



ORDINARY MINUTES

DATE: Tuesday, 19 November 2013

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

Cr K Clements Shire President
Cr B Bell
Cr A Budrikis
Cr S Etherington JP
Cr L Handasyde Deputy Shire President
Cr G Messmer
Cr J Moir
Cr J Oldfield
Cr C Pavlovich

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:12pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mrs Donna McDonald	Human Resource Officer

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, and staff present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr S Etherington, seconded Cr G Messmer:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 29 October 2013 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 289/13

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 29 October 2013 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 290/13

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

MOTION TO CHANGE THE ORDER OF BUSINESS

Moved Cr S Etherington, seconded Cr A Budrikis:

That Item 10.1 be considered immediately before Item 9.1.1.

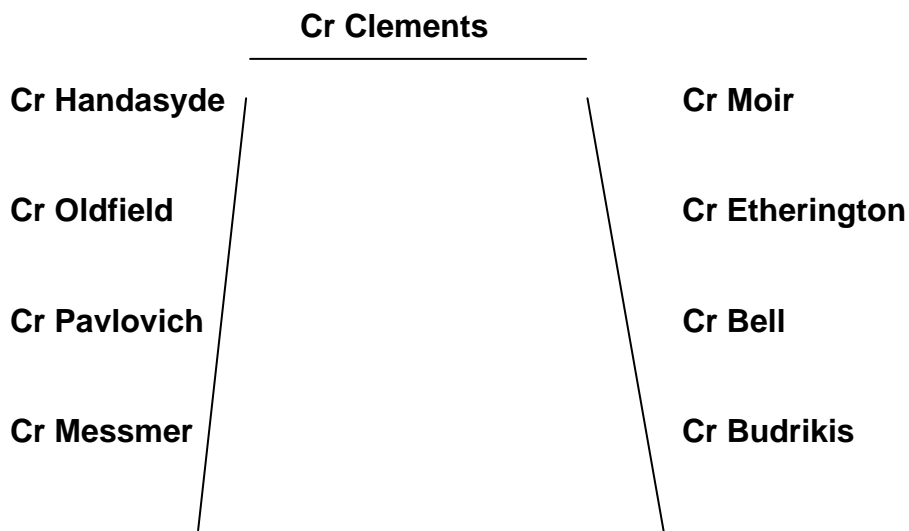
CARRIED (9/0)

NO. 291/13

10.1 ALLOTMENT OF SEATING POSITIONS

Moved Cr S Etherington, seconded Cr B Bell:

That further to resolution 242/13 at the Special Council Meeting held on 29 October 2013, pursuant to Standing Orders Clause 7.2 the seating positions of Councillors as set out in the following diagram be allotted.



CARRIED (9/0)

NO. 292/13

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

9.3.1 AUTHORISATION OF CAT REGISTRATION OFFICERS - CAT ACT 2011

File No: N28627
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 19 November 2013

PURPOSE

The purpose of this report is for the Council to recommend the delegation of powers under the Cat Act 2011 to the Chief Executive Officer (CEO) and to appoint the Ranger, Manager Community Services and Environmental Health Officer as authorised officers to administer the provisions of the Cat Act 2011.

Further, it will be recommended that the Community Development Officer and Customer Service Officers be authorised for the purpose of Registration Officers (only) under the Cat Act 2011 for the Shire of Plantagenet.

BACKGROUND

With the introduction of the new Cat Act 2011 coming into effect on 1 November 2013, there is a requirement that authorised officers or classes of persons be appointed to administer the various provisions of the Act.

STATUTORY ENVIRONMENT

Cat Act 2011 – Sections 44 – 48 relate to authorised officers and delegations. The Act requires that all persons who are to administer the provisions of the Cat Act 2011 and register cats be authorised under the Cat Act 2011 to carry out this function:

‘Division 2 — Delegations

44. Delegation by local government

(1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) A decision to delegate under this section is to be made by an absolute majority.

45. Delegation by CEO of local government

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty —

(a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

(6) A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.

*Division 3 — Authorised persons**Subdivision 1 — Appointment of authorised persons**48. Authorised persons*

(1) A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act'

(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of section 62.

(3) An authorisation under this section may be made on such conditions as the local government determines, in writing given to the authorised person.

