



ORDINARY MINUTES

DATE: Tuesday, 19 May 2020

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 120/20 to 144/20

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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 C Pavlovich | Shire President |
| Cr J Oldfield | Deputy Shire President |
| Cr B Bell | Councillor |
| Cr K Clements | Councillor |
| Cr S Etherington | Councillor |
| Cr L Handasyde | Councillor |
| Cr J Moir | Councillor (left the meeting at 3:42pm, returned at 3:43pm) |
| 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 |
| Mr Vincent Jenkins | Principal Planning Officer |

Apologies:

Nil

Members of the Public Present:

There were two 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

Nil

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – MRS SHIRLEY SMITH – REPRESENTING THE MOUNT BARKER CARAVAN PARK

Mrs Smith addressed the Council requesting temporary closure of the RV Parking area in Memorial Road Mount Barker to aid in alleviating the economic stress placed on the caravan park caused by Covid-19. Mrs Smith also requested this matter be dealt with as a late item and be considered by the Council at today's meeting.

4.2 PRESENTATION – MS CINDY NORTH – REPRESENTING THE KENDENUP TENNIS CLUB

Ms North addressed the Council in support of a Financial Assistance Grant application submitted to the Council requesting funds for a new hit-up wall at the Kendenup Tennis Club.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr S Etherington

Item: 9.4.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Help form an incorporated body
Extent: President of newly formed body.

Cr K Woltering

Item: 9.4.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Help form an incorporated body
Extent: Vice-President of newly formed body.

Cr J Moir

Item: 9.4.3
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Cattle Farmer/Elders employee
Extent: N/A

Cr C Pavlovich

Item: 11.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Member of the Mount Barker Speedway
Extent: N/A

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr K Woltering:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 21 April 2020 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 121/20

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President noted his attendance at the WAPOL Freight Logistical and Supply Forum on a weekly basis representing the Great Southern Region.

The Shire President also noted his appointment from 6 May 2020, as a member on the Western Australian Local Government Association (WALGA) State Road Funds to Local Government Advisory Committee as a non-metropolitan member.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY REVIEW - RELEASE OF IMPOUNDED ANIMALS

| | |
|-------------------------------|--|
| File Ref: | N51346 |
| Attachments: | <u>Policy showing changes</u> |
| Responsible Officer: | David Lynch Executive Manager Works and Services |
| Author: | Amy Chadbourne Senior Administration/Project Officer Works and Services |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to review Council Policy RS/AC/1 – Release of Impounded Animals.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 24 April 2018.

STATUTORY ENVIRONMENT

Dog Act 1976, Part VI – ‘Control of dogs’

Cat Act 2011, Part 3 – ‘Management of cats’

Local Government (Miscellaneous Provisions) Act 1960, Part XX – ‘Cattle trespass, pounds, poundkeepers and rangers’

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

Councillors should note that impounding fees for cats and dogs are set in the annual Schedule of Fees and Charges.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.9 (A safe Plantagenet) the following:

Strategy 1.9.1:

‘Provide animal control in accordance with legislative requirements.’

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 1.9.2:

‘Enforce animal controls in order to maintain public safety.’

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

OFFICER COMMENT

The Cat Act 2011 states that the owner of a cat must ensure the animal is sterilised by six months of age. This requirement has been added to the condition of release of a cat from impoundment.

It is considered that the policy is relevant and works well. Formatting changes have been made to the document including an amendment to the responsible division.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That amended Council Policy RS/AC/1 – Release of Impounded Animals as follows:

‘OBJECTIVE

To provide clear guidelines to pet/livestock owners about conditions that must be met prior to the release of impounded animals into their care.

POLICY**1. Scope**

This policy applies to impounded livestock, dogs and cats.

2. Legislation

Dog Act 1976, Part VI – ‘Control of dogs’

Cat Act 2011, Part 3 – ‘Management of cats’

Local Government (Miscellaneous Provisions) Act 1960, Part XX – ‘Cattle trespass, pounds, poundkeepers and rangers’

3. Application of Policy

3.1 Cats or dogs impounded under the Dog Act 1976 and Cat Act 2011 are only to be released into the custody of their owner/s if the animal/s is/are microchipped, sterilised (cats over six months of age) and registered.

3.2 Livestock impounded under the Local Government (Miscellaneous Provisions) Act 1960 Part XX will be subject to impoundment and sustenance fees as set under the Council’s adopted Schedule of Fees and Charges.

3.3 Impoundment, sustenance fees and charges and fines levied under the appropriate acts are to be paid prior to the release of any animal. Sustenance fees will accumulate on a daily basis until the day of release.’

be endorsed.

CARRIED (9/0)

NO. 122/20

9.2.2 POLICY REVIEW - VEHICLE SPECIFICATIONS

| | |
|-------------------------------|--|
| File Ref: | N51341 |
| Attachments: | <u>Policy with changes</u> |
| Responsible Officer: | David Lynch Executive Manager Works and Services |
| Author: | Nicole Selesnew Administration Officer Works and Services |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to review Council Policy I/FM/2 – Vehicle Specifications.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 11 September 2018.

STATUTORY ENVIRONMENT

The Motor Vehicle Standards Act 1989 governs the national standards for vehicles, including vehicles imported into Australia.

Some employee contractual arrangements have specific requirements for Shire vehicles.

FINANCIAL IMPLICATIONS

The policy lists a range of features that must be installed in every new vehicle purchased. The majority of these requirements are standard features in current model vehicles and do not incur additional fees above the purchase price.

The policy allows some vehicles to have additional features to ensure they are 'fit for purpose' such as a bull bar, roof rack, tipping tray and spotlights. These fixtures are additional costs to the standard model purchase price, therefore the Chief Executive Officer (CEO) must approve any additional features.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following:

Strategy 2.6.1:

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

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 2.6.1.2:

‘Ensure the Council has an efficient and cost effective light fleet management program.’

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

OFFICER COMMENT

A new clause has been added to the policy that states all Council vehicles shall have a Shire of Plantagenet logo decal displayed on the front passenger doors. Exceptions to the decal requirement include the Shire President’s vehicle, or vehicles allocated to contracted staff members who have private use of a vehicle as a component of their contract.

Other minor changes have been made to employee titles to reflect the current staff structure and policy numbering amendments.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy I/FM/2 – Vehicle Specifications as follows:

‘OBJECTIVE

To provide a balanced light vehicle fleet (as far as practicable) which:

- a) Is fit for purpose and addresses the needs of specific roles of the Shire
- b) Minimises vehicle ownership costs
- c) Minimises the impact of the light vehicle fleet on the environment
- d) Enhances the safety of staff and other road users
- e) Addresses the requirements of individual employment contracts
- f) Takes advantage of the ability to tailor vehicle acquisition to attract and retain staff.

POLICY

1. Scope

This policy applies to the purchase of vehicles for use as part of the Shire’s light vehicle fleet.

2. Application of Policy

The overriding principle in the selection of vehicles for inclusion in the Shire’s light vehicle fleet is ‘fit for purpose’.

When selecting vehicles, the following factors should be considered.

- a) Cost of Ownership

The cost of ownership is determined through consideration of purchase price and likely disposal price, Fringe Benefit Tax liabilities, running costs (maintenance and fuel) and costs of required accessories. In determining the cost of ownership, consideration should be given to the benefits of standardising a vehicle fleet, in order to permit vehicle rotation and decrease servicing times.

b) Safety

As a minimum, all sedans and wagons within the Shire's light vehicle fleet are to be fitted with:

- (i) Antilock Braking Systems (ABS)
- (ii) Electronic Stability Control (ESC)
- (iii) Dual airbags.

In the case of four wheel drive utility vehicles, these should be fitted with ABS and dual airbags, with preference for utilities with ESC. All vehicles within the light vehicle fleet should have a minimum Australasian New Car Assessment Program (ANCAP) rating of four (4) stars.

c) Fuel Consumption / Vehicle Ratings

Whilst preference will be given to diesel vehicles rather than petrol vehicles, consideration will be given to Electric or Plug-in Hybrid Electric Vehicles (PHEV) if practicable. All vehicles purchased are to have fuel consumption of no more than 12L/100km, according to the Australian Government Green Vehicle Guide, unless otherwise approved by the Chief Executive Officer (CEO) or the Council (as contained in the Australian Government Green Vehicle Guide (www.greenvehicleguide.gov.au)).

d) Standardisation of Vehicles

Where possible the purchase of new vehicles should be standardised across the organisation including the general use of base 'mid' range vehicles with similar features in accordance with this policy.

e) Contractual Negotiations

All vehicles/accessories purchased in accordance with contractual negotiations are to be approved by the CEO.

3. The following items should be standard inclusions for every new vehicle purchased:

- a) Laminated tinted windscreens
- b) Window tinting
- c) Rubber floor mats
- d) Lockable fuel cap

- e) Headlight protectors
- f) Seat covers for all seats
- g) Current year compliance plates
- h) Registration expiry of 30 June
- i) Automatic transmission
- j) Standard spare tyre
- k) Steel drop side tray or well body with either a tonneau cover or lockable canopy wherever appropriate.

The items below are fit for purpose and should be approved by the CEO:

- a) Manual transmission
- b) Carpet floor mats
- c) Cargo barriers
- d) Bull bar
- e) Roof rack
- f) Tipping tray
- g) Spotlights.

The following existing items shall be retained at changeover, to be re-fitted into the new vehicle:

- a) PL registration plates (low plates only)
 - b) Dog cages (where practical)
 - c) Hoist
 - d) Specialised radio communication equipment (VHF sets).
4. Vehicles shall have a Shire of Plantagenet logo decal displayed on each front passenger door, with the exception of the Shire President's vehicle or vehicles allocated to contracted staff members where private use of that vehicle is a condition of their contract.
 5. The purchasing of vehicles is to occur by quotation in accordance with Council Policy F/FM/7 Purchasing and Tender Guide. Only vehicles available at a Government price shall be purchased (State Government Vehicle Tender).
 6. Vehicle disposal should occur where the cost of ownership of the vehicle is optimised. Generally, vehicles will be disposed of where the CEO is of the opinion that the time of disposal maximises the financial advantage to the Council, unless vehicles are under other contractual arrangements or purchase/changeover.
 7. Vehicle rotation between officers, where the vehicle type is the same, shall be applied where possible when a vehicle is travelling too few or too many kilometres annually to achieve optimal ownership/changeover cost.

