local Law at Part 6 – Division 1, Subdivision 2 – Permits
Clause 6.7 Exemptions from requirement to pay fee or obtain a permit states:

- (1) *In this clause –*
"charitable organisation" means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and
"commercial participant" means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
- (2) *The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on –*
(a) *on a portion of a public place adjoining the normal place of business of the applicant; or*
(b) *by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.*
- (3) *The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.'*

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.1 (Diverse, profitable and sustainable local business) the following Strategy:

Strategy 3.1.3:

'Support the promotion and marketing of local businesses'

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

Further, the Council's Corporate Plan, Goal 3 – Prosperous and Sustainable Local Economy notes an outcome of 3.1 *'Diverse, profitable and sustainable local business'*. The Key Performance Indicator (KPI) is *'No. of retail and service businesses in the Mount Barker Townsite'*.

By supporting the officer recommendation the KPI will be met.

OFFICER COMMENT

The proposed trade display area will be located close to the op-shop front window to enable a minimum of 2.0m clear unobstructed pedestrian path of travel in front of the store.

The applicant has provided proof of public liability insurance to the value of \$10,000,000.00 for the proposed trading area.

In accordance with Part 6 – Division 1, Subdivision 2, Clause 6.7 of the Local Law, the local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, if the stall is conducted or the trading is carried on in part, by a charitable organisation.

The applicant wishes to erect a portable (sandwich-board) advertising sign on the public thoroughfare directly in front of the shop. The proposed sign dimensions are 1.0m (height) and 0.6m (width) is designed to advise that the Op Shop is open.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. **In accordance with Parts 3 and 7 of the Shire of Plantagenet – Activities in Thoroughfares and Public Places and Trading Local Law 2008, a portable sign and a permit to trade be issued to the Dioceses of Bunbury, All Saints' Anglican Church, Mount Barker to display goods on a public thoroughfare directly adjacent to and in conjunction with the retail store trading as the Anglican Op Shop located at Lot 73 (14) Langton Road, Mount Barker subject to:**
 - a) **The goods on display being located in accordance with the site plan dated 22 September 2015;**
 - b) **The goods on display being located to ensure public safety is maintained at all times and a minimum clear unobstructed pedestrian access of 2.0m is provided along the public thoroughfare;**
 - c) **The goods shall only be displayed between the hours of 9:00am and 4:00pm daily, Monday to Saturday;**
 - d) **The display area being maintained in accordance with the provisions of the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008;**
 - e) **The permit is valid for a period of 12 months or part thereof, effective from 10 November 2015 until 30 June 2016;**
 - f) **The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period;**

- g) The permit is transferable, subject to the written approval by the Council;
 - h) The permit holder providing and maintaining public liability insurance to a minimum value of \$10,000,000.00 for the proposed trading area;
 - i) A statement of indemnity from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the thoroughfare or public place by the permit holder;
 - j) The portable sign shall:
 - i. be located on the public thoroughfare in accordance with the plans dated 22 September 2015;
 - ii. not exceed 1.0m in height;
 - iii. not exceed an area of 1.0m² on any side;
 - iv. relate only to the business activity described on the permit;
 - v. not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - vi. be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - vii. be secured in position in accordance with any requirements of the local government;
 - viii. be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - ix. be maintained in good condition; and
 - k) No more than one portable sign shall be erected in relation to the business.
2. The fees required to be paid by the applicant for the issue and renewal of the permit be waived pursuant to Clause 6.7(2) of the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.

CARRIED (8/0)

NO. 254/15

3:07pm Cr B Bell returned to the meeting.

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

9.3.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEMBERSHIP

File Ref:	N35807
Responsible Officer:	John Fathers Acting Chief Executive Officer
Author:	Fiona Saurin Manager Community Services
Proposed Meeting Date:	10 November 2015

PURPOSE

The purpose of this report is to consider the appointment of the Chairperson and external representatives to the Local Emergency Management Committee (LEMC).