(4) The local government may, in writing given to the authorised person, at any time, cancel an authorisation under this section or add, vary or cancel a condition of an authorisation.

(5) The local government is to issue to each authorised person appointed under subsection (1) a certificate stating that the person is an authorised person for the purposes of this Act.

(6) An authorised person appointed under subsection (1) must —

(a) carry the certificate at all times when exercising powers or performing functions as an authorised person; and

(b) produce for inspection the certificate at the reasonable request of any person; and

(c) if he or she ceases to be an authorised person, return the certificate to the local government as soon as is practicable.

Penalty: a fine of \$5 000.

Subdivision 2 — Particular powers of authorised persons - has not come into operation.'

FINANCIAL IMPLICATIONS

Associated advertising costs of approximately \$200.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.1 – ‘Provide animal control in accordance with legislative requirements.’

OFFICER COMMENT

It is a requirement that any officer responsible for administering certain provisions of the Cat Act 2011 be authorised to do so by the Council.

Authorisation of officers also gives staff legal protection while carrying out these functions while acting in good faith.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr G Messmer:

That:

- 1. The Chief Executive Officer be approved a delegation, in accordance with Section 44 of the Cat Act 2011, to exercise any of the Council’s powers or the discharge of any of its duties under the provisions of the Cat Act 2011;**
- 2. The CEO, Ranger, Manager Community Services, Manager Works and Services and Environmental Health Officer be approved as Authorised Officers in accordance with Section 48 of the Cat Act 2011, to administer the provisions of the Cat Act 2011.**
- 3. The Customer Service Officers are authorised, in accordance with Section 48 of the Cat Act 2011, as Registration Officers in accordance with the provisions of the Cat Act 2011.**
- 4. These appointments be advertised in the Government Gazette for public information.**

CARRIED (9/0)

NO. 293/13

9.3.2 TOY LIBRARY - MOUNT BARKER - LICENCE AGREEMENT

File No: N28597
Attachments: [Licence Agreement - Toy Library](#)
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 19 November 2013

PURPOSE

The purpose of this report is to recommend the renewal of the licence agreement between the Shire of Plantagenet and the Mount Barker Toy Library Committee (Toy Library) for the use of Lot 8 Marmion Street, Mount Barker.

BACKGROUND

A licence agreement has been in place since 30 June 2011 between the Shire of Plantagenet and the Toy Library for the use of the building situated at the front of Lot 8 Marmion Street, commonly referred to as the 'Old Toy Library' building.

The Toy Library operates out of the Mount Barker Community Resource Centre and utilises the space at Lot 8 Marmion Street for the storage of Toy Library toys, equipment and fittings.

The current licence agreement requires no rental fees to be charged, however all service fees are paid by the Toy Library.

The Toy Library is also responsible for insuring all toys, equipment and fittings stored in the building and for keeping current the appropriate level of public liability insurance.

STATUTORY ENVIRONMENT

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

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

The agreement with the Mount Barker Toy Library is an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with Robyn Mitchell from the Mount Barker Toy Library.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 1.3 (A cohesive and supportive community) the following strategy:

‘Strategy 1.3.4 – Actively promote and assist community groups and clubs.’

OFFICER COMMENT

Although the Mount Barker Toy Library operates from the Mount Barker Community Resource Centre, the available space is limited and the Toy Library requires access to the building at Lot 8 Marmion Street in order to store their ‘overflow’ toys and other equipment.

It is recommended that the licence agreement is renewed for a further one year term under the same terms and conditions as the current agreement.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That authority be granted to the Chief Executive Officer to sign the licence agreement between the Shire of Plantagenet and the Mount Barker Toy Library Committee (as attached) for a further one year term, for the use of Lot 8 Marmion Street Mount Barker for Toy Library purposes.

CARRIED (9/0)

NO. 294/13

9.3.3 KENDENUP COMMUNITY GROUNDS - APPLICATION FOR LOTTERYWEST FUNDING

File No:	N28630
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	19 November 2013

PURPOSE

The purpose of this report is to request consideration by the Council to apply, on behalf of the Kendenup Community Recreation Centre (KCRC), to Lotterywest for funding to construct the Community structure at the Kendenup Community Grounds.