8. The administration and management of the Council's light vehicle fleet is assigned as a responsibility of the Council's Executive Manager Works and Services.
9. Vehicle Designation

| Position | Vehicle Class |
|--|--|
| Shire President, Chief Executive Officer | Prestige large or medium sedan/wagon |
| Executive Manager Corporate Services, Executive Manager Strategic Development, Executive Manager Works and Services, Environmental Coordinator, Principal Planning Officer | Medium to large sedan, wagon, utility or SUV in accordance with the respective employee's contract of employment |
| Principal Works Supervisor, Assistant Works Supervisor, Ranger, Community Emergency Services Manager | Dual cab 4x4 utility |
| Saleyards Manager | Single or space cab 4x4 utility with tipping tray |
| Engineering Technical Officer | Single or space cab 4x4 utility |
| Building Maintenance Officer, Parks and Gardens Team, Depot/Traffic Control Team, Workshop Supervisor | Single or space cab one tonne 4x4 utility or a dual cab 4x4 utility at the discretion of the CEO |
| Cleaner | Utility van (panel van)' |

be endorsed.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

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

That amended Council Policy I/FM/2 – Vehicle Specifications as follows:

'OBJECTIVE

To provide a balanced light vehicle fleet (as far as practicable) which:

- g) Is fit for purpose and addresses the needs of specific roles of the Shire**
- h) Minimises vehicle ownership costs**
- i) Minimises the impact of the light vehicle fleet on the environment**
- j) Enhances the safety of staff and other road users**
- k) Addresses the requirements of individual employment contracts**

- l) Takes advantage of the ability to tailor vehicle acquisition to attract and retain staff.

POLICY

1. Scope

This policy applies to the purchase of vehicles for use as part of the Shire's light vehicle fleet.

2. Application of Policy

The overriding principle in the selection of vehicles for inclusion in the Shire's light vehicle fleet is 'fit for purpose'.

When selecting vehicles, the following factors should be considered.

a) Cost of Ownership

The cost of ownership is determined through consideration of purchase price and likely disposal price, Fringe Benefit Tax liabilities, running costs (maintenance and fuel) and costs of required accessories. In determining the cost of ownership, consideration should be given to the benefits of standardising a vehicle fleet, in order to permit vehicle rotation and decrease servicing times.

b) Safety

As a minimum, all sedans and wagons within the Shire's light vehicle fleet are to be fitted with:

- (i) Antilock Braking Systems (ABS)**
- (ii) Electronic Stability Control (ESC)**
- (iii) Dual airbags.**

In the case of four wheel drive utility vehicles, these should be fitted with ABS and dual airbags, with preference for utilities with ESC. All vehicles within the light vehicle fleet should have a minimum Australasian New Car Assessment Program (ANCAP) rating of four (4) stars.

c) Fuel Consumption / Vehicle Ratings

Whilst preference will be given to diesel vehicles rather than petrol vehicles, consideration will be given to Electric or Plug-in Hybrid Electric Vehicles (PHEV) if practicable. All vehicles purchased are to have fuel consumption of no more than 12L/100km, according to the Australian Government Green Vehicle Guide, unless otherwise approved by the Chief Executive Officer (CEO) or the Council (as contained in the Australian Government Green Vehicle Guide (www.greenvehicleguide.gov.au)).

d) Standardisation of Vehicles

Where possible the purchase of new vehicles should be standardised across the organisation including the general use of base 'mid' range vehicles with similar features in accordance with this policy.

e) Contractual Negotiations

All vehicles/accessories purchased in accordance with contractual negotiations are to be approved by the CEO.

3. The following items should be standard inclusions for every new vehicle purchased:

- l) Laminated tinted windscreens**
- m) Window tinting**
- n) Rubber floor mats**
- o) Lockable fuel cap**
- p) Headlight protectors**
- q) Seat covers for all seats**
- r) Current year compliance plates**
- s) Registration expiry of 30 June**
- t) Automatic transmission**
- u) Standard spare tyre**
- v) Steel drop side tray or well body with either a tonneau cover or lockable canopy wherever appropriate.**

The items below are fit for purpose and should be approved by the CEO:

- h) Manual transmission**
- i) Carpet floor mats**
- j) Cargo barriers**
- k) Bull bar**
- l) Roof rack**
- m) Tipping tray**
- n) Spotlights.**

The following existing items shall be retained at changeover, to be re-fitted into the new vehicle:

- e) PL registration plates (low plates only)**
- f) Dog cages (where practical)**
- g) Hoist**
- h) Specialised radio communication equipment (VHF sets).**

4. Vehicles shall have a Shire of Plantagenet logo decal displayed on each front passenger door, with the exception of the Shire President's vehicle or vehicles allocated to contracted staff members where private use of that vehicle is a condition of their contract.

5. The purchasing of vehicles is to occur by quotation in accordance with Council Policy F/FM/7 Purchasing and Tender Guide. Only vehicles available at a Government price shall be purchased (State Government Vehicle Tender).
6. Vehicle disposal should occur where the cost of ownership of the vehicle is optimised. Generally, vehicles will be disposed of where the CEO is of the opinion that the time of disposal maximises the financial advantage to the Council, unless vehicles are under other contractual arrangements or purchase/changeover.
7. Vehicle rotation between officers, where the vehicle type is the same, shall be applied where possible when a vehicle is travelling too few or too many kilometres annually to achieve optimal ownership/changeover cost.
8. The administration and management of the Council's light vehicle fleet is assigned as a responsibility of the Council's Executive Manager Works and Services.
9. Vehicle Designation

| Position | Vehicle Class |
|---|---|
| Shire President, Chief Executive Officer | Prestige large or medium sedan/wagon |
| Executive Manager Corporate Services, Executive Manager Strategic Development, Executive Manager Works and Services, Environmental Coordinator, Principal Planning Officer | Medium to large sedan, wagon, utility or SUV in accordance with the respective employee's contract of employment |
| Principal Works Supervisor, Assistant Works Supervisor, Ranger, Community Emergency Services Manager | Dual cab 4x4 utility |
| Saleyards Manager | Single or space cab 4x4 utility |
| Engineering Technical Officer | Single or space cab 4x4 utility |
| Building Maintenance Officer, Parks and Gardens Team, Depot/Traffic Control Team, Workshop Supervisor | Single or space cab one tonne 4x4 utility or a dual cab 4x4 utility at the discretion of the CEO |
| Cleaner | Utility van (panel van)' |

be endorsed.

Reason for Change

It was decided there was no need for a tipping tray for the Saleyards Manager's vehicle.

CARRIED (9/0)

NO. 123/20

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REVIEW – APRIL 2020

| | |
|-------------------------------|--|
| File Ref: | N51236 |
| Responsible Officer: | John Fathers Executive Manager Corporate Services |
| Author: | Alison Kendrick Senior Finance Officer |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to review and adjust the adopted 2019/2020 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2019/2020 annual budget was adopted by the Council at a special meeting held on 9 July 2019. This review is the third quarterly review of the 2019/2020 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

Further, at its meeting held on 24 March 2020, the Council resolved *'that one month's local public notice be given of the following proposed changes to the Shire's reserve accounts:*

- 1. The balance of the Plantagenet Medical Centre Reserve be transferred to the Mount Barker Memorial Swimming Pool Revitalisation Reserve to enable progress on the re-development of the Mount Barker Memorial Swimming Pool.*
- 2. The purpose of the Drainage and Water Management Reserve be expanded to include major drainage works and projects identified in the Shire of Plantagenet Water Strategy 2020.*
- 3. The purpose of the Major Projects and Renewals Reserve be expanded to include concept planning and working drawings for projects, to be determined by the Council.'*

STATUTORY ENVIRONMENT

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

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

'(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must -

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
-

- (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

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

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

OFFICER COMMENT

This is the third budget review of the year. In terms of operating result, operating income is currently 16.5% under (year to date) budget and operating expenditure is 24% below (year to date) budget. This is largely attributed to the delays to budgeted income and expenditure on storm damage works. The value of outstanding rates is currently 6.8%.

The capital roadworks program is generally proceeding as scheduled, with savings on a number of own source funding projects, although two projects will be carried forward to 2020/2021. Annual fleet purchases are complete and there are two truck purchases outstanding.

Transfers to reserve funds have been carried out in line with the budget.

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

-
- The Mountains and Murals project income and expenditure are less than originally anticipated due to the event being administered independently. A budget review is sought to adjust amounts to the actuals expended and received for the Food and Wine Festival associated with the event. This represents a net cash outflow of \$7,244.00.
 - Income from staff contributions to Shire Fringe Benefits Tax liabilities are under budget due to staff attrition and measures undertaken to reduce personal use of Council vehicles. This is reflected in the reduction in FBT liability. This budget amendment represents a reduced budgeted income of \$7,500.00.
 - A saving of \$10,000.00 can be realised in the expenditure for Health Administration and Inspection relief salaries as EHO supervision by City of Albany is no longer required.
 - Administration expenses for software support contracts have exceeded annual budget due mainly to increased and additional Civica support cost for Authority and patches required to maintain compliance. An additional amount of \$25,000.00 is sought.
 - Expenditure on new phone system charges as a result of transitioning the system to NBN, including migration to SIP (Session Integration Protocol) has resulted in expenditure in excess of budget forecast. An additional \$10,000.00 to reflect this ongoing cost is sought.
 - Savings of \$4,431.00 have been realised for Administration workers compensation insurance this year and included in this budget review.
 - The Department of Fire and Emergency Services (DFES) has approved a funding allocation for additional expenditure incurred in 2018/2019 financial year. This represents an increase in income this financial year of \$24,952.00.
 - Budgeted income from waste tipping fees was increased by 80% in the 2019/2020 budget due to tipping fee increases. Income is significantly less than that due to lower usage, particularly commercial customers. A reduction in budgeted income of \$80,000.00 is sought.
 - The budget for replacement of the windows at Mitchell House will be under budget due to cost savings achieved with installation of PVC windows. The opportunity has been taken to allocate funds (quotations at this stage) for repainting the ceiling and a heritage assessment and net savings of \$19,343.00 will be achieved for this review.
 - With the further reductions in investment interest rates, the annual budgeted revenue for interest on municipal investments is expected to be a further \$10,000.00 less than anticipated. The budgeted income is again reduced by this amount.
 - Due to current restrictions on gatherings, in person conferences and training have been cancelled. A reduction in expenditure for conferences and training for Administration of \$10,000.00, Members of Council of \$10,000.00, Public Works Overheads of \$13,000.00 and Local Government Convention of \$10,000.00 is sought.
 - Savings of \$19,451.00 have been made on Budget Item 'Purchase of Vehicle - Executive Manager Corporate Services' as this was achieved through a vehicle transfer.