BACKGROUND

At its meeting held on 27 October 2015, the Council appointed the elected member and staff representatives to the LEMC.

Pursuant to Section 38 of the Emergency Management Act 2005, the local government appoints the Chairman and other members of the LEMC. Therefore all external members of the committee are required to be appointed by Council resolution.

The Chairman of the LEMC also needs to be appointed by Council resolution, which has previously been the Shire representative to the LEMC.

STATUTORY ENVIRONMENT

Section 5.10 of the Local Government Act 1995 provides:

- '1) *A committee is to have as its members —*
- a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - b) persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.2:

‘Support the community in emergency and fire management planning, preparedness, response and recovery.’

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

Action 1.9.2.3:

‘Develop partnerships with hazard management agencies to help plan for emergency events.’

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

OFFICER COMMENT

The members of the LEMC as at 27 October 2015 are as follows:

- Cr S Etherington;
- Cr J Moir (Deputy);
- Officer occupying the position of Manager Community Services;
- Officer occupying the position of Community Emergency Services Manager;
- Officer occupying the position of Environmental Health Officer; and
- Officer occupying the position of Ranger.

External Members are currently:

- Officer occupying the position of Officer in Charge Mount Barker Police Station (as Local Emergency Coordinator);
- Officer occupying the position of Department of Parks and Wildlife (DPaW) Albany District Fire Coordinator;
- Officer occupying the position of DPaW Walpole District Fire Coordinator;
- Officer occupying the position of Department of Child Protection and Family Services Great Southern District Emergency Services Officer;
- Officer occupying the position of Plantagenet Cranbrook Health Service, Director of Nursing;
- Kevin Forbes AM, Chief Bush Fire Control Officer;
- Kirsten Beidatsch, State Emergency Service;
- Elsa Drage, St John’s Ambulance;
- Jeff Drage, Volunteer Fire and Rescue Service; and
- Wayne Hood, Australian Red Cross.

The Council is required to appoint external members of the Committee and appoint the Chairperson.

VOTING REQUIREMENTS

Absolutely Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1.

- a) Cr S Etherington;
- b) Cr J Moir (Deputy);
- c) The officer occupying the position of Manager Community Services;
- d) The officer occupying the position of Community Emergency Services Manager;
- e) The officer occupying the position of Environmental Health Officer;
- f) The officer occupying the position of Ranger;
- g) The officer occupying the position of Officer in Charge, Mount Barker Police Station (as Local Emergency Coordinator);
- h) The officer occupying the position of Department of Parks and Wildlife Albany District Fire Coordinator;
- i) The officer occupying the position of Department of Parks and Wildlife Walpole District Fire Coordinator.
- j) The officer occupying the position of Department of Child Protection and Family Services Great Southern District Emergency Services Officer;
- k) The officer occupying the position of Plantagenet Cranbrook Health Service, Director of Nursing;
- l) Kevin Forbes AM, Chief Bush Fire Control Officer;
- m) Kirsten Beidatsch, State Emergency Service;
- n) Elsa Drage, St John's Ambulance;
- o) Jeff Drage, Volunter Fire and Rescue Service; and
- p) Wayne Hood, Australian Red Cross;

be appointed as members of the Local Emergency Management Committee.

2. Cr S Etherington be appointed as Chairperson for the Local Emergency Management Committee.

CARRIED (9/0)

NO. 255/15

Absolute Majority

9.3.2 COMMUNITY POOLS REVITALISATION PROGRAM - RESERVE ACCOUNT

File Ref:	N35750
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	10 November 2015

PURPOSE

The purpose of this report is to establish a 'Mount Barker Swimming Pool Revitalisation' reserve account in order to secure funding through the Department of Sport and Recreation's Community Pool Revitalisation Program (CPRP).

BACKGROUND

The CPRP provides funding to non-metropolitan local governments to assist with the maintenance and upgrade of their swimming pool facilities. Funding of up to \$32,000.00 (excluding GST) per aquatic centre per annum is available. Alternatively, Councils can opt to roll over this amount to fund major projects.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996.