BACKGROUND

At its meeting held on 1 May 2013 the Council resolved:

'That:

- 1. The Draft Memorandum of Understanding between the Kendenup Community Recreation Centre (KCRC) and the Shire for the purpose of recognising the wish of the KCRC to lease land from the Council for the purpose of constructing a community facility be endorsed for further negotiations with the KCRC.*
- 2. Notwithstanding the above in part 1, the Council records that its primary interest/intent is the redevelopment of Sounness Park.'*

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 2.5 provides that a Local Government has the legal capacity of a natural person.

EXTERNAL CONSULTATION

This report has arisen directly from a meeting between Mr Jim Kirkwood and Ms Lisa Chambers representing the KCRC and their advice that Lotterywest requires the application to Lotterywest for funding for the construction of a community building at the Kendenup Community Grounds to be signed off by the Shire of Plantagenet as the body which has vesting of the land.

Further, as no lease has yet been signed between either the KCRC and the Council or the Kendenup Community Grounds Committee, neither of those bodies has sufficient standing to apply for Lotterywest funding for a structure to go on Council property.

FINANCIAL IMPLICATIONS

There is no immediate financial implication relating to the signing of an application for grant funding from Lotterywest. Long term implications regarding asset

maintenance and operations have been discussed very briefly under Asset Management Implications.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Any structure put onto Council land becomes the property of the Council unless otherwise negotiated.

The KCRC acknowledges that the structure they propose to erect would become Council property. As such, this structure would need to be incorporated into the Council's Asset Register and arrangements and adequate budget provisions (say 2% of total capital cost per annum) would have to be made for its proper maintenance and operation.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 at Outcome 1.5 (Recreation, Sporting and Leisure Facilities that Support the Wellbeing of the Community) provides the following Strategy:

'Strategy 1.5.1: Maintain and improve sporting and recreation facilities in the district based on catchment needs'.

Further, *'Strategy 1.5.2: Promote sporting, recreation and leisure facilities and programs in the district'.*

OFFICER COMMENT

The KCRC is well aware of the Council's intention when it resolved that its primary interest/intent is the redevelopment of Sounness Park. This is one of the reasons that the KCRC was initially encouraged to make its own application to Lotterywest (and other funding bodies). Although assistance has been given by the Council's Community Services Team, representatives of the KCRC have largely funded and undertaken work thus far by themselves.

The group is now thwarted by (understandable) requirements of Lotterywest that the owner of the land (the Council) submit the funding application.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr B Bell:

That the Chief Executive Officer be authorised to submit on behalf of the Kendenup Community Recreation Centre Inc. a funding application relating to the construction of a Community Recreation Facility on the Kendenup Community Grounds.

MOTION TO ADJOURN THE QUESTION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That the question be adjourned to allow the Chief Executive Officer to prepare a further report to be presented to a meeting of the Council on or before 4 February 2014.

CARRIED (9/0)

NO. 295/13

9.4 CORPORATE SERVICES REPORTS

9.4.1 GENERAL MEETING OF ELECTORS – 2012/2013 ANNUAL REPORT

File No:	N28480
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	19 November 2013

PURPOSE

The purpose of this report is to set a date for the General Meeting of Electors to receive the Shire of Plantagenet's 2012/2013 Annual Report.

BACKGROUND

The annual financial audit for 2012/2013 will be conducted by representatives of the Council's auditors, Lincolns Accountants in November 2013.

STATUTORY ENVIRONMENT

Local Government Act 1995

Sections 5.27 – 5.33 govern the holding of electors' meetings.

Section 5.27 (1) states:

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

Section 5.29 (1) further states:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The receipt of the auditor's report is not expected until late November 2013. It is hoped to present the auditor's report to the meeting of the Council to be held on 10 December 2013.

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

The Mount Barker Community College will hold its annual speech night on Tuesday 17 December 2013. A date and time for the General Meeting of Electors of Tuesday 10 December 2013 at 6.30pm has therefore been recommended. An advertisement would need to be published in a newspaper circulating the district by 25 November 2013.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 10 December 2013 to receive the 2012/2013 Annual Report.

CARRIED (9/0)

NO. 296/13

9.4.2 FINANCIAL STATEMENTS – OCTOBER 2013

File No:	N28605
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	19 November 2013

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 October 2013.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the Financial Statements for the month ending 31 October 2013 be received.