-
- As a result of a reallocation of vehicles, the budgeted income from the trade-in for the Executive Manager Corporate Services vehicle needs to be reduced by \$20,000.00 however, the trade-in income in Works Vehicles / Minor Plant can be increased by the same amount, resulting in a \$nil impact.
 - Flooding damage at the Martin Street Council property has resulted in unbudgeted expenditure of \$12,045.00. A new expenditure account is required as well as an income account to reflect the insurance payout of \$11,732.00, which will result in an overall net expenditure outflow of \$313.00.
 - Income Budget Item 'Reimbursements Other' has been increased by \$10,000.00 to reflect higher than anticipated inflows from other insurance adjustments.
 - Higher than anticipated operating costs have been incurred at the Mount Barker Swimming Pool due to increased water, electricity and chemical costs from the longer swimming season (even finishing one week short). An increase in operating costs of \$13,000.00 is offset against increased income from season pool passes of \$7,000.00. This results in a net outflow of \$6,000.00.
 - The infrastructure work at the Kamballup Transfer Station has been completed with a savings of \$6,750.00. These savings are included in this review.
 - Expenditure and income have been less than anticipated for private works and a budget adjustment is sought with a net inflow of \$500.00.
 - Waste disposal site employee costs for superannuation and salaries are adjusted to reflect the new employment conditions for tip operators with a \$nil impact.
 - An increase in advertising expenditure of approximately \$8,000.00 is sought mainly due to the additional advertising costs for local laws.
 - Funds received from another local government for long service leave liability of \$7,834.00 is included in this review.
 - Unbudgeted additional income of \$15,823.00 has been received from DFES for reimbursable salary and oncosts (of the Community Emergency Services Manager), and is included in this review.
 - Following the Council decision at its meeting held on 21 April 2020 to authorise the Chief Executive Officer to settle all requests for commercial rent reductions where the Council is the landlord, agreement has been reached to reduce the Plantagenet Medical Centre lease payments by 50% for three months. A reduction in the budgeted income totalling \$10,177.00 is sought.
 - At its meeting held on 28 April 2020, the Saleyards Advisory Committee endorsed a proposal to allocate additional expenditure for the Saleyards lunch room extension of \$5,000.00 with a corresponding transfer from the Mount Barker Regional Saleyards Capital Improvements Reserve. At that meeting, the administration was requested to review the decking boards to see if a longer life composite material could be used. The additional cost of this option is approximately \$3,000.00, on top of the above \$5,000.00. It is considered that there will be savings over the life of the deck of substantially more than this, as there will not be a need to apply wood stain to the decking on a regular basis. This has a \$nil impact.

- At its meeting held on 24 March 2020, the Council resolved *‘that a lighting concept plan at a cost of \$4,400 + GST be developed for the Mount Barker Hill, such funds being made available from the Trails Review budget.’* A new budget item ‘Mount Barker Hill - Lighting concept plan’ and corresponding transfer from the Paths and Trails Reserve has been included in this review. This has a \$nil impact.
- The capital budget for the Plantagenet Medical Centre Facilities Upgrade has been increased from \$420,918.00 to \$463,865.00. This comprises the following:
 - The approved tender cost of \$387,848.76 together with an amount of \$30,000.00 for additional costs associated with the project, in accordance with the Council decision of 24 March 2020.
 - Actual and committed expenditure of \$46,016.00 for architectural, design and documentation services and BAL assessment and minor site works. These accrued costs are being funded from the Plantagenet Medical Centre reserve. The remaining funds in that reserve after these costs will be \$390,629.00.

Following the conclusion of the advertising period giving public notice for the change in purpose of reserve funds, and no objections being received, a transfer of the balance of the Plantagenet Medical Centre Reserve of \$390,000.00 (rounded to the nearest \$1,000.00) to the Mount Barker Memorial Swimming Pool Revitalisation Reserve can be made.

The budgeted transfer from the Plantagenet Medical Reserve will also now be reduced accordingly.

- As discussed at the budget workshop held on 28 April 2020, an increase in professional services of \$80,000.00 is sought to undertake the Mount Barker Swimming Pool project schematic plans with a corresponding transfer from the Mount Barker Memorial Swimming Pool Revitalisation Reserve of \$80,000.00. This has a \$nil impact.
- At its meeting held on 25 February 2020, the Council resolved that *‘the intention of the Council to seek loan funds of \$420,000.00 from the WA Treasury for the Medical Centre project be noted and the CEO be requested to commence the necessary negotiations and statutory processes and to report back to the Council as required.’* It was noted that taking out a loan was more appropriate than using reserve funds as the project is of a commercial nature and also due to current interest rates being very low.

A loan application has been submitted to the WATC for a loan of \$420,000.00 for a period of 10 years at an indicative interest rate of 1.5%. This will result in six monthly repayments of \$22,692.00, plus government guarantee fee. One month’s public notice of this proposal was given on 12 March 2020, in accordance with s6.20(2)(a) of the Local Government Act 1995. No submissions were received.

It is recommended that the Shire President and Chief Executive Officer be authorised to affix the Common Seal of the Council to a Debenture Agreement between the Shire of Plantagenet and the Western Australian Treasury Corporation relating to this loan.

- At its meeting held on 21 January 2020, the Heavy Plant Review Committee was advised that the Heavy Plant Replacement Program listed the following three items for replacement:
 - Skid Steer Loader (L13)
 - Isuzu FVR Medium 4x2 Truck (T2)
 - Isuzu NPR 250/300 Crew Cab Truck (T5).

Following the adoption of the budget, the Saleyards Manager raised a need for a 3.5 to 4.0 tonne capacity tip truck to carry out a range of tasks necessary for the management of the Saleyards. The Isuzu NPR300 4x2 Tip Truck (T30) currently used by the Shire Mechanic was identified as a suitable option. T30 is proposed for replacement in 2021/2022.

In order to consider supporting the Saleyards with the transfer of T30 in the current financial year, the replacement of either T2 or T5 needs to be delayed.

The Committee recommended to the Council that subject to confirmation from the Saleyards Advisory Committee that it will purchase the Isuzu NPR300 4x2 Tip Truck (T30) for \$16,500.00, that the transfer of that vehicle to the saleyards be made and a replacement for that vehicle be purchased. Further the Isuzu MPR 250/300 Crew Cab (T5) be retained by the Council and removed from the 2019/2020 Heavy Plant Replacement Program, to be reviewed in 2020/21.

At the meeting of the Saleyards Advisory Committee held on 28 January 2020, the intention of the CEO to purchase a 3.5 tonne tipper for use at the saleyards was endorsed. The relevant adjustments to the heavy plant replacement program and transfer from reserves budget are included.

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

- 1. The balance of the Plantagenet Medical Centre Reserve of \$390,000.00 be transferred to the Mount Barker Memorial Swimming Pool Revitalisation Reserve to enable progress on the re-development of the Mount Barker Memorial Swimming Pool.**
- 2. The purpose of the Drainage and Water Management Reserve be expanded to include major drainage works and projects identified in the Shire of Plantagenet Water Strategy 2020.**
- 3. The purpose of the Major Projects and Renewals Reserve be expanded to include concept planning and working drawings for projects, to be determined by the Council.**

4. The Shire President and Chief Executive Officer be authorised to affix the Common Seal of the Council to a Debenture Agreement between the Shire of Plantagenet and the Western Australian Treasury Corporation for a loan of \$420,000.00 for extensions to the Plantagenet Medical Centre.
5. The transfer of the Isuzu NPR300 4x2 Tip Truck (T30) to the Saleyards at a cost of \$16,500.00 be made and a replacement for that vehicle be purchased. Further, the Isuzu MPR 250/300 Crew Cab (T5) be retained by the Council and removed from the 2019/2020 Heavy Plant Replacement Program, to be reviewed in 2020/2021.
5. The budget review for the period 1 July 2019 to 30 April 2020 be adopted and the 2019/2020 Annual Budget be amended as follows:

| Account | Description | Original / Amended Budget | New Budget | Net Cash Amount |
|------------|---|---------------------------|-------------|-----------------|
| 21311.0373 | Mountains and Murals Festival | (\$45,000) | (\$28,934) | \$16,066 |
| 11312.0230 | Mountains and Murals Festival Contributions | \$35,000 | \$11,690 | (\$23,310) |
| 10018.0193 | Other Governance - Contribution to FBT | \$14,000 | \$6,500 | (\$7,500) |
| 20111.0264 | EHO Employee Costs - Relief Salaries | (\$20,000) | (\$10,000) | \$10,000 |
| 20048.0270 | Administration Expenses - Software Support Contracts | (\$150,000) | (\$175,000) | (\$25,000) |
| 20048.0144 | Administration Expenses - Telephone | (\$40,000) | (\$50,000) | (\$10,000) |
| 20047.0043 | Administration Expense - Workers Compensation Insurance | (\$28,000) | (\$23,569) | \$4,431 |
| 10515.0201 | Grant Income - DFES Grant - BFB | \$170,842 | \$195,794 | \$24,952 |
| 10098.0147 | Waste Disposal Sites Other Revenue - Tipping Fees | \$180,000 | \$100,000 | (\$80,000) |
| 51730.0252 | Mitchell House - Replace Timber Windows | (\$31,121) | (\$11,778) | \$19,343 |
| 10009.0067 | Interest on Municipal Investments | \$40,000 | \$30,000 | (\$10,000) |
| 20026.0032 | Members of Council - Local Government Convention | (\$10,000) | \$0 | \$10,000 |
| 20026.0029 | Members of Council - Conferences & Training | (\$20,000) | (\$10,000) | \$10,000 |
| 20260.0029 | Public Works Overheads - Conferences & Training | (\$20,000) | (\$7,000) | \$13,000 |
| 20047.0029 | Administration Overheads - Conferences & Training | (\$25,000) | (\$15,000) | \$10,000 |
| 50417.0006 | Purchase Vehicle - EMCS | (\$55,000) | (\$35,549) | \$19,451 |
| 40417.0105 | Trade In Vehicle - EMCS | \$20,000 | \$0 | (\$20,000) |
| 41412.0105 | Trade In Works Vehicles / Minor Plant | \$37,000 | \$57,000 | \$20,000 |
| 51431.0252 | Refurbishment - Lot 337 Martin Street - Council Homes | \$0 | (\$12,045) | (\$12,045) |
| 40414.0229 | Reimbursement - Lot 337 Martin Street - Council Homes | \$0 | \$11,732 | \$11,732 |
| 10016.0229 | Other governance Reimbursements - Other | \$50,000 | \$60,000 | \$10,000 |
| 20199.0011 | Mount Barker Swimming Pool Building & Grounds - operating | (\$40,000) | (\$53,000) | (\$13,000) |
| 10113.0136 | Mount Barker Swimming Pool Revenue - Season passes | \$18,000 | \$25,000 | \$7,000 |
| 20196.0030 | Professional Services - Pool Schematic plans | (\$87,000) | (\$167,000) | (\$80,000) |
| 10114.0486 | Transfers from Reserve Funds – Swimming Pool Reserve | \$0 | \$80,000 | \$80,000 |
| 51772.0252 | Kamballup Transfer Station - Infrastructure | (\$16,250) | (\$9,500) | \$6,750 |
| 21350.0321 | Private Works Jobs (PC) | (\$10,000) | (\$1,000) | \$9,000 |
| 10159.0015 | Private Works Recoups | \$11,500 | \$3,000 | (\$8,500) |
| 20160.0141 | Waste disposal sites - Employee Costs - Superannuation | (\$10,000) | (\$16,500) | (\$6,500) |
| 20160.0130 | Waste disposal sites - Employee Costs - Salaries | (\$151,958) | (\$145,458) | \$6,500 |
| 20048.0003 | Office Expenses - Advertising | (\$12,000) | (\$20,000) | (\$8,000) |
| 10016.0224 | Reimbursements - LSL | \$0 | \$7,834 | \$7,834 |
| 10043.0219 | Fire Prevention Council - CESM Reimbursable Salary | \$39,735 | \$55,558 | \$15,823 |
| 10072.0230 | Other Income – Medical Centre Lease Rental | \$77,507 | \$67,330 | (\$10,177) |
| 51802.0253 | Saleyards Undercover area - Generator and Lunch Space | (\$20,000) | (\$28,000) | (\$8,000) |
| 41326.0486 | Transfers from Saleyards Capital Reserve Fund | \$149,780 | \$157,780 | \$8,000 |