There is no specific section of the Act that deals with the reallocation of funds however Section 6.2(1) governs budget requirements for local governments.

EXTERNAL CONSULTATION

External consultation has occurred with Chris Thompson, Regional Manager, Department of Sport and Recreation.

FINANCIAL IMPLICATIONS

The Council will be considering the repainting of the pool bowl in the draft 2016/2017 budget. It is expected that the cost for this will be in the vicinity of \$60,000.00 to \$65,000.00.

Therefore, the CPRP funds will adequately cover the cost of this. Expected funding over two years will be \$64,000.00.

To secure grant funding, when rolled over, it is required that a Reserve Account be set up for the purpose.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMET IMPLICATION

Normal asset maintenance will require the pool bowl to be repainted in the 2016/2017 financial year.

STRATEGIC IMPLICATIONS

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

Strategy 1.5.1:

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

and

Strategy 1.5.6:

'Maintain a safe pool facility and enhance aquatic programs to encourage increased patronage.'

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

The Council's Corporate Plan provides at Outcome 1:5 (Goal 1 Community Pride and Wellbeing) provides at Outcome 1.5 the following:

'Maintain a safe pool facility and enhance aquatic programs to encourage increased patronage.'

Further, the Councils adopted Key Performance Indicator (KPI) for this action is:

'No. of people engaging in recreation and sporting facilities.'

Should the pool fall into disrepair it would be expected that patronage would fall. Accordingly, the officer's recommendation is in line with the Goal, Outcome and KPI.

OFFICER COMMENT

The Shire has identified the need for repainting of the 50 metre swimming pool which has not been repainted since the 2005/2006 season. The cost for this work is estimated at \$66,000.00.

The Department of Sport and Recreation's CPRP provides extensive financial support to regional swimming pools in Western Australia to assist with operating or capital upgrades. In order to roll over the grant funds, the Shire must demonstrate that existing funds are secured in a reserve account.

It is anticipated that the project will commence at the end of the next pool season and will be completed within the 2016/2017 financial year. This project will be subject to a budget allocation of the grant funds.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

1. A 'Mount Barker Swimming Pool Revitalisation' reserve account be established to satisfy the requirements of the Department of Sport and Recreation's funding conditions;
2. The purpose of the reserve account in clause 1 above be 'For capital works associated with the revitalisation of the Mount Barker Memorial Swimming Pool'; and
3. The grant funding totalling \$64,000.00 over the 2015/2016 and 2016/2017 financial years be transferred to the reserve account in clause 1 above when received.

CARRIED (9/0)

NO. 256/15

Absolute Majority

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS - OCTOBER 2015

File Ref:	N35721
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	10 November 2015

PURPOSE

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

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates (ie: surplus/(deficit) position).

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

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

CARRIED (9/0)

NO. 257/15

9.4.2 LIST OF ACCOUNTS - OCTOBER 2015

File Ref:	N35794
Attachment:	List of Accounts
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	10 November 2015

PURPOSE

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

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (23 June 2015). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 October 2015 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$816,008.98;
2. Municipal Cheques 45357 – 45403 totalling \$72,457.61; and
3. Trust Cheques 383 - 391 totalling \$720.00.

CARRIED (9/0)

NO. 258/15

9.4.3 SALE OF LAND FOR NON-PAYMENT OF RATES

File Ref:	N35784
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Leanne Briggs Rates Officer
Proposed Meeting Date:	10 November 2015

PURPOSE

The purpose of this report is to advise the Council of the debt collection recovery procedures commenced under the Local Government Act, 1995 in regard to outstanding rates.

BACKGROUND

Proceedings against the owners of assessments 101204, 101550, 104083, 107722, 120394, 133470, 137430, 137893, 140822 and 401612 have been commenced under delegated authority. The property owners listed below have failed to pay rates for a period of at least three years and in all cases, other debt collection procedures have proved fruitless.