CARRIED (9/0)

NO. 297/13

9.4.3 LIST OF ACCOUNTS - OCTOBER 2013

File No:	N28647
Attachment	<u>List of Accounts - October 2013</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	19 November 2013

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of October 2013.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 - Regulation 12(1)(a) 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 (28 May 2013). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Local Government (Financial Management) Regulations 1996 - Regulation 13 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 S Etherington:

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 October 2013 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$1,190,512.34;
- b. Municipal Cheques 44092 – 44099, 44106 – 44139, 44148 and 44153-44204 totalling \$78,292.44;
- c. Cancelled cheques 44100 – 44105, 44140 – 44147 and 44149 – 44152;
and
- d. Trust Cheque 353 totalling \$9,517.00.

CARRIED (9/0)

NO. 298/13

9.4.4 POLICY REVIEW - CE/CS/4 - STAFF ATTENDANCE AT EXTERNAL FUNCTIONS AND REIMBURSEMENT OF EXPENSES

File No: N28481
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 29 November 2013

PURPOSE

The purpose of this report is to review Council Policy CE/CS/4 – Staff Attendance at External Functions and Reimbursement of Expenses.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 20 December 2011.

STATUTORY ENVIRONMENT

There are no statutory implications for this report

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report. Attendance of staff at conferences and the like is subject to appropriate budget allocation in various programs.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That Council Policy No. CE/CS/4 – Staff Attendance at External Functions and Reimbursement of Expenses as follows:

OBJECTIVE:

To determine the nature and extent of the Council's representation by staff at conferences, study tours, seminars, conventions, training courses and meetings and the travel and accommodation expenses payable.

POLICY:

Where approval to attend a conference, study tour, seminar, convention or training course by a staff member has first been sought and obtained, the following conditions shall apply:

1. General

- a) appropriate provisions being made in the adopted budget;
- b) the attendance forming part of the normal staff training and development or attendance will be otherwise beneficial to the officer and the Council; and
- c) the officer providing a report to the Chief Executive Officer on the issues raised (except training courses and meetings).

2. Travel

- a) staff should utilise Council vehicles, subject to a vehicle being available;
- b) reimbursement for the use of a private vehicle to be set in accordance with clause 18.1 of the Shire of Plantagenet Inside Workforce Enterprise Agreement 2011 and the Shire of Plantagenet Outside Workforce Enterprise Agreement 2011; and
- c) if a Council vehicle is made available and not utilised, then actual fuel costs for the use of a private vehicle will be reimbursed on production of receipts.

3. Accommodation, Meals and Incidentals

- a) accommodation and any interstate travel arrangements are to be organised through the Chief Executive Officer's office;
- b) staff shall be entitled to claim reasonable expenses for meals and refreshments consumed with meals (excluding alcohol), if they are not otherwise provided and the following incidental expenses:
 - i) taxi or other transport costs; and
 - ii) paid parking if free parking not reasonably available; and
- c) reimbursement will be made on actual costs incurred on production of documentation.

4. **Partners**

Reimbursement for partners of staff will be limited to any official social functions included on the official program of the conference/meeting.'

be endorsed.

CARRIED (9/0)

NO. 299/13

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 RESERVE 1790 ALBANY HIGHWAY CORNER LOWOOD ROAD MOUNT BARKER - TRAIN MURAL

File No:	N28601
Attachments:	Agreement - Mount Barker Train Mural
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	19 November 2013

PURPOSE

The purpose of this report is to recommend the renewal of the agreement between the Shire of Plantagenet and the Mount Barker Rotary Club for the upkeep and maintenance of the Mount Barker Train Mural located on Reserve 1790 (known as the Government Dam) on the corner of Albany Highway and Lowood Road Mount Barker.

BACKGROUND

The Mount Barker Train Mural was fabricated and erected on Reserve 1790, Albany Highway, by the Mount Barker Rotary Club with the permission of the Shire of Plantagenet and was completed in December 2005. Subsequently, in 2008, the Rotary Club installed lighting to the train mural.

In March 2008 a five year agreement was entered into between the Shire of Plantagenet and the Mount Barker Rotary Club outlining the respective roles and responsibilities of each organisation in regard to the upkeep and maintenance of the train mural.