| | | | | |
|------------|---|------------------|------------------|-------------|
| 20221.0575 | Mount Barker Hill - Lighting concept plan | \$0 | (\$4,400) | (\$4,400) |
| 10129.0486 | Other Rec and Culture -Transfers from Reserve Funds | \$0 | \$4,400 | \$4,400 |
| 51771.0252 | Plantagenet Medical Centre Facilities Upgrade | (\$420,918) | (\$463,865) | (\$42,947) |
| 40724.0486 | Transfers from Reserve Funds | \$420,918 | \$46,016 | (\$374,902) |
| 40725.0496 | Proceeds from Loan - Plantagenet Medical Centre | \$0 | \$420,000 | \$420,000 |
| 51411.0006 | Heavy Plant Replacement Program | (\$400,000) | (\$320,200) | \$79,800 |
| 41411.0105 | Trade In Heavy Plant | \$75,000 | \$56,500 | (\$18,500) |
| 41413.0486 | Transfers from Reserve Funds | \$432,000 | \$370,700 | (\$61,300) |
| | Totals | \$164,036 | \$164,036 | \$0 |

CARRIED (9/0)

NO. 124/20

Absolute Majority

9.3.2 FINANCIAL STATEMENTS – APRIL 2020

| | |
|-------------------------------|--|
| File Ref: | N51316 |
| Attachment: | <u>Financial Statements</u> |
| Responsible Officer: | John Fathers Executive Manager Corporate Services |
| Author: | Alison Kendrick Senior Administration Officer - Finance |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 April 2020.

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 B Bell, seconded Cr K Woltering:

That the Financial Statements for the period ending 30 April 2020 be received.

CARRIED (9/0)

NO. 125/20

9.3.3 LIST OF ACCOUNTS – APRIL 2020

| | |
|-------------------------------|--|
| File Ref: | N51384 |
| Attachment: | <u>List of Accounts – April 2020</u> |
| Responsible Officer: | John Fathers Executive Manager Corporate Services |
| Author: | Vanessa Hillman Accounts Officer |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of April 2020.

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 M O'Dea:

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 April 2020 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$823,814.83; and
2. Municipal Cheques 46814 to 46840 totalling \$52,255.91.

CARRIED (9/0)

NO. 126/20

9.3.4 POLICY REVIEW - CONCESSIONAL FEES AND CHARGES

| | |
|-------------------------------|--|
| File Ref: | N51318 |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | John Fathers Executive Manager Corporate Services |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to review Council Policy F/FC/1 – Concessional Fees and Charges.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 24 April 2018.

STATUTORY ENVIRONMENT

Rates and Charges (Rebates and Deferments) Act 1992

Dog Act 1976

Cat Act 2011

There are no direct statutory implications for this report. However, it should be noted that some statutory charges are subject to a change over which the Council has no control. These include eligibility for concessions for such matters as land rates, dog licensing and cat licensing.

The Rates and Charges (Rebates and Deferments) Act 1992 requires the following cards in order for a rebate to apply on Shire property rates:

- Pensioner Concession Card (50% of rates);
- Commonwealth Seniors Health Card and Western Australian Seniors Card (50% of rates); or
- Western Australian Seniors Card (25% of rates).

No other cards enable a rebate on property rates.

Further, it is possible the Premier may impose as yet unknown concessions across the state, due to the Covid-19 pandemic.

FINANCIAL IMPLICATIONS

There are some financial implications for this report, depending on the extent to which concessional benefits apply.

BUDGET IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.6: *'Aim to reduce barriers to participation and encourage all sectors of our community to participate in community and civic life.'*

At Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.5: *'Improve and promote Recreation Centre services and programs to encourage increased patronage.'*

And at Outcome 1.6 (Quality of life for the aged) the following strategies:

Strategy 1.6.1: *'Advocate the provision and promotion of services, home care and facilities that meet the needs of the aged.'*

Strategy 1.6.3: *'Support the provision of recreation and active ageing activities for seniors.'*

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

Further, the Shire of Plantagenet Corporate Business Plan 2019/20 – 2022/23 provides the following Actions:

Action 1.3.6.1: *'Develop an understanding of the barriers to people accessing services.'*

Action 1.6.3.1: *'Support the provision of active ageing and social activities for all seniors.'*

OFFICER COMMENT

When the Shire adopted this policy, the main issue was that from a community health point of view, it is a strategic aim of the Shire to increase patronage at its Recreation Centre and Swimming Pool. It was considered that the Council should provide a discount to people who might not otherwise be able to afford to make use of such facilities, while people who can afford full price should pay the full price.

The fees and charges schedule includes fees for students and young people and therefore concessional entry fees do not apply for people in those categories. 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 B Bell:

That Council Policy F/FC/1 – Concessional Fees and Charges, as follows:

OBJECTIVE:

To provide guidance in regard to the eligibility for concessional fees to Shire facilities and services where they apply in the Council's Schedule of Fees and Charges.

POLICY:

The Council's position is that eligibility for concessional fees will include people who have a Pensioner Concession Card or any Health Care Card.'

be endorsed.

CARRIED (9/0)

NO. 127/20

9.3.5 POLICY REVIEW - LEGISLATIVE COMPLIANCE

| | |
|-------------------------------|--|
| File Ref: | N51317 |
| Attachment: | <u>Policy A/L/1 - Legislative Compliance</u> |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | John Fathers Executive Manager Corporate Services |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to review Policy A/L/1 - Legislative Compliance.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 24 April 2018.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

Regulation 17 states as follows:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.6:

'Provide a community oriented organisation that delivers high quality services and delivers outcomes that are in the best interests of our ratepayers.'

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

The Shire of Plantagenet Corporate Business Plan 2019/20 – 2022/23 includes Action 4.1.6.4 - *‘Maximise awareness of and compliance with relevant legislation’*.

OFFICER COMMENT

It is important to note that legislative compliance relates to all legislation, not just the Local Government Act 1995. The following underlined words in the regulation are also noteworthy: *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures.*

In terms of appropriateness, the Chief Executive Officer is to decide what processes, systems and controls are appropriate in the context of risk appetite, the internal / external environment and what is suitable for the Shire’s size and operations. Effectiveness is assessed through monitoring events and testing controls. For systems and procedures to be effective, they must exist.

It is considered that the current policy is generally sufficient, although two changes are recommended. Firstly, the Government Gazette is no longer received in hard copy, so former clause 3.2.1 should be deleted and the remaining sub-clauses re-numbered. The remaining avenues for determining changes to legislation are considered sufficient.

Secondly, references to the Department of Local Government have been amended to read Department of Local Government, Sport and Cultural Industries.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Woltering:

That amended Legislative Compliance Policy A/L/1, as follows:

‘OBJECTIVE

To ensure that the Shire of Plantagenet complies with legislative requirements.

1. BACKGROUND

- 1.1. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.
- 1.2. The Shire of Plantagenet has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met.
- 1.3. Regulation 14 of the Local Government (Audit) Regulations 1996 requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit is structured by the Department of Local Government, Sport and Cultural Industries and relates to key provisions of the Local Government Act 1995.
- 1.4. Regulation 17 of the Local Government (Audit) Regulations 1996 also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least

once every two calendar years and a report to the Audit Committee on the results of that review.

2. POLICY STATEMENT

2.1 The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Council.

2.2 These processes and structures will aim to:

- a) Develop and maintain a system for identifying the legislation that applies to the Shire's activities.**
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented.**
- c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.**
- d) Provide people with the resources to identify and remain up-to-date with new legislation.**
- e) Establish a mechanism for reporting non-compliance.**
- f) Review accidents, incidents and other situations where there may have been non-compliance.**
- g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.**

2.3 Roles and Responsibilities

2.3.1 Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

2.3.2 Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

2.3.3 Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

2.3.4 Implementation of Legislation

The Council will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

3. LEGISLATIVE COMPLIANCE PROCEDURES

3.1 Identifying Current Legislation

The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at www.legislation.wa.gov.au. Direct access to this site is provided from the Council's networked computers.

3.2 Identifying New or Amended Legislation

3.2.1 Department of Local Government, Sport and Cultural Industries

The Council receives regular circulars from the Department of Local Government, Sport and Cultural Industries on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the CEO and relevant Council officers for implementation.

3.2.2 Department of Planning

The Council receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the relevant Council officers for implementation.

