



ORDINARY MINUTES

DATE: Tuesday, 22 May 2018

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 93/18 to 113/18

MEMBERSHIP – Quorum (5)

Membership:

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

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	3
5	DISCLOSURE OF INTEREST	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	3
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
9.1	DEVELOPMENT SERVICES REPORTS.....	5
9.1.1	SOUTHERN ART AND CRAFT TRAIL 2018 EVENT – ARTIST’S OPEN STUDIOS AND HOMES INITIATIVE.....	5
9.2	WORKS AND SERVICES REPORTS.....	8
9.2.1	CONFERENCE ATTENDANCE - 2018 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS.....	8
9.2.2	POLICY REVIEW - LAND RESUMPTION FOR ROADWORKS ...	11
9.2.3	ROADWISE COMMITTEE - REPLACEMENT OF MEMBERS.....	14
9.3	COMMUNITY SERVICES REPORTS.....	17
9.3.1	BUSH FIRE CONTROL OFFICERS POSITIONS - APPOINTMENTS FOR 2018/2019.....	17
9.3.2	POLICY REVIEW – BUSH FIRE - PERMITS TO BURN	21

9.3.3	POLICY REVIEW – BUSH FIRE GUIDELINES - VEHICLE MOVEMENT BANS	23
9.4	CORPORATE SERVICES REPORTS	26
9.4.1	BUDGET REVIEW – APRIL 2018	26
9.4.2	FINANCIAL STATEMENTS – APRIL 2018.....	31
9.4.3	LIST OF ACCOUNTS – APRIL 2018.....	33
9.4.4	POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS	35
9.4.5	POLICY REVIEW - RECORD KEEPING.....	41
9.5	EXECUTIVE SERVICES REPORTS.....	46
9.5.1	POLICY REVIEW - BRIEFING SESSIONS FOR COUNCILLORS.....	46
9.5.2	REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW .	48
9.5.3	SOUNNESS PARK LEASE - AMENDMENT TO LEASED AREA .	51
9.5.4	WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION 2018 - COUNCILLOR ATTENDANCE	54
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	57
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	58
11.1	CONFERENCE ATTENDANCE - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION EXPO	58
12	CONFIDENTIAL.....	60
12.1	CORPORATE SERVICES REPORTS	60
12.1.1	LOT 137 (37) WESTFIELD STREET, ROCKY GULLY - SALE OF LAND	60
13	CLOSURE OF MEETING.....	62

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:04pm 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 B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr B Lang	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Deputy Shire President

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr David Lynch	Manager Works and Services
Ms Fiona Pengel	Manager Community Services
Mr Vincent Jenkins	Planning Officer
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were two members of the public present

Previously Approved Leave of Absence:

Cr C Pavlovich has approved leave of absence from 31 May 2018 to 9 June 2018 inclusive.

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council /

Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

ITEM 3.2.1 – 24 APRIL 2018 – O'NEILL ROAD WASTE MANAGEMENT FACILITY

Asked by Mrs Donna Stain:

'Is there any reason why the person on tip duty must stand inside the shed while people unload their rubbish? It's a dirty unhealthy work practice.' And;

'Can the tin be piled neat so people wanting old tin for wood sheds, chook pens, and so on can purchase it rather than "all" going away?'

Mrs Stain was emailed a response by the Manager Works and Services, followed up with a letter (copy attached) sent on 8 May 2018.

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

3.2.1 MOUNT BARKER CARAVAN PARK

Asked by Mrs Shirley Smith from the Mount Barker Caravan Park

'Will the Council review and reconsider the personal and economic impact the site has on our business, the possible re-location of the site and the policing of the site?'

Response by: Cr Chris Pavlovich Shire President

The Shire President thanked Mrs Smith for her question and advised that the Council would take this on notice, and respond in due course.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 MR JULIAN HANNA – TOWERHILL ESTATE

Mr Hanna addressed the Council on his dream of '*Developing a "WOW" factor public precinct at Towerhill Estate*'. Mr Hanna plans to provide a variety of business activities from the proposed precinct, including a microbrewery, undercover secure playground, tavern, food, live music and clean amenities. With any profits Mr Hanna would further develop the precinct to create focus on BMX and mountain biking activities.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Lang

Item: 9.4.4
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Named Lessee
Extent: Not Required

Cr J Moir

Item: Late Report – Conference Attendance – Australian Livestock Markets Association Expo
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Cattle Farmer/Employee of Elders
Extent: Sell cattle through the Mount Barker Saleyards on average six times per year. Average number of cattle held is 80 head.
Part time employee of Elders in a non-managerial position.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 April 2018 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 93/18

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 SOUTHERN ART AND CRAFT TRAIL 2018 EVENT – ARTIST'S OPEN STUDIOS AND HOMES INITIATIVE

File Ref:	N45246
Attachments:	<u>Artist's Open Studios and Homes Outline</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	22 May 2018
Applicant:	ArtsouthWA Inc

PURPOSE

The purpose of this report is to consider a request for the Council to agree to allow artists within the Shire of Plantagenet to make their homes and studios available as galleries for the Southern Art and Craft Trail 2018 Event.

BACKGROUND

The Great Southern region hosts the Southern Art and Craft Trail (SACT) and is the only Perth International Arts Festival program outside of the Perth metropolitan area.

The SACT is an ArtsouthWA Inc (ArtsouthWA) initiative in conjunction with the Government of Western Australia, City of Albany, Amazing Albany and the Shire of Plantagenet. The SACT features works from more than 300 local artists and craft practitioners and attracts around 9,000 visitors annually. The event is now in its 16th year and this year it will run for the two week period commencing on Saturday 15 September 2018 and concluding on Sunday 30 September 2018.

By inviting artists to open their studios and homes, the public will have the opportunity to meet the people behind the art. The public will also have the opportunity to buy original works direct from artists.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 – Pursuant to the deemed provisions for local planning schemes development approval is not required for temporary uses which are in existence for less than 48 hours, or a longer period agreed by the Council, in any 12 month period.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Gallery is a use that is permissible at the discretion of the Council in the Rural Zone subject to the proposal being advertised for comment. Gallery is also permissible at the Council's discretion in the Enterprise Zone (Rocky Gully and parts of Kendenup), Commercial, Rural

Small Holding, Landscape Protection and the Rural Residential Zones. Gallery is not a permitted use in the Residential Zone.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy:

Strategy 1.8.3:

‘Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression’

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

Further, the Council’s Corporate Plan, Goal 1 – Community Pride and Wellbeing notes an outcome of 1.8.3 *‘Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression’*. The Key Performance Indicator (KPI) is *‘Number of cultural, arts and learning opportunities available to the people of Plantagenet’*.

By supporting the officer recommendation the KPI will be met.

OFFICER COMMENT

Artists that wish to participate in the SACT will need to conform to the following requirements set by ArtsouthWA:

1. Studios and Homes need to register with ArtsouthWA to be formally part of the SACT;
2. The provision of adequate car parking being made available within property boundaries;
3. Safe means of access to and from the site;
4. No disruption to the amenity of the surrounding area;
5. Arrangements being made with neighbours to ensure they are aware of the proposed temporary use and that every effort will be made to ensure minimal disruption to the neighbourhood;
6. Management and resolution of any reasonable complaints; and
7. Appropriate Public Liability cover for the premises.

For this Artist’s Open Studios and Homes proposal, artists will not be required to apply for Development Approval under TPS3. Artists will however need to register their studio or home with ArtsouthWA. ArtsouthWA has also developed guidelines and application documentation to assist artists to register and manage their

properties for the duration of the SACT event. In addition, ArtsouthWA will be the only point of contact for interested artists.