Under the terms of the agreement, the Mount Barker Rotary Club is responsible for the ongoing maintenance of the mural while the Shire of Plantagenet insures the mural with regard to public liability and pays all utility charges with regard to the lighting of the mural.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has occurred with Andrew Fraser and Jacqui Hamblin from the Mount Barker Rotary Club.

FINANCIAL IMPLICATIONS

The Rotary Club maintains the structure.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following strategy:

‘Strategy 2.3.2 – Develop, maintain and enhance town streetscapes and public spaces.’

OFFICER COMMENT

The train mural acts as an entry statement to Lowood Road, the main street of Mount Barker and acknowledges local history to both residents and visitors to the region. As a tourism point of interest in the area, it is important that the mural is maintained and kept in good repair.

It is recommended that the agreement is renewed for a further five year term under the same terms and conditions as the current agreement.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That authority be granted to the Chief Executive Officer to sign the agreement between the Shire of Plantagenet and the Mount Barker Rotary Club (as attached) for the Mount Barker Train Mural on Reserve 1790 Albany Highway corner Lowood Road Mount Barker, for a further five year term commencing 20 March 2013.

CARRIED (9/0)

NO. 300/13

9.5.2 COUNCIL MEETINGS SCHEDULE

File No: N28628
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 19 November 2013

PURPOSE

The purpose of this report is to review and schedule meeting dates for the Council for 2014.

BACKGROUND

At its meeting held on 27 November 2012 the Council resolved:

‘That:

1. *The ordinary meetings of the Council for January to November 2013 inclusive be held on the last Tuesday of each month as follows:*
 - a) *29 January 2013*
 - b) *26 February 2013*
 - c) *26 March 2013*
 - d) *30 April 2013*
 - e) *28 May 2013*
 - f) *25 June 2013*
 - g) *30 July 2013*
 - h) *27 August 2013*
 - i) *24 September 2013*
 - j) *29 October 2013*
 - k) *26 November 2013*
2. *The ordinary meeting for December be held on Tuesday 17 December 2013.*

Further, at its meeting held on 25 June 2013 the Council resolved:

‘That:

1. *The ordinary meetings of the Council for September to November 2013 inclusive be held on every third Tuesday as follows:*
 - a) *17 September 2013*
 - b) *8 October 2013 and 29 October*

- c) 19 November 2013
2. *The ordinary meeting for December be held on Tuesday 10 December 2013.*
 3. *All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chamber, Lowood Road Mount Barker.*
 4. *All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.*
 5. *Briefing sessions and workshops be held on Council meeting days prior to the start of each ordinary Council meeting.*
 6. *The Meeting Schedule for Council meetings be reviewed at the ordinary meeting scheduled for 19 November 2013.'*

STATUTORY ENVIRONMENT

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

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

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

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Policy No CE/CS/5 – Workshops – Attendance by Members of the Public and Policy No CE/CS/6 – Briefing Sessions for Councillors apply.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community 2012-2023 provides at Outcome 4.1 (Effective governance and leadership) the following strategy:

'Strategy 4.1.3 Ensure the Council's decision making process is effective and transparent.'

OFFICER COMMENT

The marked increase in workloads for Council staff resulting from issues such as structural reform, Sounness Park, budget deliberations and unspecified increases in the number of reports requiring Council decisions has now stabilised.

It is anticipated that the review requirements for the structural reform documentation (Long Term Financial Plan, Strategic Community Plan, Workforce Plan, Asset Management Plan) will fall into cyclical review cycles driven by staff and presented to the Council's Committees in the first instance (for example the Audit Committee) prior to presentation to the Council.

Further, the staff are working towards distributing policy review reports and the need for workshops more evenly throughout the year's meetings.

At the Council meeting held 25 June 2013 a review of meetings that were scheduled on the last Tuesday of each month (in some instances effectively five weeks between meetings) was undertaken. Some Councillors indicated that the number of reports needing to be assimilated, even though agendas were sent out earlier, required a significant investment of time and that meetings held more frequently would spread the workload to become more manageable. A decision resulted in the introduction of three weekly meetings. This decision was made at a time of the year where usual pre budget workshops were being affected by the increased requirements under Structural reform and the need to be kept informed of the Sounness Park development.