3.2.3 Western Australian Local Government Association (WALGA)

The Council receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

3.3 Obtaining advice on Legislative Provisions

The Council will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, WALGA or the relevant initiating government department for advice.

3.4 Informing Council of Legislative Change

3.4.1 If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

3.4.2 The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

3.5 Review of Incidents and Complaints of Non-compliance

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

3.6 Reporting of Non-compliance

3.6.1 All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and then report the matter to the relevant Manager.

3.6.2 The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.'

be endorsed.

CARRIED (9/0)

NO. 128/20

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 LEASE OF FORMER HACC BUILDING (LESSER HALL) – EMPOWERING PLANTAGENET SENIORS (INC)

Cr S Etherington

Item: 9.4.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Help form an incorporated body
Extent: President of newly formed body.

Cr K Woltering

Item: 9.4.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Help form an incorporated body
Extent: Vice-President of newly formed body.

File Ref: N49207
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 19 May 2020

PURPOSE

The purpose of this report is to seek the Council's direction relating to a possible lease between the Shire of Plantagenet and a group of Plantagenet citizens considering incorporation of a body to be known as Empowering Plantagenet Seniors (Inc), for Part of Lot 250 Memorial Road, Mount Barker (Lesser Hall), for the purpose of providing information, supplementary care, advocacy and support for seniors in Plantagenet.

BACKGROUND

At its meeting held on 21 May 2019, the Council resolved:

'That Plantagenet News be offered a lease for the former HACC building situated on part Lot 250 Memorial Road Mount Barker subject to successful negotiation by Plantagenet News for the occupation of part of the building by Albany Community Radio, and the Amazing South Coast (Inc) and the CEO to report back to the Council at its meeting to be held 18 June 2019.'

At its meeting held on 31 January 2017, the Council resolved:

'That:

1. *Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease with the Plantagenet Players over the Plantagenet District Hall, Lot 250 Memorial Road, Mount Barker.*
2. *For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the Shire, number of active participants and the not for profit status of the lessee, that a 100% waiver of annual levied land rates shall apply.'*

STATUTORY ENVIRONMENT

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

'...the land is disposed of to a body, whether incorporated or not the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.'

A lease to Empowering Plantagenet Seniors (Inc) would be an exempt disposition.

EXTERNAL CONSULTATION

Consultation has taken place with Cr Etherington and Cr Woltering, both of whom have indicated their support for the formation of the new incorporated body and the potential to lease the Lesser Hall.

FINANCIAL IMPLICATIONS

A rental of \$10.00 per annum would be applicable.

POLICY IMPLICATIONS

Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested Land – Rateability' applies.

The objective of this policy is *'To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.'*

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

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

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

- *Benefits to the Shire as a whole of activities being provided;*
- *Number of active participants or people benefitting;*

- *Structure of organisation (i.e. not for profit or other, membership fees payable, base of operations);*
- *Ability to recoup costs, such as commercial kitchen, bar or fee for service;*
- *Exclusion/inclusion of section of the community.'*

ASSET MANAGEMENT IMPLICATIONS

The WA Country Health Service (WACHS) vacated the premises in August 2018. On 2 April 2019 the Shire provided written notice to WACHS that the lease had been repudiated under Clause 18.1 (3).

On 2 May 2019, ownership of the building reverted to the Council as per Clause 19 (3) of the lease agreement.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.2 (Effective engagement with the community and stakeholders) the following Strategy:

Strategy 4.2.2:

'Encourage and support local independent media.'

Further, Outcome 1.3 (A cohesive and supportive community) provides the following strategy:

Strategy 1.3.1:

'Encourage and support community groups and initiatives to help people to work together for the benefit of our community.'

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

OFFICER COMMENT

Empowering Plantagenet Seniors (EMPLANTS) is a new organisation which is about to be incorporated.

It proposes to use the Lesser Hall to provide a base for seniors, including the possibility of rooms being used by Silverchain and Hall & Prior Clarence Estate, both of which provide services to seniors in our community.

Other services may include the provision of meals in a similar way to that formerly provided by Home and Community Care (HACC), especially when this service was provided by the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That upon confirmation that the organisation to be known as Empowering Plantagenet Seniors (Inc) has become incorporated, the Council would be pleased to enter into negotiations with the new body to lease that part of Lot 250 Memorial Road Mount Barker, known as the Lesser Hall.

CARRIED (8/1)

NO. 129/20

Cr O'Dea voted against the motion

9.4.2 LOT 2083 WILLIAMS ROAD KENDENUP - PROPOSED SALE

| | |
|-------------------------------|--|
| File Ref: | N51383 |
| Attachments: | <u>Plan showing Lots 2083 and 107 Williams Road Kendenup</u> |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | Nolene Wake Executive Officer |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to present to the Council sufficient information for the Council to make a determination on the offer to purchase Lot 2083 Williams Road Kendenup by the landowner of Lot 107 Williams Road Kendenup.

BACKGROUND

At its meeting of 28 January 2020 the Council resolved:

'1. That subject to the owners of Lot 107 Williams Road Kendenup:

- a) Being willing to meet all of the Council's reasonable costs relating to the sale of 2083 Williams Road Kendenup;*
- b) Obtaining and supplying to the Council a current sworn valuation no older than six months; and*
- c) Paying to the Council the sworn valuation of the land;*

the Council would be willing to dispose of the property to the owner of Lot 107 Williams Road, pursuant to Section 3.58 of the Local Government Act 1995 – Disposing of property and Regulation 30 of the Local Government (Functions and General) Regulations 1996, subject further to the Shire of Plantagenet agreeing that it does not consider that the ownership of the land would be of significant benefit to anyone other than the transferee.

2. A further report be presented to the Council no later than 21 April 2020 providing sufficient information for the Council to determine whether or not the land may be of significant benefit to anyone other than the transferee.'

STATUTORY ENVIRONMENT

Section 3.58 (Disposing of property) of the Local Government Act 1995 applies.

In normal circumstances property can only be disposed of by a local authority through public auction or public tender. However, certain exemptions are provided for in the Local Government (Functions and General) Regulations 1996.

Those regulations provide at Part 6 – Miscellaneous (30) sub paragraph (2) the following:

'A disposition of land is an exempt disposition if —

- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —*
 - (i) its market value is less than \$5 000; and*
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;'*

Therefore, providing that the market value is less than \$5,000.00 and that the local government does not consider that the land would be of any significant benefit to anyone else, the land could be transferred.

CONSULTATION

External consultation has occurred with the owner of Lot 107. No response to email and postal correspondence has been received from the owner of the adjacent land to the north.

FINANCIAL IMPLICATIONS

In speaking with the owner of Lot 107 they have agreed to the proposal that all costs associated with any proposed sale by the Council should be at no cost to the Council, including any costs of valuation and transfer.

BUDGET IMPLICATIONS

There are no budget 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

The land is not being maintained by the Council at present and there is evidence that persons unknown are using the land to dispose of animal carcasses.

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:

Strategy 2.53:

'Continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets.'

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

OFFICER COMMENT

The owner of Lot 107 Williams Road, which is adjacent to Lot 2083, has asked whether the Council would be willing to dispose of Shire owned Lot 2083 Williams Road so that he may have better access to Carbarup Road.

The subject land is of no use to the Council and is a remnant from the De Garis subdivision.

Although the owner to the north of the land is also adjacent, that land is a part lot of the main block separated by Williams Road. The owner of this land (Lot 101 Williams Road, Kendenup) was contacted by both letter and email to the address and email contact the Shire has listed on the rates roll. No response had been received by the requested date of 15 April 2020, but the letter has since been returned to us as undelivered. The address we use from the rate roll is deemed as correct if no change of address notification has been received.

The owner of Lot 107 Williams Road has obtained a sworn valuation dated 19 February 2020 which values the land at \$4,000.00.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That:

- 1. Subject to the owners of Lot 107 Williams Road Kendenup:**
 - a) Being willing to meet all of the Council's reasonable costs relating to the sale of 2083 Williams Road Kendenup**
 - b) Paying to the Council the sworn valuation of the land;**

the Council grants approval for the Chief Executive Officer to dispose of the property to the owner of Lot 107 Williams Road, pursuant to Section 3.58 of the Local Government Act 1995 – Disposing of property and Regulation 30 of the Local Government (Functions and General) Regulations 1996, as the Council does not consider that the ownership of the land would be of significant benefit to anyone other than the transferee.
- 2. The Shire President and the Chief Executive Officer be authorised to affix the Common Seal of the Council to any documentation related to the transaction referred to in Part 1 above.**

CARRIED (9/0)

NO. 130/20

9.4.3 MOUNT BARKER REGIONAL SALEYARDS – PROPERTY LOCAL LAW DETERMINATION

Cr J Moir

Item: 9.4.3
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Cattle Farmer/Elders employee

3:42pm Cr Moir left the meeting.

File Ref: N51349
Attachment: Regional Price Preference Policy – Summary of Submission
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Executive Manager Corporate Services
Proposed Meeting Date: 19 May 2020

PURPOSE

The purpose of this report is to recommend that a determination be made to allow only certain classes of personnel into the Mount Barker Regional Saleyards due to the Covid19 pandemic.

BACKGROUND

At its meeting held on 24 March 2020, the Council resolved:

‘That pursuant to Clause 2(2) of the Shire of Plantagenet Local Government Property Local Law 2008, public notice be given of the intention of the Shire of Plantagenet to allow only certain classes of personnel into the Mount Barker Saleyards premises, such classes being:

- 1. Shire of Plantagenet employees and its contractors and agents directly involved with the Saleyards.*
- 2. Authorised agents permitted to sell livestock from the Mount Barker Saleyards and their employees involved with the business of the Saleyards.*
- 3. Registered buyers of stock offered for sale at the Saleyards.*
- 4. Cattle transport operators transporting cattle to and from the Saleyards.’*

At around that time, the Australian Livestock Markets Association and the Australian Livestock and Property Agents Association were advocating such restrictions and that buyers should be defined as those having a genuine intention to purchase.

Public notice of this proposal was published in the Albany Advertiser on 7 April 2020 and the Plantagenet News on 8 April 2020.