The City of Albany has agreed to the addition of the Artist's Open Studios and Homes concept to the 2018 SACT within its boundaries subject to the requirements set by ArtsouthWA.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

That:

- 1. Owners of studios and homes in areas zoned Residential, Commercial, Enterprise, Rural, Rural Small Holding, Landscape Protection and Rural Residential will be permitted to carry out gallery use for the Artist's Open Studios and Homes proposal for the limited period of 15 September 2018 to 30 September 2018.**
- 2. During the period 15 September 2018 to 30 September 2018, premises taking part in the Artist's Open Studios and Homes proposal as part of the Southern Art and Craft Trail referred to in part 1. will not be required to submit an application for Development Approval.**
- 3. All registrations of interest from artists for the Artist's Open Studios and Homes proposal are to be made to ArtsouthWA Inc.**
- 4. ArtsouthWA Inc are required to forward the list of registered artists and premises located within Shire of Plantagenet taking part in the Artist's Open Studios and Homes proposal as part of the Southern Art and Craft Trail.**

CARRIED (9/0)

NO. 94/18

9.2 WORKS AND SERVICES REPORTS

9.2.1 CONFERENCE ATTENDANCE - 2018 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

File Ref:	N45419
Responsible Officer:	David Lynch Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to recommend the attendance of a Councillor at the 2018 National Local Roads and Transport Congress. The event is scheduled to be held in Alice Springs from 20 to 22 November 2018.

BACKGROUND

Organised by the Australian Local Government Association (ALGA), the National Local Roads and Transport Congress is held annually. Crs Handasyde and Bell attended the conference which was held in Albany last year.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The cost of early registration for the two day conference is \$890.00 (early bird price to 12 October 2018 and \$990.00 after this date) which includes the welcome reception on Tuesday 20 November and the Congress Dinner on Wednesday 21 November.

Flights, accommodation, transport and meal costs for attendance at the Congress will be in the vicinity of \$2,550.00 with costs to be charged to account Members of Council – Councillor Conferences, Training and Accommodation.

POLICY IMPLICATIONS

Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed, states that *'Where conference attendance is authorised by the Council, all conference attendance costs will be paid/reimbursed.'*

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

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

The Shire of Plantagenet Corporate Business Plan 2016-17 to 2020-21 includes Action 4.1.5.1:

'Undertake ongoing training for Councillors and senior staff emphasising the role of corporate governance'.

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

REGIONAL IMPLICATIONS

The Southern Link Voluntary Regional Organisation of Councils' (VROC) Strategic Plan 2015-2020 provides under the heading of Regional Economic Development the following:

Strategy 2:

'Collaborate on safe and efficient road networks'.

And further at Action 3:

'Work collaboratively through the Regional Road Group to upgrade significant local roads that join Shires.'

OFFICER COMMENT

The theme of this year's congress is 'Connecting Transport Networks Now and into the Future' with the intent of recognising the importance of improved transport connectivity to the economic well-being of Australia.

Sessions at the congress will acknowledge and discuss the critical role of local roads and bridges in connecting individuals, communities and businesses and often providing connectivity between major freight routes.

Cr Handasyde is the Chair of the Great Southern Regional Road Group and is the Presiding Member of the Council's RoadWise Committee. Cr Pavlovich is the Council's representative on the Regional Road Group Committee and Cr Oldfield is the deputy member.

The Shire has sent delegates to this conference over the past twelve years with feedback being positive on road funding policies and direction.

The Manager Works and Services intends to seek authority from the Chief Executive Officer to attend this conference.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Authority be granted to Cr _____ to attend the 2018 National Local Roads and Transport Congress in Alice Springs from 20 to 22 November 2018.
2. All costs including flights, accommodation, transport, meals and registration costs be met from the account Members of Council – Councillor Conferences, Training and Accommodation pursuant to Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed.

As there was no mover for the Officer's Recommendation, the Presiding Member moved to the next item of business.

9.2.2 POLICY REVIEW - LAND RESUMPTION FOR ROADWORKS

File Ref:	N45427
Attachments:	Policy with Amendments
Responsible Officer:	David Lynch Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to review Council Policy I/R/2 – Land Resumption for Roadworks.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 16 August 2011.

The Council does not receive many requests from landowners for land resumptions, but does respond when requested. Additionally any encroachments identified during construction should be rectified.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 3, Division 3, Section 3.55 – ‘Acquisition of land’

Land Administration Act, Parts 9 and 10

FINANCIAL IMPLICATIONS

There are no financial implications for this report, however, it should be noted the resumption of land is a detailed and lengthy process that may take up to three years per resumption. A budget item has been included in this year’s draft budget for land resumptions for \$30,000.00.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following:

Strategy 2.4.1:

‘Maintain and further develop Shire roads, drainage and pathways at appropriate standards and continue to seek to maximise grant funding to support this aim.’

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.1.1.4:

‘Identify outstanding road encroachments and rectify.’

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

OFFICER COMMENT

The intent of this policy is relevant and should be retained. Changes have been made to the layout of the document to improve clarity and flow and to ensure it reads as a policy rather than as a procedure.

Clear requirements and procedures for Shire staff undertaking land resumptions are provided in the manual published by Landgate in April 2018, the Land Titles Registration Practice.

As stated in the Council policy, best practice is to negotiate and meet with the landowner to discuss the process and financial compensation. Section 10 of the Land Administration Act 1997 which covers compulsory acquisition is a process which should be viewed as the final option when all other methods have failed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That the amended Council Policy I/R/2 – Land Resumption for Roadworks as follows:

‘OBJECTIVE

To provide clear guidelines regarding land resumptions and compensation arrangements when required in order for the Council to facilitate the provision of services such as the construction of roads and drainage.

POLICY

1. Scope

This policy applies to any resumptions of land required by the Council to undertake its activities.

2. Legislation

Local Government Act 1995, Part 3, Division 3, Section 3.55 – ‘Acquisition of land’

Land Administration Act, Parts 9 and 10

3. Application of Policy

3.1 Land resumption will take place when the Council has identified that tenure is required over private land in the following circumstances:

3.1.2 As part of the design and construction for a roadworks, water or drainage project adopted in the annual budget or forward planning for infrastructure; and/or

3.1.3 As a result of the identification of a road or Council asset which has been constructed on private property.

3.2 The Council will ensure the following processes are observed when land resumption is required:

3.2.1 The proper statutory process is followed;

3.2.2 Procedural fairness is observed; and

3.2.3 Appropriate compensation is provided to the landowner for the resumption of the land based on an independent valuation.

3.3 Subject to authorisation by the Council, land resumptions will be determined in the following order:

3.3.1 Land exchange if applicable and appropriate;

3.3.2 Financial compensation acceptable to the landowner and the Council;

3.3.3 If negotiations are unsuccessful, compulsory acquisition processes may be implemented.'

be adopted.

CARRIED (9/0)

NO. 95/18

9.2.3 ROADWISE COMMITTEE - REPLACEMENT OF MEMBERS

File Ref:	N45420
Responsible Officer:	David Lynch Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to note the resignation of two members and a deputy member of the Plantagenet RoadWise Committee and to consider the appointment of replacement members.

BACKGROUND

The RoadWise Committee was created with the following functions:

- (1) To provide a structured forum for stakeholders to consider and discuss road safety issues; and
- (2) To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.

Ms Erin Miller, Ms Megan Ballard and Mr Lindsay McCartin respectively have advised of their resignations. Ms Miller is the RoadWise representative, Ms Ballard the Mount Barker Community College Parents & Citizens Association (MBCC P&C) representative and Mr McCartin, the Deputy for Mr Andrew Duffield from Main Roads WA (MRWA)

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.8 – ‘Establishment of committees’

The RoadWise Committee was formed under Section 5.9 (2)(c) which provides that a Committee is to comprise ‘... council members, employees and other person.’ Sections 5.10 and 5.11 refer to ‘Appointment of committee members’ and ‘Tenure of committee membership’ respectively.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following:

Strategy 2.4.4:

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

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 2.4.4.1:

'Support the RoadWise Program.'