STATUTORY ENVIRONMENT

Local Government Act (1995)

Local Government (Financial Management) Regulations 1996

Sections 6.63 to 6.75 of the Act and Regulations 72 to 78 govern the actions to be taken against landowners of rateable land to which rates have remain unpaid for more than three (3) years.

'6.64.Actions to be taken:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) from time to time lease the land;*
 - (b) sell the land;*
 - (c) cause the land to be transferred to the Crown; or*
 - (d) cause the land to be transferred to itself.*
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification, as is prescribed and then to affix on a conspicuous part of the land a notice on the form or substantially in the form prescribed.'*

It is a requirement of section 6.68 that the Local Government must have at least once tried to recover the outstanding amounts unless it has reasonable belief that the cost of debt collection proceedings will equal or exceed the value of the land.

State-wide public notice of sale of land for non-payment of rates or service charges is to be given and sale must be in the way of a public auction as prescribed in form 5 of the Local Government (Financial Management) Regulations 1996 [reg. 75].

FINANCIAL IMPLICATIONS

As at 19 October 2015, the total amount outstanding on the properties listed below amounts to \$85,958.88 including penalties.

POLICY IMPLICATIONS

Clause 1.5(c) of Council Policy F/FM/15 – Debt Collection indicates that other courses of action may be taken to collect debt which include sale of land under S6.64 of the Local Government Act 1995 in accordance with Delegation LG020.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

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

OFFICER COMMENT

The property owners for assessment 101204, 104083, 101550 & 140822 were issued with general procedure claims (summons) in 2013. No payments or response to this action have been received to date.

The property owners of assessment 107722 were issued with a general procedure claim (summons) in 2014. No payments or response to this action have been received. Part of the arrears includes contractor firebreak work costs. The company is in receivership, and the finance company is in possession.

The property owner for assessment 120394 was issued with a general procedure claim (summons) in 2010. Payment arrangements have now failed and the ownership has not been transferred correctly at Landgate. Part of the arrears includes contractor firebreak costs.

The property owner for assessment 137893 was issued a general procedure claim (summons) in 2012. Payment arrangements have now failed. A building on the land is incomplete.

The property owner for assessment 401612 was issued with a general procedure claim (summons) in 2014. Payment arrangements have failed.

The property owner for assessment 133470 was issued a general procedure claim (summons) in 2014. Payment arrangements have now failed.

The property owner for assessment 109223 was issued a general procedure claim (summons) in 2011. Attempts at payment arrangements have failed. Sale of some of the farm lots failed to pay outstanding rates. The sale of one or two lots within the overall landholding would clear the debt.

The properties intended to be sold are as follows:

Assessment	Address	Arrears	Property
101204	Lot 1480 Riches Road, Mount Barker	\$11,128.17	Vacant Land
101550	248 Beattie Road, Kendenup	\$ 5,312.34	Vacant Land
104083	Lot 5 Crystal Brook Road, Narrikup	\$11,331.94	Vacant Land
107722	Kwornicup Road, Forest Hill (various)	\$22,041.24	Vacant Land
120394	Lot 850 Wandoo Road, Kendenup	\$ 3,776.25	Vacant Land
133470	119 First Avenue, Kendenup	\$ 3,199.24	Vacant Land
137430	66 Hannan Way, Narrikup	\$ 6,415.59	House
137893	41 Westfield Street, Rocky Gully	\$ 4,101.63	Vacant Land
401612	4 Hassell Street, Mount Barker	\$ 5,591.49	Vacant Land
109223	St Werburghs Road, Mt Barker (various)	\$43,354.71	Vacant Land

The sale of these properties is the only realistic way of recovering moneys owed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the action taken by the Chief Executive Officer in commencing the sale of land actions against the landowners of the following assessments in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and pursuant to delegation LG020, be noted:

- 101204 Lot 1480 Riches Road, Mount Barker;**
- 101550 248 Beattie Road, Kendenup;**
- 104083 Lot 5 Crystal Brook Road, Narrikup;**
- 107722 Kwornicup Road, Forest Hill (various lots);**
- 120394 Lot 850 Wandoo Road, Kendenup;**
- 133470 119 First Avenue, Kendenup;**
- 137430 66 Hannan Way, Narrikup;**
- 137893 41 Westfield Street, Rocky Gully;**
- 401612 4 Hassell Street, Mount Barker; and**
- 109223 St Werburghs Road, Mount Barker (various lots).**

CARRIED (9/0)

NO. 259/15

9.4.4 GENERAL MEETING OF ELECTORS – 2014/2015 ANNUAL REPORT

File Ref:	N35620
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 November 2015

PURPOSE

The purpose of this report is to set a date for the General Meeting of Electors to receive the Shire of Plantagenet's 2014/2015 Annual Report.

BACKGROUND

The annual financial audit for 2014/2015 was conducted by representatives of the Council's auditors, Lincolns Accountants in October 2015.

STATUTORY ENVIRONMENT

Local Government Act 1995

Sections 5.27 – 5.33 govern the holding of electors' meetings. Section 5.27 (1) states:

'(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.'

Section 5.29 (1) further states:

'(1) The CEO is to convene an electors' meeting by giving-
(a) at least 14 days' local public notice; and
(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.'

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.2 (Effective engagement with the community and stakeholders) the following Strategy:

Strategy 4.2.1:

'Have a well informed community'

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

OFFICER COMMENT

The receipt of the auditor's report is not expected until mid November 2015. It is expected that the auditor's report will be presented to the meeting of the Council to be held on 8 December 2015.

Annual General Meetings are traditionally held on Tuesdays and ideally, the meeting should be held in this calendar year. Holding off setting a date for the General Meeting of Electors until receipt of the auditor's report will prevent this.

The Mount Barker Community College will hold its annual speech night on Tuesday 15 December 2015. A date and time for the General Meeting of Electors of Tuesday 8 December 2015 at 6.30pm has therefore been recommended. An advertisement would need to be published in a newspaper circulating the district by 23 November 2015.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 8 December 2015 to receive the 2014/2015 Annual Report.

CARRIED (9/0)

NO. 260/15

9.4.5 POLICY REVIEW - OP/HRS/1 - INJURY MANAGEMENT AND REHABILITATION

File Ref:	N35769
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	10 November 2015

PURPOSE

The purpose of this report is to review Council Policy OP/HRS/1 – Injury Management and Rehabilitation.

BACKGROUND

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

STATUTORY ENVIRONMENT

The Worker's Compensation and Injury Management Act 1981 establishes the requirement for an employer to implement return to work programs for its employees.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.5.2:

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

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan. Further, a program such as that set out in the policy should decrease staff turnover, thereby contributing to the achievement of Council Key Performance Indicator *'Decreasing staff turnover rates'* relating to the Outcome *'Skilled, committed and professional staff in a supportive environment'*.

OFFICER COMMENT

It is a mandatory requirement of WorkCover WA that the Council has in place an injury management process that provides a systematic approach to dealing with injury management and rehabilitation within the workplace.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy – OP/HRS/1 – Injury Management and Rehabilitation as follows:

OBJECTIVE:

To introduce a systematic approach to injury management and rehabilitation.

POLICY:

The Council will:

- a) Make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability;
- b) Treat all workers with dignity and respect;
- c) Guarantee that all information is treated with sensitivity and confidentiality; and
- d) Return the injured worker to the fullest capacity for gainful employment of which they are capable.