STATUTORY ENVIRONMENT

Clause 2.2 of the Shire of Plantagenet Local Government Property Local Law 2008 states as follows:

'Procedure for making a determination

- (1) *The local government is to give local public notice of its intention to make a determination.*
- (2) *The local public notice referred to in subclause (1) is to state that –*
 - (a) *the local government intends to make a determination, the purpose and effect of which is summarised in the notice;*
 - (b) *a copy of the proposed determination may be inspected and obtained from the offices of the local government; and*
 - (c) *submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.*
- (3) *If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –*
 - (a) *give local public notice that the proposed determination has effect as a determination on and from the date of publication;*
 - (b) *amend the proposed determination, in which case subclause (5) will apply; or*
 - (c) *not continue with the proposed determination.*
- (4) *If submissions are received in accordance with subclause (2)(c) the Council is to –*
 - (a) *consider those submissions; and*
 - (b) *decide –*
 - (i) *whether or not to amend the proposed determination; or*
 - (ii) *not to continue with the proposed determination.*
- (5) *If the Council decides to amend the proposed determination, it is to give local public notice –*
 - (a) *of the effect of the amendments; and*
 - (b) *that the proposed determination has effect as a determination on and from the date of publication.*
- (6) *If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.*
- (7) *A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).*
- (8) *A decision under subclause (3) or (4) is not to be delegated by the Council.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget 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 3.5: (Appropriate infrastructure that supports sustainable economic development) the following strategy:

Strategy 3.5.5 – *‘Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining.’*

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

Further, the Shire’s Corporate Business Plan 2019-20 - 2022-23 incorporates the following actions under this strategy:

- 3.5.5.1 Manage and maintain the Saleyards in accordance with the Strategic Plan and Business Plan for the facility.
- 3.5.5.2 Ensure compliance with environmental licence and other relevant requirements.
- 3.5.5.3 Operate the Saleyards as a self-sustaining business unit.
- 3.5.5.4 Market the Saleyards as the best in Western Australia.

OFFICER COMMENT

These restrictions have been put in place under the direction of the Chief Executive Officer since the sale held on 26 March 2020. Saleyards staff have been in constant liaison with livestock agents about how to implement the arrangements and there has been some refinement in regard to those people who may enter the site.

In particular, buyers of relatively small numbers of cattle are being asked to deal through an agent to buy on their behalf. Further, buyers become ‘registered’ when they nominate to saleyards staff.

The livestock agents have been very co-operative in implementing the arrangements and have in fact done much of the work in screening entry to the site. The social distancing measures have been working well and auctioneers have been ‘policing’ this during the sales.

Saleyards across Australia have come to a unified position on the management of saleyard sales while the Covid-19 pandemic is in place to reduce the risk of exposure to and spread of the virus. It is important to formalise this position with a determination under the local law.

One submission was received from a local transporter, who also buys small numbers of cattle from the saleyards. See the attached Summary of Submissions for comments in response to the points raised.

The determination will take effect from the day of local public notice and will remain in force until the current declared Covid-19 State of Emergency ends.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Woltering:

That pursuant to Section 2.2 of the Shire of Plantagenet Property Local Law 2008:

1. It is determined that the Shire of Plantagenet will allow only certain classes of personnel into the Mount Barker Regional Saleyards premises, such classes being:
 - a) Shire of Plantagenet employees and its contractors and agents directly involved with the Saleyards.
 - b) Authorised agents permitted to sell livestock from the Mount Barker Saleyards and their employees involved with the business of the Saleyards.
 - c) Registered, genuine buyers of stock offered for sale at the Saleyards.
 - d) Cattle transport operators transporting cattle to and from the Saleyards.
2. The determination referred to in part 1 above shall take effect from the day of local public notice and shall remain in force until the current declared Covid-19 State of Emergency ends.

CARRIED (8/0)

NO. 131/20

3:43pm Cr Moir returned to the meeting

9.4.4 NATIONAL REDRESS SCHEME (PARTICIPATION OF WA LOCAL GOVERNMENTS)

| | |
|-------------------------------|--|
| File Ref: | N51432 |
| Attachments: | <u>Local Government Information Paper (December 2019)</u> |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | Isabelle Draffehn Community Development Officer |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Commonwealth).
- Note the key considerations and administrative arrangements for the Shire of Plantagenet to participate in the National Redress Scheme.
- Formally endorse the Shire of Plantagenet's participation as part of the WA Government's declaration in the National Redress Scheme.
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015)
- Redress and Civil Litigation (September 2015)
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring appropriate child-safe approaches are implemented.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access to counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (DPR) from the responsible institution, if requested
- Funds to access counselling and psychological care
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) commenced participation in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Commonwealth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

STATUTORY ENVIRONMENT

The Shire of Plantagenet in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Commonwealth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

EXTERNAL CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme
- identifying whether WA local governments are considering participating in the Scheme
- identifying how participation may be facilitated
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments
- availability of historical information
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

- ‘1. WA local government participation in the State’s National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
- 2. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.’*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor and has taken into account the feedback provided by local governments during the consultation detailed above.

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping)
- Trained staff to coordinate and facilitate a DPR to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPRs, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPRs will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

BUDGET IMPLICATIONS

There are no immediate budget 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

As mentioned earlier, participation in the Scheme tends to mitigate any potential legal action relating to historical sexual abuse that may have occurred.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme
- Noted the options for WA local government participation in the Scheme

- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000)
- Trained staff to coordinate and facilitate a DPR to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

For participating local governments in the Scheme as a State Government institution will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application)
- Costs associated with the delivery of a DPR, if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPRs would be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

WALGA State Council at its meeting of 4 March 2020:

- 1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration.*
- 2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government.*
- 3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.'*

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Plantagenet's participation in the Scheme.

As an independent entity and for clarity, it is essential that the Shire of Plantagenet formally indicates via a decision of the Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Plantagenet will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Plantagenet to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Plantagenet formally decide (via a resolution of the Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Plantagenet include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Plantagenet having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Plantagenet.

Considerations for the Shire of Plantagenet

Detailed below is a list of considerations for the Shire of Plantagenet to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Plantagenet will receive a Redress application. A Service Agreement will only be executed if the Shire of Plantagenet receives a Redress application. The Shire of Plantagenet needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are three weeks for priority applications and seven weeks for non-priority applications. A priority application timeframe (three

weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to the Council if / when an application is received

The Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make the Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Plantagenet will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Plantagenet's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Plantagenet should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Plantagenet do not have any influence on the decision made and there is no right of appeal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr L Handasyde:

That the Shire of Plantagenet:

1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries regarding the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Commonwealth) and the participation of WA local governments.
2. Notes that the Shire will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire makes a specific and formal decision to be included.
3. Endorses the participation of the Shire in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
4. Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.
5. Notes that a confidential report will be provided if a Redress application is received by the Shire.

CARRIED (9/0)

NO. 132/20

9.4.5 ORGANISATIONAL REVIEW - STAFF STRUCTURE

| | |
|-------------------------------|--|
| File Ref: | N51408 |
| Attachments: | <u>Organisational Chart</u> |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | Rob Stewart Chief Executive Officer |
| Proposed Meeting Date: | 19 May 2020 |

PURPOSE

The purpose of this report is to recommend amendments to the existing organisational structure as follows:

1. A 1.0 FTE position of Information Technology Officer be created
2. The position title of the Executive Manager Corporate Services be changed to Deputy Chief Executive Officer.

BACKGROUND

The staff establishment of the Council was last amended on 30 April 2019. At that meeting the Council resolved:

'That the staff establishment be amended as follows:

1. *The 1.0 FTE position of Manager Community Services be deleted;*
2. *A 1.0 FTE position of Economic Development Officer be created;*
3. *A 1.0 FTE position of Research / Administration Officer be created;*
4. *The remaining Senior Manager positions be renamed Executive Manager;*
5. *The Saleyards General Hand be changed from 0.8 to 1.0 FTE;*
6. *The Shire of Plantagenet Organisational Structure and Functional Responsibilities Chart (as attached) be adopted; and*
7. *The total staff establishment for the Shire of Plantagenet be amended from 63.39 FTE to 64.59 FTE.'*

STATUTORY ENVIRONMENT

Pursuant to Section 5.36 1(b) of the Local Government Act 1995, a local government is to employ (other than a Chief Executive Officer):

'...such persons as the Council believes are necessary to enable the functions of the Local Government and the functions of the Council to be performed.'

Further, Section 5.41 of the Act provides that the Chief Executive Officer's functions are to (among other things):

'...be responsible for the employment, management, supervision, directions and dismissal of other employees.'

FINANCIAL IMPLICATIONS

Funds for the new position of Information Technology Officer will be sought in the 2020/2021 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 4.1.2:

‘Ensure the corporate structure is aligned with the Shire’s strategic direction.’

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

OFFICER COMMENT

The re-naming of the position of Executive Manager Corporate Services will have the effect that the incumbent will be appointed as Acting Chief Executive Officer during an absence of the CEO, pursuant to the existing delegation.

The creation of the Information Technology Officer will recognise the absolute necessity to engage a specialist in this area, especially as the organisation moves towards installing new corporate software in 2020/2021.

At present the Executive Manager Corporate Services undertakes information technology responsibilities and the incumbent of this position would continue to oversee this position, including external contractors engaged from time to time relating to Information technology.

Apart from reducing the inherent risk in not engaging a suitably qualified Information Technology Officer, the Executive Manager Corporate Services will be able to allocate adequate time to other Corporate Services matters.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

That the staff establishment be amended as follows:

- 1. The 1.0 FTE position of Executive Manager Corporate Services be re-named to Deputy Chief Executive Officer.**
- 2. A 1.0 FTE position of Information Technology Officer be created.**

CARRIED (9/0)

NO. 133/20

9.4.6 REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW

| | |
|-------------------------------|---|
| File Ref: | N51344 |
| Attachment: | <u>Register of Delegation, Sub-delegations, Appointments and Authorisations</u> |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | Nolene Wake Executive Officer |
| Proposed Meeting Date: | 19 May 2019 |

PURPOSE

The purpose of this report is to present for adoption an updated Register of Delegations, Sub-delegations, Appointments and Authorisations for endorsement.

BACKGROUND

Delegations are granted to the Chief Executive Officer and, in some cases, other Officers to assist in the efficient running of the organisation. Delegations assist to reduce minor matters being brought before the Council and maximise service to members of the public, residents and ratepayers.

Since the extensive review of the Register of Delegated Authority on 20 June 2017, minor amendments have been endorsed by the Council each year thereafter.

STATUTORY ENVIRONMENT

Local Government Act 1995 permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in s9.5 of the Act;
- the power under S9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government; and
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under Regulation 18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors;
- under Regulation 18C and 18D which relate to the recruitment and performance management of the CEO; and
- under Regulation 16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

As part of the normal policy review process, policies and delegations should be cross referenced to ensure that where a delegation is in place, a relevant policy to assist with interpretation is also in place.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.6:

‘Provide a community oriented organisation that delivers high quality services and delivers outcomes that are in the best interests of our ratepayers’.