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

OFFICER COMMENT

Ms Erin Miller, RoadWise Officer and member of the Plantagenet RoadWise Committee is on maternity leave and WALGA have been unsuccessful to date in finding a replacement. Therefore, until the position is filled WALGA have advised they will organise for a RoadWise Officer to attend the Plantagenet meeting via teleconference. This attendance will not count towards the quorum requirement of five committee members.

Pursuant to Section 5.11 of the Local Government Act 1995, Ms Megan Ballard, has resigned from her role as MBCC P&C President. The President of the MBCC P&C has informed the Shire that the P&C are advertising the position and hope to be able to fill it soon. In the meantime Ms Ballard's deputy Mr Andrew Fraser may attend and be counted as part of the quorum.

MRWA has informed the RoadWise Committee that Mr Lindsay McCartin will no longer fill the position of deputy to Mr Andrew Duffield. Mr Brad Lenton will take on the deputy position for Mr Duffield.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That:

1. The resignation of Ms Erin Miller from the Plantagenet RoadWise Committee be noted and Ms Miller be thanked for her service.
2. The resignation of Ms Megan Ballard from the Plantagenet RoadWise Committee be noted and Ms Ballard be thanked for her service.
3. The resignation of Mr Lindsay McCartin from the Plantagenet RoadWise Committee be accepted and Mr Brad Lenton be appointed as Deputy Member on behalf of Mr Andrew Duffield from Main Roads WA.

CARRIED (9/0)

NO. 96/18

Absolute Majority

9.3 COMMUNITY SERVICES REPORTS

9.3.1 BUSH FIRE CONTROL OFFICERS POSITIONS - APPOINTMENTS FOR 2018/2019

File Ref:	N45349
Responsible Officer:	Fiona Pengel Manager Community Services
Author:	Joanne Weekes Community Emergency Services Manager
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to recommend the appointment of the Shire of Plantagenet Bush Fire Control Officers, executive Bush Fire Roles and Bush Fire Advisory Committee membership and Proxies for 2018/2019.

BACKGROUND

The Shire of Plantagenet appoints delegates to a number of positions on an annual basis in accordance with the Bush Fires Act 1954 and the Shire of Plantagenet Bush Fire Management and Response Plan.

At its meeting held on 2 May 2018, the Shire of Plantagenet Bush Fire Advisory Committee (BFAC) endorsed the nominations for the appointment of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers, Chief Fire Weather Reporting Officer, Deputy Chief Fire Weather Reporting Officer, Base Radio Operator, Deputy Base Radio Officers, Bush Fire Control Officers and the BFAC Delegates and Proxies of each Bush Fire Brigade for 2018/2019.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 – Section 38 details the appointment and duties of Bush Fire Control Officers, Dual Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Chief Fire Weather Reporting Officer and Deputy Chief Fire Weather Reporting Officer.

The role of the Base Radio Operator is defined in the Shire of Plantagenet Bush Fire Management Plan.

Shire of Plantagenet Bush Fire Brigades Local Law 2008.

EXTERNAL CONSULTATION

The BFAC has made the recommendations detailed in this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 1.9.2:

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

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

OFFICER COMMENT

It will be recommended that the nominations for the Bush Fire Control Officers, Designated positions, Delegates and Proxies for the Shire of Plantagenet for 2018/2019 be appointed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. All previous appointments for the positions of Bush Fires Control Officers and designated Bush Fire Service positions for the Shire of Plantagenet be cancelled as from 30 June 2018.
2. The following be appointed as Bush Fire Control Officers within the designated Bush Fire Brigade areas for the 2018/2019, taking effect from 1 July 2018:

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	John Rodgers
	Simon Grylls
	Warren Drage
	Neville Lindberg
Forest Hill	Len Handasyde
	Craig Moore
	Brad Lynch
	Murray McLean
Kendenuup	Brian Appleby
	Ray Shepherd
	David Burcham

	Stephen Beech
	Robert Baines
	Rod Stan-Bishop
	Ken Frost
	Philip Webb
Middle Ward	Iain Mackie
	Kim Stothard
	Paul Spinks
	Colin Taylor
Narpyn	Michael Cave
	Owen Sounness
	Kevin Forbes AM
	Robert Wright
	Mark Wallace
Narrikup	Graeme Frusher
	Chris Norton
	Warren Forbes
	Paul Billeskov
	Des Graham
Perillup	Dean Trotter
	Robin Ditchburn
	Stuart Irwin
	Sid Anning
Porongurup	John Russell
	Grant Cooper
	Warren Thomas
	Brad Cluett
	Jolanda Williams
Rocky Gully	Murray Wills
	Ian Higgins
	Andy Simmons
South Porongurup	Jim Baily
	Wayne Mathews
	Richard Stan-Bishop
	Jeff Schneider
Woogenellup	Bryce Skinner
	Nathan Hunt
	Stephen Adams
	Mark Adams
Kojaneerup (Dual FCO)	Ashton Hood
South Stirlings (Dual FCO)	Graeme Pyle
	John Howard
Shire of Plantagenet	Steve Player
	Mark Vitler
	Norm Handasyde
	Joanne Weekes
	Jason Rutter
Mount Barker Volunteer	Jason Stasev

Fire and Rescue Brigade	Jamie Rutter
	Andrew Buchanan

3. The following be appointed as Designated Bush Fire Service Positions for 2018/2019, taking effect 1 July 2018:

Designated Position	Officer
Chief Bush Fire Control Officer	Norm Handasyde
Deputy Chief Bush Fire Control Officer No 1	Bryce Skinner
Deputy Chief Bush Fire Control Officer No 2	Iain Mackie
Base Radio Operator	Roger Randall
Deputy Base Radio Operators	Ron Caudwell/Brian Appleby
Chief Fire Weather Reporting Officer	Mark Wallace
Deputy Fire Weather Reporting Officer	Brent Wearmouth

4. The following be appointed as Bush Fire Advisory Committee Delegates and Deputies 2018/2019, taking effect from 1 July 2018:

BRIGADE	DELEGATE	PROXY
Denbarker	John Rodgers	Simon Grylls
Forest Hill	Brad Lynch	Craig Moore
Kendenup	Brian Appleby	Jamie Lawn
Kojaneerup	Ashton Hood	Scott Smith
Middle Ward	Iain Mackie	Kim Stothard
Narpyn	Robert Wright	Kevin Purnell
Narrakup	Chris Norton	Warren Forbes
Perillup	Dean Trotter	Stuart Irwin
Porongurup	Kathleen Thomas	John Russell
Rocky Gully	Murray Wills	Ian Higgins
South Porongurup	Jim Baily	Graham Bell
South Stirlings	Graeme Pyle	John Howard
Woogenellup	Mark Adams	Nathan Hunt
Mt Barker VFRS	Jason Stasev	Trevor West
Chief Bush Fire Control Officer	Norm Handasyde	Iain Mackie/Bryce Skinner
Chief Fire weather Officer	Mark Wallace	Brent Wearmouth
Base Radio Officer	Roger Randall	Ron Caudwell

be endorsed.

CARRIED (9/0)

NO. 97/18

9.3.2 POLICY REVIEW – BUSH FIRE - PERMITS TO BURN

File Ref:	N44895
Attachments:	RS FP 3 Bush Fire Permits to Burn amended
Responsible Officer:	Fiona Pengel Manager Community Services
Author:	Joanne Weekes Community Emergency Services Manager
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to review Council Policy RS/FP/3 – Bushfire – Permits to Burn.

BACKGROUND

The Council Policy RS/FP/3 – Bush Fire – Permits to Burn was previously reviewed at the Council meeting held 24 May 2016.

STATUTORY ENVIRONMENT

Pursuant to the Bush Fires Act 1954, section 23(2)(a) an owner/occupier may burn bush under certain conditions.

EXTERNAL CONSULTATION

The policy has been reviewed by the Chief Bush Fire Control Officer, the Deputy Bush Fire Control Officers and the Presiding Member of the Bush Fire Advisory Committee.