It is for the reasons above that it will be recommended that the Council revert to a four weekly meeting cycle, as a middle ground between three weekly meetings and once a month meetings. Four weekly meetings held on a Tuesday would provide a more even distribution of meetings throughout the year, with two meetings being held in April.

It is proposed that a meeting not be held in January due to Officers taking annual leave.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That:

- 1. The Ordinary meetings of the Council for February to December 2014 inclusive be held at four weekly intervals on a Tuesday commencing on 4 February 2014 and then as follows:**
 - a) 4 March 2014**
 - b) 1 April 2014**
 - c) 29 April 2014**
 - d) 27 May 2014**
 - e) 24 June 2014**
 - f) 22 July 2014**
 - g) 19 August 2014**

- h) 16 September 2014
 - i) 14 October 2014
 - j) 11 November 2014
 - k) 9 December 2014
3. All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

CARRIED (6/3)

NO. 301/13

**9.5.3 GREAT SOUTHERN REGIONAL RECREATION ADVISORY GROUP –
COUNCILLOR REPRESENTATION**

File No: N28629
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 19 November 2013

PURPOSE

The purpose of this report is to accept the resignation of a member from the Great Southern Regional Recreational Advisory Group.

BACKGROUND

At the Special Council meeting held on 29 October 2013 it was resolved:

'That:

1. *Cr S Etherington; and*
2. *The officer occupying the position of Manager Community Services be appointed as the Council's representatives on the Great Southern Regional Recreation Advisory Group.*
3. *Cr J Moir be appointed as Deputy to act on behalf of Cr Etherington*
4. *Cr J Oldfield be appointed as Reserve Deputy in the absence of Cr Etherington and Cr Moir.'*

Due to work commitments Councillor Moir has indicated that he will not be available to attend any meetings of the Great Southern Regional Recreation Advisory Group and therefore has tendered his resignation for membership to this Group.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.11 (1) provides:

'Where a person is appointed as a member of a committee under Section 5.10 (4) or (5), the person's membership of the committee continues until –

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
- (b) the person resigns from membership of the committee;*
- (c) the committee is disbanded; or*
- (d) the next ordinary elections day.'*

Further, Section 5.8 and Section 5.10 of the Act require that committees be created by Absolute Majority as well as appointments to committees.

Appointments to external bodies do not require an absolute majority decision.

FINANCIAL IMPLICATIONS

Councillor representatives on committees are entitled to expenses incurred in attending meetings. This is generally travelling expenses paid pursuant to Council policy No. CE/CS/1 – Elected Member Expenses to be Reimbursed.

POLICY IMPLICATIONS

Policy No. CE/CS/1 – Elected Member Expenses to be Reimbursed applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Community Plan 2013-2023 includes at Goal 4: Effective Governance and Organisation.

OFFICER COMMENT

The position of Reserve Deputy was created at the Special Meeting of the Council held on 29 October 2013. As the elected member Cr Etherington has indicated her ability to attend the majority of meetings and there is a deputy available should she be unavailable, it is recommended that this position is not required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That:

- 1. The resignation of Cr J Moir as Deputy for Cr S Etherington on the Great Southern Regional Recreation Advisory Group be noted.**
- 2. Cr J Oldfield be appointed as Deputy to act on behalf of Cr Etherington on such occasions that Cr Etherington is unable to attend meetings of the Group.**
- 3. The position of Reserve Deputy be removed.**

CARRIED (9/0)

NO. 302/13

**9.5.4 LOTS 15 AND 16 BEVERLEY ROAD KENDENUP - LEASE - KENDENUP
COMMUNITY GROUNDS COMMITTEE**

File No: N28589
Attachments: [Draft Lease - Kendenup Agricultural Grounds](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 19 November 2013

PURPOSE

The purpose of this report is to recommend a lease agreement between the Shire of Plantagenet and the Kendenup Community Grounds Committee Incorporated (KCGC) for the Kendenup Community Grounds located at Lot 15 and 16 Beverley Road Kendenup, excluding that portion of land already leased to the Kendenup Tennis Club.