Further at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategy:

Strategy 4.6.1

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

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

OFFICER COMMENT

It is considered that the current Register of Delegated Authority is sufficient subject to the following minor amendments, as noted in the attachment:

1. Minor formatting and typographical error corrections
2. Addition/amendments to any relevant Council Policy updates
3. Amendments to 6.2 and 6.2A – Building Act, in accordance with the Strata Titles Amendment Act 2018.

4. Delegation 1.2 Appointment of Acting CEO has been amended to read:

Under the heading 'Power of Duty Delegate';

'The Chief Executive Officer is delegated authority to appoint the Deputy Chief Executive Officer to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer not longer than five weeks.'

Further, a paragraph three has been inserted under the heading 'Conditions/Notes';

'If the Deputy Chief Executive Officer is unavailable or unwilling to accept the appointment, the Chief Executive Officer shall appoint either the Executive Manager Strategic Services or the Executive Manager Works and Services as Acting Chief Executive Officer.'

5. All Review Dates updated.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr K Clements:

That:

1. The attached Shire of Plantagenet Register of Delegations, Sub Delegations, Appointments and Authorisation (Register of Delegated Authority) be accepted.
2. All references to 'Executive Manager Corporate Services' be deleted and replaced with 'Deputy Chief Executive Officer' or 'Deputy CEO' as required.

AMENDMENT

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

That the words 'noting the deletion of part 10 of delegation 2.10 Rates Issues – General Delegation as follows: "Make a determination that a property is land used exclusively for charitable purposes and therefore not rateable in accordance with s6.26(2)(g) of the Local Government Act 1995"' from the Delegation Register adopted on 21 May 2019 be added after the words "accepted" in part 1.

CARRIED (9/0)

NO. 134/20

COUNCIL DECISION

That:

1. The attached Shire of Plantagenet Register of Delegations, Sub Delegations, Appointments and Authorisation (Register of Delegated Authority) be accepted, noting the deletion of part 10 of delegation 2.10 Rates Issues – General Delegation as follows: 'Make a determination that a property is land used exclusively for charitable purposes and therefore not rateable in accordance with s6.26(2)(g) of the Local Government Act 1995.'
2. All references to 'Executive Manager Corporate Services' be deleted and replaced with 'Deputy Chief Executive Officer' or 'Deputy CEO' as required.

CARRIED (9/0)

NO. 135/20

Absolute Majority

9.4.7 RESERVE 29661 ALBANY HIGHWAY, MOUNT BARKER - ARCHIVE REPOSITORY ADDITION - POLICE STATION MUSEUM – BUDGET REALLOCATION

File Ref: N50398
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Executive Manager Corporate Services
Proposed Meeting Date: 19 May 2020

PURPOSE

The purpose of this report is to provide further information in response to a second adjournment of a notice of motion submitted by Cr K Clements at the Council meeting held on 3 December 2019 relating to the allocation of additional funds to the archive repository addition at the police station museum.

BACKGROUND

The Crown owns Reserve 29661 and the care, control and management of the Reserve is vested with the Shire of Plantagenet for the purpose of 'Historical Museum and Art Centre'.

At its meeting held on 9 October 2018, the Council resolved '*That the Second Police Station/Student Hostel building addition plans dated 28 August 2018 for the construction of an archive repository for the Police Station Museum at Reserve 29661 Albany Highway, Mount Barker be supported.*'

At its meeting held on 18 June 2019, the Council further resolved '*That no objection be raised to the proposed archive repository addition on Reserve 29661 Albany Highway, Mount Barker and in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Development Approval be granted subject to the development being in accordance with the plans dated 27 May 2019.*'

At the Council meeting held on 3 December 2019, the following late business was moved by Cr Clements and seconded by Cr O'Dea:

'That \$40,000.00 from the Museum Complex Shingle Roof Reserve be reallocated to the Historical Society Archive Repository Project.'

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 28 January 2020.*'

At the meeting held on 28 January 2020, the Council resolved as follows:

'That the motion be further adjourned pending:

- ~~1. The CEO providing a report to the Council on the future Shire of Plantagenet and Historical Society archiving requirements and options to satisfy those requirements;~~

- ~~2. The Heritage Maintenance Plan for the Police Station Museum which is currently being prepared by a heritage architect being presented to the Council;~~
- ~~3. A letter from each of the private entities who are proposing to donate to the possible construction of an archive repository at the Police Station Museum site is presented to the Council detailing the amount of the contribution and any conditions relating to that contribution;~~
4. Any possible grant funding opportunities for an archive repository at the Police Station Museum being presented to the Council; and
5. The information required be provided no later than the Council meeting scheduled for 21 April 2020.'

STATUTORY ENVIRONMENT

In accordance with section 6.11(2) of the Local Government Act 1995, before a local government changes the purpose of a reserve account or uses the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use (absolute majority required).

FINANCIAL AND BUDGET IMPLICATIONS

Expenditure details

The 2019/2020 budget has made a total provision of \$135,000.00 and assumes capital grants totalling \$85,000.00 with net Council expenditure limited to a maximum of \$50,000.00. The following updated financial summary has been received from the Historical Society via Cr Clements:

| | |
|---------------------------------|---------------------|
| Expenditure | |
| Main build | \$105,000.00 |
| Compactus | \$15,000.00 |
| Flooring | \$8,000.00 |
| Air-conditioning | \$5,000.00 |
| Computer upgrade | \$15,000.00 |
| <i>Sub-total</i> | <i>\$148,000.00</i> |
| | |
| Income | |
| Shire (2019/2020 budget) | \$50,000.00 |
| Mount Barker Co-operative | \$10,000.00 |
| Mount Barker Historical Society | \$10,000.00 |
| Bendigo Community Bank | \$5,000.00 |
| Rick Wilson MP | \$13,000.00 |
| <i>Sub-total</i> | <i>\$88,000.00</i> |
| | |
| Shortfall | \$60,000.00 |

The Historical Society advises that additional items of expenditure are proposed, namely furniture (\$5,000.00) and internal alterations (\$10,000.00). Further, its preference is to make a contribution of \$5,000.00 rather than \$10,000.00.

The Historical Society was hoping to secure grant funding from the Building Better Regions Fund. However, the Federal Government announced that Round 4 is a key round of the Australian Government's drought response and the entire \$200 million is available for 'shovel-ready' projects supporting communities and regions affected by drought.

The Society is now requesting that the Shire's further unbudgeted contribution be increased from \$40,000.00 to \$60,000.00. It is understood that there is a possibility of losing the last two contributions if not spent by 30 June 2020.

Grant income - Drought Communities Programme

The Council will recall that, at its meeting held on 24 March 2020, the Council resolved that:

1. *The CEO be authorised to prepare applications pursuant to the Drought Communities Programme – Extension.*
2. *The following projects be submitted:*
 - a) *Mount Barker Memorial Swimming Pool Refurbishment*
 - b) *Mount Barker Old Police Station Museum Archive Repository*
 - c) *Mount Barker Tower Hill Redevelopment*
 - d) *Albany Highway, including wetlands*
3. *The CEO be authorised to immediately proceed with the submission for the Mount Barker Old Police Station Museum Archive Repository to the Drought Communities Programme – Extension.'*

The portion of the Council's total allocation of \$1 million allocation originally envisaged for the Mount Barker Old Police Station Museum Archive Repository was \$80,000.00. Unfortunately, the way the Council's preferred projects are being progressed is incompatible with the funding guidelines. The Shire cannot submit individual projects; instead one project must be submitted which takes up the entire allocation of funding.

This project can consist of separate activities, which can be thematically different, but it has to all be tied in and quoted on. The administration will continue to work on the options for further consideration by the Council in this regard.

Other grant income

The Community Development Officer has looked into other possible grant funding opportunities and the Tackling Tough Times Together (TTTT) grant may be suitable. This is funded by the Foundation for Rural and Regional Renewal.

The TTTT grant program helps communities access the resources they need to support one another through the ongoing effects of the drought.

Grants are available for a broad range of grassroots, community-led initiatives that directly and clearly benefit local communities. Applications are accepted on an ongoing basis and assessed quarterly.

Three tiers of grants are available:

- Up to \$20,000 – projects to be finalised within 18 months of approval;
- Up to \$60,000 – projects to be finalised within 18 months of approval;
- Up to \$150,000 – applications for this tier are by Expression of Interest, and multi-year projects (up to three years) are welcomed. Applicants must speak with the TTTT team to discuss their project before applying.

Projects in all tiers must clearly demonstrate a focus on one activity from the following seven activity areas.

1. Building community resilience

2. Developing organisational resilience and capacity
3. Enhancing environmental sustainability
4. Fostering cultural vibrancy
5. Lifelong learning and education
6. Economic strength
7. Improving community health and social wellbeing

The Historical Society could apply for the up to \$60,000.00 category with the help of the Shire. Applications are preferred from community groups. This round closes 28 May but there will be another round later in the year.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

As care, control and management of the Reserve 29661 is vested with the Shire of Plantagenet, the new addition would be the responsibility of the Council.

STRATEGIC IMPLICATIONS

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

Strategy 2.2.2:

‘Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’

and

Strategy 2.2.6

‘Support the conservation and maintenance of heritage buildings, heritage items and places of interest.’

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

The Shire of Plantagenet Corporate Business Plan 2019/2020 – 2022/2023 includes Action 2.2.2.1:

‘Guide local development in accordance with the Planning Scheme.’

and

Action 2.2.6.2

‘Identify and conserve places of cultural heritage significance’

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

OFFICER COMMENT

The catalyst for the archive repository was a recent fire at the Historical Society in Busselton. The fire destroyed many of their irreplaceable records.

The Plantagenet Historical Society has initiated a plan to build a fire resistant (90 min Fire Rating Level) archive repository attached to the Second Police Station/Student Hostel building. The proposed archive repository would house elements of the collection and records that are kept on shelving and in filing and map cabinets.

Since 2013/2014, funds have been allocated to renewing the shingle roofs on buildings at the Mount Barker Historical Museum complex. A total of \$13,806.00 has been spent (in 2014/15 and 2015/16). In 2016/17, excess funds were transferred to a reserve fund established for that purpose and the reserve has accumulated interest since then. The balance of the reserve currently stands at \$68,051.00.