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 1.9 (A safe Plantagenet) the following Strategy:

Strategy 1.9.2:

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

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

OFFICER COMMENT

It is considered that the current policy is sufficient subject to a change to the Officers with the authority to issue permits to burn for subterranean clover and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That amended Council Policy RS/FP/3 – Bush Fire – Permits to Burn as Follows:

OBJECTIVE:

To direct Bush Fire Control Officers about conditions to be applied to Permits to Burn during Prohibited Burning Times.

POLICY:

- 1. The Council will, pursuant to the Bush Fires Act 1954, Bush Fires Regulations 15A, which authorises a local government to issue directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, direct that:**
 - a. Protective burning around buildings as prescribed in Section 23 of the Bush Fires Act be permitted throughout the Prohibited Burning Time during the hours of 6.00pm – 12.00am, upon receipt of a permit to burn.**
 - b. Permits to burn for Sunday shall not be issued during the Prohibited Burning Times.**
 - c. Permits to burn shall not be issued for Christmas Day or Good Friday.**
 - d. Permits to burn bush on land growing subterranean clover for the purpose of harvesting subterranean clover shall not be issued during the Prohibited Times except by the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers or the Chief Executive Officer.**
 - e. Permits issued by the clover burning officers during the Prohibited Burning Times to burn on land growing subterranean clover pursuant to Sections 24 and 24A of the Bush Fires Act 1954 shall not be for areas exceeding 75 hectares.”**

be endorsed.

CARRIED (9/0)

NO. 98/18

9.3.3 POLICY REVIEW – BUSH FIRE GUIDELINES - VEHICLE MOVEMENT BANS

File Ref:	N45070
Responsible Officer:	Fiona Pengel Manager Community Services
Author:	Joanne Weekes Community Emergency Services Manager
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to review Council Policy RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans.

BACKGROUND

Council Policy RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans was reviewed at the Council Meeting held 24 May 2016.

STATUTORY ENVIRONMENT

Pursuant to Bush Fire Regulations 1954 (38A) power to prohibit vehicle use in restricted or prohibited burning times.

EXTERNAL CONSULTATION

The policy has been reviewed by the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and the Presiding Member of the Bush Fire Advisory Committee.

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 1.9 (A Safe Plantagenet) the following Strategy:

Strategy 1.9.2:

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

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

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 B Lang, seconded Cr L Handasyde:

That Council Policy RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans as follows:

OBJECTIVE:

The objective of this Policy is to determine the conditions under which certain activities that may occur during a Harvest Ban and/or Vehicle Movement Operation of Combustion Engine Ban.

POLICY DEFINITIONS

‘Registered On and Off Loading area’ means an area free of inflammable material, except live standing trees to a radius of 50 metres from the centre of the area.

‘Mobile Fire Fighting Unit’ means having a water carrying capacity of 400 litres, fitted with a minimum of 20 metres of 19 millimetre diameter fire fighting hose and pump capable of delivering water to full capacity through an adjustable nozzle in the spray and jet configurations.

‘Harvest Ban’ means any operation of machinery involved in harvesting seed crops/timber and/or other produce must come to a complete stop in paddocks when a ban is in place.

‘Vehicle Movement/Operation of Combustion Engine Ban’ means no vehicles to be driven unless on a constructed gazetted road and/or front entrance of property residences when the ban is in place and no combustion engines to be operated.

POLICY:

1. Under the Bush Fire Regulations 1954 (38A) the following regulated activities may take place when a Harvest Ban and/or Vehicle Movement/Operation of Combustion Engine Ban is in place:
 - a. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by the Council on an annual basis and which comply with the definition of a Registered On and Off Loading area. A mobile fire fighting unit shall be in attendance at all times the site is in use during the ban period.
 - b. Water carting for stock and domestic purposes, provided a mobile fire fighting unit accompanies the vehicle being used for water

carting purposes, or alternatively, the water carting vehicle acts as the mobile fighting unit and meets the requirements as detailed in the definition of a mobile fire fighting unit (including the retention of 400 litres at all times).

- c. All necessary travel to, from and within piggeries, sheep or cattle feed lots, provided this is undertaken in or is accompanied by a mobile fire fighting unit.
- d. All carting of livestock necessary for animal welfare, provided that a mobile fire fighting unit accompanies such a vehicle.
- e. All activities attending to the immediate welfare of animals provided that a mobile fire fighting unit accompanies such a vehicle.
- f. Activities which have received specific exemptions from the Shire of Plantagenet or the Chief Bush Fire Control Officer.
- g. All other activities or operations may only be undertaken during Harvest Bans and/or Vehicle Movement/Operation of Combustion Engine Bans after approval has been granted by the Council. Approvals must be sought on an individual basis and if granted, may be subject to conditions.
- h. Once the Fire Danger Index reaches 50 or above, all regulated activities must cease excluding those for the immediate welfare of stock, provided that a mobile fire fighting unit accompanies such a vehicle.'

be endorsed.

CARRIED (9/0)

NO. 99/18

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW – APRIL 2018

File Ref:	N45366
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	22 May 2018

PURPOSE

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

BACKGROUND

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

STATUTORY ENVIRONMENT

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

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

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

and determination is to be provided to the Department.'

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 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

In terms of operating result, operating income is currently 0.3% above (year to date) budget and operating expenditure is 8.3% below (year to date) budget. The value of outstanding rates is currently 8.0%, which is the same value (on average) as the last two years.

The capital works program is currently 42% under (year to date) budget. The capital works program is nearing completion for the year. Some small delays have been experienced waiting on contractors (for WANDRRA works) to clear the various sites before our works can be completed. Only one Blackspot project is unlikely to be completed before the end of the year. All heavy plant purchases have been either completed or equipment ordered. Annual fleet purchases have been completed.

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

- Rates recovery expenses and income have been lower than originally budgeted. It is recommended that both be adjusted downwards by \$15,000.00. Further, penalty interest on outstanding rates has been lower than budget due primarily to a reduction in the interest rate to 9%. A reduction from \$45,000.00 to \$35,000.00 is sought.
- Interest on municipal and reserve funds have done slightly better than budget. In particular, reserve funds have attracted more interest due to higher than normal balances for this time of year. The relevant budget items can be increased by a total of \$18,000.00. The municipal increase of \$8,000.00 can be made available for reallocation.
- The budget item for Software Support Contracts has been over-expended due mainly to additional support required for the new administration building servers, external monitoring of computer performance / backups and a new

software program for agenda and minute distribution (Docs on Tap). An additional \$15,000.00 is sought for these expenses. Some administration expenses have been under spent, which can offset this amount, namely advertising, printing and stationery and other operating costs, all of which can contribute savings of \$5,000.00.

- The Budget Item for Fire Control & Hazard Reduction - Firebreak Inspections was allocated \$14,000.00 in the budget. None of this money has been utilised in the current financial year and can be made available for reallocation.
- The budget set aside a sum of \$5,300.00 for the Early Learning and Development Feasibility Project. This sum will not be required and can be made available for reallocation.
- The budget items for cemeteries maintenance and cemeteries income are both under budget due to comparatively little activity in the cemeteries in the current year. Adjustments to each budget item of \$15,000.00 are sought. This has a \$nil impact.
- Budget Item Grants & Contributions - District Hall Upgrade had an allocation of \$187,000.00. Part of this sum (\$20,000.00) was received in 2016/2017, so this budget will need to be reduced to reflect this. Works have been completed on the upgrade of the district hall with savings of approximately \$15,000.00. This sum can be used to offset the reduction in income as the savings are in the Council's contribution to the project.
- The grounds maintenance budget item for Public Halls and Civic Centres is over budget, mainly due to Shire works at the Plantagenet District Hall and Kendenup Ag Grounds. Additional funds totalling \$9,000.00 are sought from savings in this review.
- Due to late opening of pool this year, sales of season passes have not reached budget forecast. It is recommended that the budget item for this be reduced from \$20,000.00 to \$13,500.00. The swimming pool salaries budget item can also be reduced by \$8,000.00, which will more than offset the reduction in income.
- Climb Excite gym equipment to the value of \$6,000.00 has been purchased for the Rec.Centre. The original budget anticipated all new gym equipment would be leased, however non-cardio equipment has a longer life and purchasing is a more appropriate option. A reallocation from the operating account to the capital account is recommended. This has a \$nil impact.
- The facilities operating Budget Item for Parks and Gardens has incurred significant additional expenditure than the original budget of \$25,000.00 due to the need to utilise water from the Warburton Road standpipe pipeline. An additional \$15,000.00 is sought for this item from savings in this review.
- In January 2018, the Council allocated an additional \$5,000.00 to Budget Item Recreation & Cultural Buildings - Building Renewal towards repair of rotting verandah beams, posts and floor boards in the 'Residence / Office' building at the museum complex. Additional urgent work was required, totalling approximately \$5,000.00 higher than predicted in January budget review.
- The Budget Item for road project 'Fourth Avenue - SLK 0.00 to 0.61' has been over-expended by approximately \$34,300.00 on its budget of \$81,957.00. Savings can be reallocated from Budget Item 'Roadworks - Minor Renewal'.