BACKGROUND

At its meeting held on 28 May 2013, the Council resolved:

'That the Draft Lease between the Council and the Kendenup Community Grounds Committee (Inc) for Lots 15 and 16 Beverley Road Kendenup be endorsed for further deliberations between the Chief Executive Officer and representatives of the Grounds Committee.'

A number of meetings have been held with the Kendenup Community Grounds Committee Executive.

STATUTORY ENVIRONMENT

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

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

A lease to the KCGC would be an exempt disposition.

Caravan Parks and Camping Grounds Act 1995 and Caravan Parks and Camping Grounds Regulations 1997. This site does not meet the minimum requirements of the Act or Regulations for a caravan park.

EXTERNAL CONSULTATION

Consultation has occurred with Mat Power, former Chair of the KCGC, Murray Wallinger, current Chair of the KCGC and Jim Kirkwood, Roger Mills and Lisa Chambers of the Kendenup Community Recreation Committee (KCRC).

FINANCIAL IMPLICATIONS

As mentioned in the report presented to the Council on 28 May 2013 the following are approximate financial implications of the lease:

Rental would be a 'peppercorn'

Mowing and maintenance of grounds: \$3,450.00

'Large' cleanup: \$2,600.00

'Whole of life' capital renewal of toilet/ablution block: \$2,400.00 annually (2% of capital)

Public liability insurance: \$900.00

Rates: \$1,500.00 (subject to valuation)

Firebreak maintenance: \$400.00 per annum

Capital renewal price for the toilet/ablution block: \$120,000.00

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

'Strategy 1.5.2 – Promote sporting, recreation and leisure facilities and programs in the District.'

OFFICER COMMENT

The finalisation of a lease agreement between the Shire of Plantagenet and the KCGC would conclude a long standing issue relating to the Kendenup Agricultural Grounds.

The KCGC and the KCRC continue to have discussions relating to the construction of a community facility on the leased grounds. Further information should be available prior to deliberation of this matter by the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr B Bell:

That authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the lease agreement between the Shire of Plantagenet and the Kendenup Community Grounds Committee Incorporated (as attached) for Lots 15 and 16 Beverley Road Kendenup, excluding that portion of land already leased to the Kendenup Tennis Club.

MOTION TO ADJOURN THE QUESTION

Moved Cr A Budrikis, seconded Cr L Handasyde:

That the question be adjourned to allow the Chief Executive Officer to prepare a further report to be presented to a meeting of the Council on or before 4 February 2014.

CARRIED (9/0)

NO. 303/13

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 ALLOTMENT OF SEATING POSITIONS**

This item was dealt with prior to Item 9.1.1 on page 4 of these Minutes.

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

Moved Cr J Moir, seconded Cr S Etherington:

That new business of an urgent nature, namely:

Elected Member Training Seminar

be introduced to the meeting.

CARRIED (9/0)

NO. 304/13

11.1.1 ELECTED MEMBER TRAINING SEMINAR

File No: N28758
Attachment: [Seminar Program](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 19 November 2013

PURPOSE

The purpose of this report is to recommend the attendance by Cr Jon Oldfield at a seminar being conducted by the Western Australian Local Government Association (WALGA) on 6 December 2013 in Perth titled 'New Councillor Seminar' in Perth.

BACKGROUND

Councillor Oldfield has advised of his interest in attending this event.

FINANCIAL IMPLICATIONS

The WALGA Seminar is to be held in Perth. The cost of this seminar is nil however transport, accommodation and meals would be a cost to the Council.

Expenses would be charged to the Council Governance Budget Item 2026.0029 (Conferences, Training and Accommodation).

POLICY IMPLICATIONS

Council Policy CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

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

Strategy 4.1.1 – *'Provide effective leadership for the community.'*

Further, Strategy 4.1.5 – *'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'*

OFFICER COMMENT

The program for this seminar is attached.
The seminar would be of benefit to Councillor Oldfield.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That:

1. Cr Oldfield be authorised to attend the WA Local Government Association 'New Councillor Seminar 2013' to be held on 6 December 2013;
2. Expenses be met in accordance with Council Policy No. CE/CS/1 and charged to budget item 20026.0029 (Conferences, Training and Accommodation).

CARRIED (9/0)

NO. 305/13

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:02pm The Presiding Member declared the meeting closed.

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