In the 2019/2020 budget a sum of \$16,000.00 was allocated to a heritage maintenance plan for the museum complex. It is expected that this will incorporate a prioritised maintenance schedule, including a 10 year maintenance plan. It may be determined that the funds in this reserve should be re-purposed to a more general building reserve for the museum complex.

Increasing the Shire contribution from \$50,000.00 to \$90,000.00 or more is significant in terms of a Shire building project. Consideration may be given to a re-think of the project in terms of how the development fits in with options for a future development of the precinct.

If the adjourned motion is adopted, ordinarily one month's local public notice of the proposed reallocation of funds would be needed (absolute majority required). However, if there is support for the proposal (to the amount of \$60,000.00), it would be more expedient to reallocate the funds from the Major Projects and Renewals Reserve and, if considered appropriate, transfer those funds back from the Museum Complex Shingle Roof Reserve as part of the 2020/2021 budget.

In this instance, it would be appropriate for the adjourned question to be defeated and for the Presiding Member to call for further motions. The following alternative motion would then be required:

'That:

- 1. The 2019/2020 Annual Budget be amended as follows to enable \$60,000.00 from the Major Projects and Renewals Reserve to be reallocated to the Historical Society Archive Repository Project:*

| <i>Account</i> | <i>Description</i> | <i>Original / Amended Budget</i> | <i>New Budget</i> | <i>Net Cash Amount</i> |
|-------------------|--|----------------------------------|-------------------|------------------------|
| <i>51780.0252</i> | <i>Museum Complex - Archive Repository</i> | <i>(\$135,000)</i> | <i>(195,000)</i> | <i>(\$60,000)</i> |
| <i>41131.0486</i> | <i>Transfers from Reserve Funds</i> | <i>\$5,000</i> | <i>\$65,000</i> | <i>\$60,000</i> |

- 2. The 2020/2021 Draft Budget incorporate a transfer of \$60,000.00 from the Museum Complex Shingle Roof Reserve to the Major Projects and Renewals Reserve.'*

(Absolute majority required)

VOTING REQUIREMENTS

Absolute Majority

ADJOURNED QUESTION

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

That \$40,000.00 from the Museum Complex Shingle Roof Reserve be reallocated to the Historical Society Archive Repository Project.

LOST (0/9)

All Crs voted against the motion

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. The 2019/2020 Annual Budget be amended as follows to enable \$60,000.00 from the Major Projects and Renewals Reserve to be reallocated to the Historical Society Archive Repository Project:

| <i>Account</i> | <i>Description</i> | <i>Original / Amended Budget</i> | <i>New Budget</i> | <i>Net Cash Amount</i> |
|----------------|---|--|-------------------|----------------------------|
| 51780.0252 | Museum Complex - Archive Repository | (\$135,000) | (122,975) | (\$12,025) |
| 41130.0450 | Grants & Contributions - Other Recreation & Culture | \$85,000 | \$12,975 | (\$72,025) |
| 41131.0486 | Transfers from Reserve Funds | \$5,000 | \$65,000 | \$60,000 |

2. The 2020/2021 Draft Budget incorporate a transfer of \$60,000.00 from the Museum Complex Shingle Roof Reserve to the Major Projects and Renewals Reserve.

CARRIED (7/2)

NO. 136/20

Absolute Majority

Crs Pavlovich and Oldfield voted against the motion

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 S Etherington, seconded Cr J Oldfield:

That new business of an urgent nature, namely: The Mt Barker Caravan Park request that the Council consider the temporary closure of the RV Parking area, be introduced to the meeting.

CARRIED (9/0)

NO. 137/20

**11.1 TEMPORARY CLOSURE OF THE RV PARKING AREA ON LOT 250
MEMORIAL ROAD MOUNT BARKER
(File Ref: N51529)****OFFICER RECOMMENDATION**

Moved Cr K Woltering, seconded Cr J Oldfield:

That the effect of part 1 of Council Resolution 157/14 be suspended until 31 December 2020, such that Lot 250 Memorial Road Mount Barker will not be available to fully self-contained caravans and motorhomes for overnight parking.

AMENDMENT

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

That the date '31 December' be deleted and replaced with the date '31 October'.

LOST (3/6)

Crs Clements, Oldfield, Etherington, Handasyde, Moir
and Woltering voted against the motion

AMENDMENT

Moved Cr J Moir,

That a part 2 be added to the motion: 'The matter be brought back to the Council for review by 1 December 2020.'

The motion lapsed for want of a seconder.

COUNCIL DECISION

The motion was put.

CARRIED (8/1)

NO. 138/20

Cr Bell voted against the motion

FURTHER LATE BUSINESS:

Moved Cr L Handasyde, seconded Cr B Bell:

That three late items of new business of an urgent nature, namely:

11.2 SOUTH COAST ALLIANCE COST SHARING ARRANGEMENT

11.3 DISPOSAL OF PLANT – WATER TRUCK

11.4 CEO RECRUITMENT - CONFIDENTIAL

be introduced to the meeting

CARRIED (9/0)

NO. 139/20

11.2 SOUTH COAST ALLIANCE COST SHARING ARRANGEMENT
(File Ref: N51494)

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the South Coast Alliance Inc be advised that the Shire of Plantagenet supports the cost sharing arrangement of its member Councils as:

- 1. City of Albany 50%, Shires of Denmark and Plantagenet 20% respectively and Jerramungup 10%.**
- 2. The total contribution by the Shire of Plantagenet being no more than \$40,000.00.**

CARRIED (9/0)

NO. 140/20

11.3 DISPOSAL OF PLANT - WATER TRUCK

Cr C Pavlovich

Item: 11.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Member of the Mount Barker Speedway
Extent: N/A

File Ref: N51447
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: David Lynch
Executive Manager Works and Services
Proposed Meeting Date: 19 May 2020

PURPOSE

The purpose of this report is to authorise the disposal of an item of surplus plant valued at less than \$20,000.00 (ex GST).

BACKGROUND

Following a Heavy Plant Review Committee Meeting of 4 December 2019 and in a Report to the Council of 26 March 2019, it was noted that the obsolete water truck (S-Line International Water Truck) was to be disposed of by public tender. It was also noted that the water tank was to be removed from the cab chassis, be refurbished and then fitted to the Isuzu GIGA truck which would become the Shire's new water truck. This task has been completed.

It was then noted in the report to the Council on 28 January 2020 that the International S-Line Water Truck (cab chassis) was surplus to requirements.

During the last couple of years the truck has been mechanically troublesome and unreliable as an on-road construction asset. Mechanical work has been carried out to rebuild the motor, suspension and transmission and radiator.

As part of the disposal of Shire assets surplus to requirements, an estimate was sought from Pickles Auctions as opposed to the book value of the item. Pickles tentatively valued the cab chassis at \$5,000.00 (ex GST) before fees and charges are deducted.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.58 – 'Disposing of property'

Local Government (Functions and General) Regulations 1996, Section 30 – 'Disposing of property excluded from Act s.3.58' Section (3) as follows:

'A disposition of property other than land is an exempt disposition if –

(a) its market value is less than \$20,000;'

Delegation 2.4 Disposal of Plant, Equipment and Property

The delegation authorises the Chief Executive Officer (CEO) to dispose of surplus plant and equipment greater than \$50.00 and not exceeding \$20,000.00 (ex GST) in value, within defined parameters.

EXTERNAL CONSULTATION

Consultation has taken place with Pickles Auctions Pty Ltd, a national auction house that publicly auctions a range of light vehicles, trucks, earthmoving and mobile plant, trailers and technology equipment. An officer from Pickles has viewed the water truck and provided an auction valuation.

FINANCIAL IMPLICATIONS

The Shire's book value of the S-Line International Water Truck cab chassis is \$4,436.90 (ex GST). Councillors should note that the disposal of the asset for \$1.00 will mean an unbudgeted loss on the sale of an asset and that it is a non-cash item.

POLICY IMPLICATIONS

Council Policy I/PM/1 Plant – General Policy - provides guidelines as to the replacement of heavy plant.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following:

Strategy: 2.6.1

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

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes the following:

Action 2.6.1.3

'Ensure the Council has an efficient and cost effective plant and machinery management program.'

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

OFFICER COMMENT

A submission was made by the Mount Barker Speedway Club in March 2020 through the Community Grants process to obtain the S-Line International Water Truck cab chassis currently stored at the Shire Depot. The Speedway Club advised that if successful with their request, they intend to place a tank on the back of the cab chassis and use the vehicle for watering the track during race days.

The Speedway Club is a long standing local club run by volunteers. Anecdotally, up to 200 competitors and spectators can attend on a special event day when the weather is good.

The disposal of a Shire low value surplus asset to the Mount Barker Speedway Club would assist in the continuing viability of the club and motorsports in the region generally.

It is therefore suggested that the water truck be disposed of to the Mount Barker Speedway Club as an exempt disposition under Section 30(3)(a) of the Local Government (Functions and General) Regulations 1996 for the amount of \$1.00.

It should be noted that significant work by the club's volunteers will need to be completed to get the truck into a state where it is fit for purpose to water the speedway track. Therefore an early start to such works would be required before the speedway season commences.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That pursuant to Section 30(3)(a) of the Local Government (Functions and General) Regulations 1996, the Shire's S-Line International Water Truck cab chassis be disposed of to the Mount Barker Speedway Club Inc for the sum of \$1.00.

CARRIED (9/0)

NO. 141/20

11.4 CEO RECRUITMENT – CONFIDENTIAL (File Ref: N51528)**MOTION TO PROCEED BEHIND CLOSED DOORS****Moved Cr L Handasyde, seconded Cr M O’Dea:**

5.14pm 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. 142/20**

5:14pm Senior staff left the meeting, with the exception of the CEO and the Executive Officer. No members of the public were present.

MOTION TO PROCEED IN PUBLIC**Moved Cr M O’Dea, seconded Cr L Handasyde:**

5.27pm That the meeting proceed in public.

CARRIED (9/0)**NO. 143/20****COUNCIL DECISION****Moved Cr K Clements, seconded Cr J Oldfield:****That :**

- 1. Mr Paul Sheedy be offered a contract as Acting Chief Executive Officer for a period of six months, with the option to extend for a further three months, under the terms and conditions as set out in that employment contract.**
- 2. The Shire President be authorised to execute the employment contract on behalf of the Council.**

CARRIED (9/0)**NO. 144/20**

12 CONFIDENTIAL

Nil

CLOSURE OF MEETING

5:28pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRMAN _____ **DATE:** ____/____/____