- Budget Item 'Other Expenses - District & Area Promotion' has been over-expended by approximately \$12,000.00 due to a budget error whereby that item did not include the financial assistance grants total. The additional amount is sought from savings in this review.
- Budget Item 'Public Works Overheads - Uniforms, Clothing & Accessories' has been over-expended by approximately \$7,000.00 due to additional costs associated with protective wear provided for in the new Collective Workplace Agreement for the outside workforce. Savings from Budget Item 'Public Works Overheads - Building Operating' can be used to offset this. Other savings have been identified in Public Works Overheads – Conferences and Training totalling \$15,000.00, which can be made available for reallocation.
- A number of budget items in the Plant operating Costs area have exceeded budget, namely plant repairs, apprentice / trainee costs and courier / freight costs. Savings in other budget items in that same program can offset that expenditure.

During the year, there has been savings of approximately \$20,000.00 in the upgrade of the passenger vehicle fleet and \$170,000.00 as a result of amendments to the original heavy plant budget. It has been suggested that such savings could be redirected to the Capital Improvements and Major Refurbishments Reserve. It has been argued that it is important to build reserves in this account to either take advantage of matching funding opportunities or to deliver other building renewals without drawing on future municipal funds on short notice.

It would be unusual to direct savings in plant items towards other areas. The Plant Replacement Reserve has been established to fund the purchase of works vehicles, plant and machinery and it does need to be maintained at an appropriate level over a long term perspective. Short term savings can only realistically be redirected to another purpose in a budget or through an advertising process, to change the use of reserve funds.

It is suggested that consideration of this be listed within the budget with other competing priorities. As mentioned in a Council workshop recently, the Council's business system (Civica Authority) is overdue for an upgrade, which has been costed at over \$80,000.00. The administration is currently considering other providers and recent discussions with other vendors has indicated that a cost around \$200,000.00 to \$250,000.00 would be required for a year 1 migration to another package. As the Computer Software/Hardware Upgrade Reserve has only a balance of approximately \$30,000.00, this will also be a priority for a large funding allocation in the next two years.

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 M O'Dea, seconded Cr S Etherington:

That the budget review for the period 1 July 2017 to 30 April 2018 be adopted and the 2017/2018 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
20009.0071	Other Expenses - Rate Recovery / Legal Costs	(\$60,000)	(\$45,000)	\$15,000
10004.0069	Rates Penalties & Fees - Legal Costs Reimbursed	\$55,000	\$40,000	(\$15,000)
10004.0095	Rates Penalties & Fees - Penalty Interest	\$45,000	\$35,000	(\$10,000)
10009.0067	Interest on Municipal Investments	\$12,000	\$20,000	\$8,000
10009.0066	Interest on Reserve Funds	\$55,000	\$65,000	\$10,000
50301.0399	Transfer Interest to Reserve Funds	(\$55,000)	(\$65,000)	(\$10,000)
20048.0270	Office Expenses - Software Support Contracts	(\$125,000)	(\$140,000)	(\$15,000)
20048.0312	Office Expenses - Advertising	(\$15,000)	(\$10,000)	\$5,000
20048.0312	Office Expenses - Other Operating Costs	(\$14,000)	(\$9,000)	\$5,000
20048.0103	Office Expenses - Printing & Stationery	(\$40,000)	(\$35,000)	\$5,000
20077.0277	Fire Control & Hazard Reduction - Firebreak Inspections	(\$14,000)	\$0	\$14,000
20134.0298	Early Learning and Development Feasibility Project	(\$5,300)	\$0	\$5,300
20181.0052	Building & Grounds- Cemeteries Maintenance	(\$90,000)	(\$75,000)	\$15,000
11013.0237	Other Income - Cemetery Fees & Charges	\$60,000	\$45,000	(\$15,000)
50424.0252	Plantagenet District Hall Upgrade	(\$202,619)	(\$187,249)	\$15,370
41018.0489	Grants & Contributions - District Hall Upgrade	\$187,000	\$167,000	(\$20,000)
20193.0052	Building & Grounds- Grounds Maintenance	(\$5,000)	(\$14,000)	\$ (9,000)
20194.0130	Swimming Pool - Salaries	(\$152,668)	(\$144,668)	\$8,000
10113.0136	Other Revenue - Season passes	\$20,000	\$13,500	\$ (6,500)
21102.0312	Rec.Centre - Other Operating Costs	(\$25,000)	(\$19,000)	\$6,000
51111.0006	Gym & Other Equipment	\$0	(\$6,000)	\$ (6,000)
20212.0048	Parks Mtce- Facilities Operating	(\$25,000)	(\$40,000)	(\$15,000)
50407.0252	Recreation & Cultural Buildings- Building Renewal	(\$15,000)	(\$20,000)	\$ (5,000)
51276.0250	Roadworks - Minor Renewal	(\$250,000)	(\$215,700)	\$34,300
51717.0250	Fourth Avenue - SLK 0.00 to 0.61	(\$81,957)	(\$116,257)	(\$34,300)
21311.0370	District & Area Promotion	(\$60,000)	(\$72,000)	(\$12,000)
20260.0029	PWO - Conferences & Training	(\$25,000)	(\$10,000)	\$15,000
20260.0266	PWO - Uniforms, Clothing & Accessories	(\$17,000)	(\$24,000)	\$ (7,000)
20265.0011	PWO - Building Operating	(\$40,000)	(\$25,000)	\$15,000
20266.0344	Employee Costs - Salaries (Plant Repairs)	(\$39,126)	(\$61,970)	(\$22,844)
20266.0351	Employee Costs - Apprentice / Trainee	(\$35,649)	(\$45,600)	\$ (9,951)
20281.0172	Operating Costs - Fuels	(\$250,000)	(\$204,375)	\$45,625
20281.0344	Operating Costs - Courier & Freight	(\$15,000)	(\$21,000)	\$ (6,000)
20281.0174	Operating Costs - Major Breakdowns	(\$40,000)	(\$20,000)	\$20,000
20281.0343	Operating Costs - Plant Service/Repairs	(\$122,000)	(\$145,000)	(\$23,000)
		(\$1,385,319)	(\$1,385,319)	\$0

CARRIED (9/0)

NO. 100/18

Absolute Majority

9.4.2 FINANCIAL STATEMENTS – APRIL 2018

File Ref:	N45364
Attachment:	Financial Statements
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 April 2018.

STATUTORY ENVIRONMENT

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

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates (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 L Handasyde, seconded Cr J Moir:

That the Financial Statement for the period ending 30 April 2018 be received.

CARRIED (9/0)

NO. 101/18

9.4.3 LIST OF ACCOUNTS – APRIL 2018

File Ref:	N45423
Attachment:	<u>List of Accounts - April 2018</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	22 May 2018

PURPOSE

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

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (20 June 2017). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr 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 2018 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$731,974.33;
2. Municipal Cheques 46224 to 46225 and 46227 to 46245 totalling \$26,499.81; and
3. Cancelled Cheque 46226.