The 'Key Principles of Injury Management', as identified by WorkCover WA, will be adopted. They are:

1. Within the workers' compensation system, return to work is the most appropriate outcome. A return to work focus should be maintained whenever it is medically appropriate.
 2. Injury Management:
 - a) provides physical, psychological and vocational benefits to workers;
 - b) minimises disruption at the workplace; and
 - c) contains workers' compensation costs.
 3. The employer, injured worker and treating medical practitioner are the key parties in injury management. Consultation and communication between the key parties should occur on a regular basis.
 4. Timely and appropriate medical treatment should be sought and provided to injured workers.
-

5. Employers should be directly involved in the management of work injuries and ensure that injury management process are started early.
6. Vocational rehabilitation is not required for all injured workers but where the key parties agree it is necessary, it should commence as soon as possible, be focused on achieving a return to work outcome and be subject to regular monitoring.
7. The approved insurer should provide effective claims management and active consultation about the direct of the claim with the key parties as required.
8. If an insurer discharges the employer's return to work obligations by acting on behalf of the employer, the insurer should ensure the employer is involved in all return to work decisions and activities.

To assist in the timely and effective injury management of employees, the Chief Executive Officer will appoint an employee to the role of Workplace Injury Management Coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures.

The working of overtime hours while in receipt of workers' compensation will not be permitted.'

be endorsed.

CARRIED (9/0)

NO. 261/15

9.4.6 POLICY REVIEW -OP/HRS/3 - OCCUPATIONAL SAFETY AND HEALTH

File Ref:	N35767
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	10 November 2015

PURPOSE

The purpose of this report is to review Council Policy No. OP/HRS/3 – Occupational Safety and Health.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 10 December 2013.

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report however, it is important to note the financial implications and benefits that a high level of Occupational Safety and Health continues to have on the Shire of Plantagenet.

Each year the Council pays a percentage of the total wages of all employees as an insurance premium to cover Workers' Compensation insurance. The percentage allocated by LGIS is determined by the volume of workers' compensation claims. Since 2007/2008 the Shire's premium has stood at 2.8%, the lowest premium offered by LGIS.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.5.2:

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

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan. Further, a program such as that set out in the policy should decrease staff turnover, thereby contributing to the achievement of Council Key

Performance Indicator '*Decreasing staff turnover rates*' relating to the Outcome '*Skilled, committed and professional staff in a supportive environment*'.

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr L Handasyde:

That Council Policy No. OP/HRS/3 – Occupational Safety and Health as follows:

OBJECTIVE:

The Shire of Plantagenet will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.

POLICY:

1. The Council has allocated responsibilities and accountabilities to all level of staff within the Shire to ensure the maintenance of the occupational safety and health program is optimal.
2. Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.
3. The objectives of this policy are to achieve:
 - 3.1 An annual reduction of workplace injury and disease.
 - 3.2 The provision and maintenance of a safe workplace, plant and systems of work.
 - 3.3 The identification, elimination, and control of workplace hazards.
 - 3.4 The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.
 - 3.5 A safety culture where best practice initiatives are entrenched in daily business activities.
 - 3.6 Compliance with the relevant Occupational Safety and Health Legislation, Standards and Codes of Practice.
4. The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.

5. Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.'

be endorsed.

AMENDMENT

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

That at part 3.3 the word ',and' be replaced with the word 'or'.

CARRIED (9/0)

NO. 262/15

COUNCIL DECISION

That Council Policy No. OP/HRS/3 – Occupational Safety and Health as follows:

OBJECTIVE:

The Shire of Plantagenet will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.

POLICY:

1. The Council has allocated responsibilities and accountabilities to all level of staff within the Shire to ensure the maintenance of the occupational safety and health program is optimal.
2. Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.
3. The objectives of this policy are to achieve:
 - 3.1 An annual reduction of workplace injury and disease.
 - 3.2 The provision and maintenance of a safe workplace, plant and systems of work.
 - 3.3 The identification, elimination or control of workplace hazards.
 - 3.4 The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.
 - 3.5 A safety culture where best practice initiatives are entrenched in daily business activities.
 - 3.6 Compliance with the relevant Occupational Safety and Health Legislation, Standards and Codes of Practice.

4. The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.
5. Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.'

be endorsed.

CARRIED (9/0)

NO. 263/15

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 COUNCILLOR TRAINING – WALGA - MANAGE CONFLICT - CR PAVLOVICH

Cr C Pavlovich

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Named in training opportunity.
Extent: Not required

3:29pm Cr C Pavlovich withdrew from the meeting.