CARRIED (9/0)

NO. 102/18

9.4.4 POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS

Cr B Lang

Item: 9.4.4
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Named Lessee
Extent: Not Required

3.30pm Cr B Lang withdrew from the meeting.

Cr J Oldfield noted that he holds the position of Chairperson of the Plantagenet Sporting Club – no Financial Interest

File Ref: N38014
Attachments: [Policy with amendments](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 22 May 2018

PURPOSE

The purpose of this report is to review Council Policy No A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 19 July 2016.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.26 refers to the rateability of land. Section 6.26(2)(b) provides that land is not rateable where it is the property of the Crown and is being used or held for a public purpose. There is no definition of 'public purpose' in the Act.

FINANCIAL IMPLICATIONS

In phasing in this policy, the Council will, for a number of years, raise rates on its leasehold properties, but pay those rates itself. This is a 'zero sum game', although the Council would have the right to impose rates on a number of these lessees when the leases are renewed.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

The Shire received some legal advice in 2014 when it renewed its standard lease for community groups, as follows:

'The general position is that land occupied by a private club would not be described as being used for "public purpose". See Swan Yacht Club Inc v Town of East Fremantle [2005] WASCA99 – which is a decision of the Court of Appeal of the WA Supreme Court.

As you would be aware, a local government Council is authorised under section 6.47 of the Act to waive a rate but that would be a decision taken by the Council from year to year.

Consequently, I think that it is appropriate for the lease to provide that the lessee must pay rates (if there are rates to be paid and they have not been waived).'

Section 6.47 of the Act allows a local government, at the time of imposing a rate or at a later date, to waive a rate or grant other concessions in relation to a rate (An absolute majority is required).

The Council may also donate back to the ratepayer a value equivalent to rates (or part thereof). This is an 'ex gratia' payment, rather than done in accordance with any statutory provision.

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 1.3.4:

'Actively promote and assist community groups and clubs.'

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

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

and

Strategy 4.6.7:

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

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

OFFICER COMMENT

The Council adopted the current policy position to address anomalies regarding the rating status of sporting and community associations occupying Council land through leasing arrangements.

The policy has been amended as follows. The provisions relating to the saleyards canteen have been deleted as this facility is now licenced and therefore not rateable. The Plantagenet Sporting Club has taken over the lease of the Sounness Park Clubrooms from the Mount Barker Bulls Football Club. While they have also leased

the Souness Park Changerooms, the club has requested the Shire to remove this building from the lease.

Also, the Council has agreed that the following waivers shall apply to leases and these can be noted in the policy where applicable:

Facility	Lessee	Waiver	Meeting Date
Plantagenet Sporting Club	Souness Park Clubrooms	100%	31/1/2017
Plantagenet District Hall	Plantagenet Players	100%	31/1/2017
Mount Barker Men's Shed	Plantagenet Men's Shed	100%	26/4/2017
West Plantagenet Pony Club	West Plantagenet Pony Club	100%	15/8/2017
Mount Barker Tennis Courts	Mount Barker Tennis Club	100%	15/8/2017
Porongurup Hall	Porongurup Community Association Inc	100%	12/9/2017

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr J Oldfield:

That amended Council Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability, as follows:

‘OBJECTIVE:

To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.

POLICY:

1. Any organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.
2. The Shire will be responsible for paying the applicable Shire rates on properties leased to the following until the expiry of the respective leases:

Facility	Lessee
Mount Barker Speedway	Mount Barker Speedway Club
Narpanup Golf Course	Narpanup Golf Club
Mount Barker Communications Tower	Bevan Lang
Kendenup Golf Course and Country Club	Kendenup Country Club
Mount Barker Historic Museum	Plantagenet Historical Society
Mount Barker Railway Station	Mount Barker Tourist Bureau
Arts Centre (Mitchell House)	Plantagenet Arts Council
Kendenup Tennis Courts	Kendenup Tennis Club
Cattle Saleyards - Shed	Albany Cattle Association
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA

Lot 150 Beverley Road Kendenup	Kendenup Community Grounds Committee Inc
--------------------------------	--

3. Following the expiry and renewal of the leases in Part 2 above, the leased properties will be categorised as follows:

a. Charitable Status – 100% Waiver

Annual declaration required to exempt from rates due to charitable or public purpose status.

Facility	Lessee
Kendenup First Responders Building	St John Ambulance
Mount Barker Child Care Centre	Wanslea Early Learning and Development Inc
Cattle Saleyards - Shed	Albany Cattle Association

b. State Government Service or Purpose – 100% Waiver

Annual declaration required to exempt from rates due to charitable or public purpose status.

Facility	Lessee
Plantagenet District Hall - Lesser Hall	WA Country Health Service

c. Service to the public on behalf of the Shire – 100% Waiver

Facility	Lessee
Mount Barker Historic Museum	Plantagenet Historical Society
Woogenellup Hall	Woogenellup Progress Association
Porongurup Hall	Porongurup Community Association Inc

d. Other Service Organisation/Sporting Club

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

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 (ie: 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 sections of the community.**

Facility	Lessee	Waiver
Mount Barker Speedway	Mount Barker Speedway Club	
West Plantagenet Pony Club	West Plantagenet Pony Club	100%

Mount Barker Men's Shed	Plantagenet Men's Shed	100%
Narpanup Golf Course	Narpanup Golf Club	
Mount Barker Communications	Bevan Lang	
Kendenup Golf Course and Country Club	Kendenup Country Club	
Mount Barker Railway Station	Mount Barker Tourist Bureau	
Mount Barker Tennis Courts	Mount Barker Tennis Club	100%
Arts Centre (Mitchell House)	Plantagenet Arts Council	
Kendenup Tennis Courts	Kendenup Tennis Club	
Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA	
Lot 150 Beverley Road Kendenup	Kendenup Community Grounds Committee Inc	
Sounness Park Clubrooms	Plantagenet Sporting Club	100%
Plantagenet District Hall	Plantagenet Players	100%

e. **Commercial entities or persons running a profit making business – Lessee responsible for rates**

Facility	Lessee
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd

4. **Future leases with sporting and community groups or other persons/organisations will include provision for the lessee to be responsible for paying the applicable Shire rates, however a decision is to be made regarding any waiver applicable in accordance with Clause 3 of this policy.**
5. **All lessees are responsible for fees and charges otherwise applicable, such as rubbish collection charges and the Emergency Services Levy.**
6. **Lessees responsible for paying Shire rates are not eligible to apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process.'**

be endorsed.

AMENDMENT

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

That part 3d of the motion be amended by:

1. **After the word 'either' in line one add the figure '0%';**
2. **Add a further bullet point reading 'Notwithstanding any of the above bullet points, lessees shall be advised during lease negotiations or renewals that it is unlikely that the council will grant any waiver of rates when an organisation has the ability to raise funds from the sale of alcohol'.**

LOST (1/7)

Councillors C Pavlovich, J Oldfield, B Bell, K Clements, S Etherington, L Handasyde, B Lang and M O'Dea voted against the motion

COUNCIL DECISION

The Motion was put.

CARRIED (8/0)

NO. 103/18

3.42pm Cr B Lang returned to the meeting.

9.4.5 POLICY REVIEW - RECORD KEEPING

File Ref:	N45365
Attachments:	Policy with amendments
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Roxanne Mills Records Officer
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to review Council Policy A/RM/1 - Record Keeping.

BACKGROUND

The State Records Act 2000 governs the obligations and responsibilities of local governments in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records, but also records in electronic format.

The Shire has developed a Record Keeping Plan (RKP) to comply with the State Records Act 2000 and from this has developed a Record Keeping Policy to ensure compliance with the Act and the RKP.

The policy was last reviewed on 26 April 2016.

STATUTORY ENVIRONMENT

To ensure compliance with State Records Act 2000, the Council must have an endorsed RKP from the State Records Office (SRO) and as part of that, a Council endorsed Records Keeping Policy.

Government organisations are bound by the State Records Act 2000 which establishes rules for best practice for recordkeeping in WA Government, encouraging transparency and accountability. Local governments are identified as government organisations under the Act. Councillors are subject to the State Records Act 2000 when they create or receive 'State records'.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.6.7:

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

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.6.6.5 - *'Establish and maintain mechanisms of control with respect to records creation and appropriate preservation in accordance with legislative requirements'.*

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

OFFICER COMMENT

This policy provides the policy framework for the Council to effectively fulfil its obligations and statutory requirements under the State Records Act. The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

Further, the State Records Commission policy regarding the records of local government councillors requires the creation and retention of records of the *'communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business'*. This policy applies regardless of a record's format or where it was received.

Councillors must create and keep records of communications or transactions which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

The SRO has provided the following guidance in determining which records should be captured.

YES – forward to Central Records	NO – do not need to forward to Central Records
<p>Communications from ratepayers, such as:</p> <ul style="list-style-type: none"> • complaints and compliments; • correspondence concerning corporate matters; • submissions, petitions and lobbying; • information for the Council's interest relating to local government business activity and functions. 	Duplicate copies – of Council meeting agenda, minutes and papers.
	Draft documents or working papers – which are already captured at the local government.
	Publications – such as newsletters, circulars and journals.
	Invitations – to community events where a councillor is <i>not</i> representing Council or the local government.
	Telephone, meetings and other verbal

Telephone, meetings and other verbal conversations – between a councillor and another party, regarding local government projects or business activities.	conversations which: <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government business or functions.
Work diaries – containing information that may be significant to the conduct of the councillor on behalf of the local government.	Electioneering – or party political information.
Presentations and speeches – delivered as part of a councillor’s official duties.	Personal records – not related to a councillor’s official duties.

It should be noted that the procedure for mail addressed to the Shire President or a councillor was changed recently. Such mail is date stamped and forwarded to the Executive Officer for distribution. The Shire President or councillor (person receiving the item) should open, date stamp and determine if the item is a record. All incoming records are to be forwarded to the Records Officer for indexing and registering.

One change to the policy is recommended, being to add a file note of conversations to the definition of Record in Clause 2.1. Otherwise, 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 amended Council Policy A/RM/1 – Record Keeping, as follows:

‘OBJECTIVE:

To establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

POLICY:

1.0 Scope

1.1 This policy applies to all Council business and relates to both physical and electronic Council records. It applies to all Council staff, councillors, and contractors undertaking outsourced functions on behalf of the Council.

2.0 Definitions

2.1 Record

A record can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, file note of conversations and social media messages.

2.2 State Record

A State Record means a record created or received by:

- a) A government organisation; or

- b) A government organisation employee in the course of the employee's work for the organisation, but does not include an exempt record.

2.3 Employee

An employee means all people employed by the Shire of Plantagenet whether permanent, fixed term or casual contract of service, apprentice or trainee.

3.0 Policy Principles

3.1 Creation of Records

Councillors and staff will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

3.2 Capture and Control of Records

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required supporting data, into appropriate record keeping and business systems that are managed in accordance with sound record keeping principles.

3.3 Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

3.4 Access to Records

Access to the Shire's records by staff will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and other applicable legislation. Access to the Shire's records by Councillors will be via the Chief Executive Officer.

3.5 Appraisal, Retention and Disposal of Records

All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the SRO.

4.0 Record Keeping Responsibilities

4.1 All Council employees and Councillors need to be aware of record keeping requirements. The record keeping obligations of Council staff and Councillors include:

- a) Learning how and where records are kept;
 - b) Making records to support the conduct of business activities;
 - c) Creating records as evidence of Council operations that are otherwise not created;
 - d) Forwarding records to the Central Records for capture into the official Records Keeping System;
 - e) Not destroying Council records;
 - f) Following appropriate records management procedures.
-

5.0 Outsourcing of Service Delivery

5.1 Contracts should provide that the contractor create records that meet the Shire's accountability requirements, in relation to the functions performed or services provided for the Shire. Such contracts should also provide that the contractor maintain those records according to standards acceptable to the Shire, for as long as the records are required and return them to the Shire when the contract expires.'

be endorsed.

CARRIED (9/0)

NO. 104/18

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 POLICY REVIEW - BRIEFING SESSIONS FOR COUNCILLORS

File Ref:	N45337
Responsible Officer:	Nolene Wake Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to review Council Policy CE/CS/6 – Briefing Sessions for Councillors.

BACKGROUND

This policy was last reviewed by the Council at its meeting held 8 December 2015.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.23 (1) and 5.23 (2) applies.

As Council committees and workshops held do not enjoy any delegation of a power or duty, they need not be open to members of the public.

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 4.1.3:

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

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

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 L Handasyde, seconded Cr J Moir:

That Council Policy CE/CS/6 – Briefing Sessions for Councillors, as follows:

OBJECTIVE:

To provide briefing sessions for Councillors to assist Councillors in becoming fully informed on complex matters.

POLICY:

When considering complex matters and where, in the opinion of the Chief Executive Officer in consultation with the Shire President, Councillors will benefit and better decision making will result, the Chief Executive Officer will at least two weeks prior to the matter coming before the Council for decision, arrange a Councillor briefing session.'

be endorsed.

CARRIED (9/0)

NO. 105/18

9.5.2 REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW

File Ref:	N45301
Attachment:	<u>Register of Delegations, Sub-delegations, Appointments and Authorisations - Amended</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	22 May 2018

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.

Last year an extensive review of the Register of Delegated Authority was undertaken and the updated Register of Delegations, Sub-Delegations, Appointments and Authorisations (Register of Delegated Authority) was adopted at the 20 June 2017 Council Meeting.

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

Since the adoption of the Register of Delegated Authority on 20 June 2017 and subsequent amendments endorsed by the Council on 5 December 2017 Res/No 293/17, it is considered that the current Register of Delegated Authority is sufficient subject to a minor amendment to Delegation 3.2 Bush Fires Act, to include Restricted Burning times and not just Prohibited Burning times.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the attached Shire of Plantagenet Register of Delegations, Sub Delegations, Appointments and Authorisation (Register of Delegated Authority) be accepted.

CARRIED (9/0)

NO. 106/18

Absolute Majority

9.5.3 SOUNNESS PARK LEASE - AMENDMENT TO LEASED AREA

File Ref:	N45439
Attachment	<u>Plan - Amended Lease Area</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Donna Fawcett Senior Administration/Human Resources Officer
Proposed Meeting Date:	22 May 2018

PURPOSE

The purpose of this report is to consider an amendment to the leased area in the lease between the Shire of Plantagenet and the Plantagenet Sporting Club Incorporated (PSC), to remove the changerooms component.

BACKGROUND

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

'That:

- 1. Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Lease between the Shire of Plantagenet and Plantagenet Sporting Club Inc for the Sounness Park Clubrooms, Changerooms and Adjacent Land; and*
- 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.'*

The lease agreement provides for a five year term which commenced on 1 July 2017.

STATUTORY ENVIRONMENT

Local Government Act 1995. – Section 3.58 relates to a disposition of local government property.

Local Government (Functions and General) Regulations 1996 - Regulations 30 and 31 govern the disposal of land.

Under the 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'.

Given the above, the disposal of this land is exempt from the requirements of section 3.58 of the Act.

FINANCIAL IMPLICATIONS

The costs of the changerooms' operations that have been passed onto the PSC mainly relate to gas usage and cleaning. In 2016/2017, these costs were \$3,497.00 and \$12,707.00 respectively. It is likely that the Shire will need to resume cleaning the changerooms, which was previously carried out on a weekly basis.

The Council provided a financial assistance grant of up to \$15,000.00 to the PSC in 2017/2018 for operating costs. A total of \$9,586.60 (excluding GST) has been claimed so far. The intention at the time was that future grants would reduce to \$10,000.00 and \$5,000.00 over the next two years, as the club becomes more sustainable.