File Ref: N35850
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 10 November 2015

PURPOSE

The purpose of this report is to endorse the registration and attendance of Cr Pavlovich at a Western Australian Local Government Association training course – Manage Conflict on 6 November 2015.

BACKGROUND

Cr Pavlovich indicated his availability and interest (following the Special Meeting of Council held on 27 October 2015) in attending a short course arranged through WALGA which was being held in Perth on 6 November 2015. As this course was to be held prior to a report being able to be presented to the Council, and Councillors informally approved Cr Pavlovich's attendance, this report is now being presented to endorse such action.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Registration to attend the training is \$495.00. Transport, accommodation and meal costs will be approximately \$400.00, with costs being charged to account Members of Council – Councillor Conferences, Training and Accommodation.

POLICY IMPLICATIONS

Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed, states that elected members can receive reimbursement of expenses whilst attending, *'Conferences and training sessions specifically authorised by the Council'*.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

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

OFFICER COMMENT

The paperwork indicates that this course covers the following:

'Manage Conflict provides the skills to manage conflict within the Council, and between the Local Government and the community and the wider community. This course will enable Elected Members to identify common communication roadblocks, the source of conflicts within Council and develop techniques for resolving conflict situations.'

Topics covered within the course include understanding and respecting the difference between governance and operational matters, communication and conflict resolution ideas and the development of an action plan to implement better channels of communication.'

Learning outcomes for this short course are as follows:

- assess the potential for conflict;
- identify existing conflict;
- consider the conflict situation; and
- carry out strategies to resolves conflict.

This course is recommended for all Councillors.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That all expenses including accommodation, transport, meals and registration incurred by Cr C Pavlovich who attended the WALGA Short Course Training Manage Conflict on 6 November 2015 be endorsed and charged to Budget Item 'Members of Council – Councillor Conferences Training and Accommodation'.

CARRIED (8/0)

NO. 264/15

3:30pm Cr C Pavlovich returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr L Handasyde, seconded Cr B Bell:

That new business of an urgent nature, namely:

WA Local Government Association New Councillor Seminar – Councillor Attendance

be introduced to the meeting.

CARRIED (9/0)

NO. 265/15

11.1.1 WA LOCAL GOVERNMENT ASSOCIATION NEW COUNCILLOR SEMINAR - COUNCILLOR ATTENDANCE

Cr J Hamblin

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Nature: Financial gain through travel subsidy
Extent: Not required

3:31pm Cr J Hamblin withdrew from the meeting.

File Ref: N35914
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Linda Sounness
Executive Secretary

Proposed Meeting Date: 10 November 2015

PURPOSE

The purpose of this report is to recommend the attendance of Cr J Hamblin to a New Councillor Seminar 2015 organised by the WA Local Government Association (WALGA) on 4 December 2015.

BACKGROUND

WALGA has sent an invitation to all newly elected Councillors to attend a New Councillor Seminar 2015 being held in Perth.

The workshop will cover topics including:

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

The literature states that:

'This is a highly recommended event that contains essential Elected Member information and valuable networking opportunities.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Registration is free however Cr Hamblin will incur travel and may incur accommodation expenses.

POLICY IMPLICATIONS

Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed, states that elected members can receive reimbursement of expenses whilst attending, *'Conferences and training sessions specifically authorised by the Council'*.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

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

OFFICER COMMENT

Cr J Hamblin has indicated her willingness and availability to attend the seminar on Friday 4 December 2015 in Perth.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

That:

1. Cr J Hamblin be authorised to attend the WA Local Government Association New Councillor Training Seminar 2015 being held on Friday 4 December 2015 in Perth.
2. Expenses incurred by Cr J Hamblin to attend this seminar be charged to Budget Item 'Members of Council – Councillor Conferences Training and Accommodation'.

CARRIED (8/0)

NO. 266/15

3:32pm Cr J Hamblin returned to the meeting.

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3:32pm The Presiding Member declared the meeting closed.

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