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 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.4:

'Actively promote and assist community groups and clubs'.

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

OFFICER COMMENT

At the meeting of the PSC held on 5 February 2018, a motion was passed that gave direction for the Chairman, Cr Jon Oldfield, to pursue discussions with the Council with a view to the Shire taking back responsibility for the running of and the costs associated with the changerooms at Sounness Park.

The PSC has found that it is unable to sustain the cost of consumables and gas to heat water in the changerooms. It has also been unable to persuade the foundation clubs other than the football club to use the changerooms on a consistent basis so cannot recoup enough money to make it viable. Those clubs which do not use the changerooms are claiming the cost is too high for them to afford.

Another problem faced by the PSC is the difficulty in managing changeroom use when some clubs do want to pay, whereas other do not. Some clubs are using the toilets to change in so they don't have to pay the fees. The PSC considers that Shire management of the changerooms will provide more structure in terms of fees and management than the PSC can currently provide with volunteers.

The PSC has asked the Council to support taking back the changerooms until at least 1 July 2020 when it could be reviewed. This would give the PSC the opportunity to concentrate on managing the clubrooms while 'finding its feet'.

It is acknowledged that the management of the changerooms has been difficult for the PSC to take on, given the attitude of the foundation clubs towards usage and payment. This Shire is in a better position to take on this role. While the charging regime that was previously in place for changeroom usage can be reinstated, the

Shire will take on additional costs, which can be argued are part of the community service obligation for providing a sporting facility.

Finally, the PSC, at its meeting held on 7 May 2018, resolved:

'That the Shire be requested to leave change room charges at that as adopted by the Plantagenet Sporting Club should the Council take back control of the change rooms, noting present cleaning regimes.'

At its meeting held on 12 March 2018, the PSC resolved:

'That change room fees per change room be set at \$15.00 for all users except the football club on game day when the charge will be \$30.00 per change room.'

Cleaning of the changerooms should be undertaken by the hirer.

Therefore, no objections are raised to this request.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr B Lang:

That the leased area in the lease between the Shire of Plantagenet and the Plantagenet Sporting Club Incorporated for the Sounness Park clubrooms, changerooms and adjacent land be amended to exclude the changerooms, as shown on the attached plan, effective from 1 July 2018.

CARRIED (9/0)

NO. 107/18

9.5.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION 2018 - COUNCILLOR ATTENDANCE

File Ref: N45357
Attachment: [Program Information](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nolene Wake
Executive Officer
Proposed Meeting Date: 22 May 2018

PURPOSE

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) Convention to be held Thursday 2 August to Friday 3 August 2018 and authorise the attendance of Shire President Cr Chris Pavlovich and Deputy Shire President Cr Jon Oldfield at the WALGA Annual General Meeting on Wednesday 1 August 2018 as Voting Delegates.

BACKGROUND

At the Ordinary Meeting held of the Council on 23 May 2017 the Council resolved:

'That Cr K Clements, Cr L Handasyde, Cr B Bell and Cr C Pavlovich be authorised to attend the WALGA Local Government Convention 2 August 2017 to 4 August 2017 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation).'

At a Special Meeting held on 24 October 2017 the Council resolved:

'That:

1. Cr C Pavlovich and Cr J Oldfield be appointed as the Council's voting delegates for Western Australian Local Government Association (WALGA) Annual General Meeting and Zone Meetings.
2. Cr M O'Dea be appointed as Deputy to act on behalf of Cr C Pavlovich when Cr Pavlovich is unable to attend; and
3. Cr B Lang be appointed as Deputy to act on behalf of Cr J Oldfield when Cr Oldfield is unable to attend.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Full delegate convention fees per person - \$1,475.00 / Convention Breakfast – \$88.00 / Convention Gala Dinner - \$140.00
Accommodation – approximately \$200.00 per room per night not including meals

Approximate cost per delegate (Including 3 nights' accommodation but not including meals) is estimated at \$2,303.00.

Budget Item 20026-0032 (Local Government Convention) has a current budget allocation of \$10,000.00. It is expected that a similar budget allocation will be proposed for the 2018/2019 budget considerations.

Cr Clements, as a life member of WALGA, is not liable for registration fees.

POLICY IMPLICATIONS

Policy No. CE/CS/1 'Elected Members Expenses to be Reimbursed' applies.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

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

REGIONAL IMPLICATIONS

The Southern Link VROC Strategic Directions 2015-2020 identifies under Governance at Goal Two (*Provide sub regional leadership through the VROC*) the following action:

'Continue to develop and discuss options for reform and best practice in local government.'

OFFICER COMMENT

The program this year is themed Ready & Relevant, encouraging delegates to reflect on where we are as a sector and plan for the challenges ahead. The Conference format provides opportunity to converse, debate, discuss and to share ideas.

The recommendation below is based on attendance by voting delegates and a councillor who has not attended in the past (Cr Lang).

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Councillors C Pavlovich, J Oldfield and B Lang be authorised to attend the WALGA Local Government Convention 1 August 2018 to 3 August 2018 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation).

AMENDMENT/COUNCIL DECISION

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

That Councillors C Pavlovich, J Oldfield, K Clements, B Bell, L Handasyde and B Lang be authorised to attend the WALGA Local Government Convention 1 August 2018 to 3 August 2018 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation).

CARRIED (9/0)

NO. 108/18

4.00pm Cr B Bell withdrew from the meeting.

4.01pm Cr B Bell returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr L Handasyde, seconded Cr K Clements:

That new business of an urgent nature be introduced to the meeting.

CARRIED (9/0)

NO. 109/18

11.1 CONFERENCE ATTENDANCE - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION EXPO

Cr J Moir

Item: Late Report – Conference Attendance – Australian Livestock Markets Association Expo

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

Nature: Cattle Farmer/Employee of Elders

Extent: Sell cattle through the Mount Barker Saleyards on average six times per year. Average number of cattle held is 80 head.
Part time employee of Elders in a non-managerial position.

4.03pm Cr J Moir withdrew from the meeting.

File No: CA/126/1

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: John Fathers
Deputy Chief Executive Officer

Proposed Meeting Date: 22 May 2018

PURPOSE

The purpose of this report is to seek authority for a councillor, to attend the 2018 Australian Livestock Markets Association Inc (ALMA) Expo.

1 BACKGROUND

The 2018 ALMA Inc AGM and Conference (Expo) will be held in Casino NSW from Tuesday 24 July to Thursday 26 July 2018. The Assistant Saleyards Manager, Erika Henderson has also registered her interest to attend.

2 FINANCIAL IMPLICATIONS

The registration for the conference is \$550.00 and accommodation for five nights will be approximately \$900.00. Airfares to and from Brisbane will be approximately \$800.00. Other costs will apply depending on how attendees get to and from Casino, plus airport parking, meals and taxis.

3 POLICY IMPLICATIONS

Council Policy No. 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.'

4 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.

5 OFFICER COMMENT

The annual ALMA Conference is a key event on the livestock industry calendar. It provides a forum for the livestock industry across the nation to share ideas, knowledge and information.

A full conference program is attached. Mr Michael Skinner has attended the last three expos in his capacity as an ALMA Board member. Previous attendees have benefitted and the knowledge gained from exposure to industry trends has resulted in improvements at Saleyards.

At the Saleyards Advisory Committee meeting held on 22 May 2018, Cr O'Dea was nominated to attend.

6 VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

That:

- 1. Cr M O'Dea be authorised to attend the Australian Livestock Markets Association Inc Expo to be held in Casino NSW from 24 July to 26 July 2018.**
- 2. The expenditure be charged to Budget Item Saleyards – Conferences and Training – 21320.0029.**

CARRIED (8/0)

NO. 110/18

4.05pm Cr J Moir returned to the meeting.

12 CONFIDENTIAL**12.1 CORPORATE SERVICES REPORTS****12.1.1 LOT 137 (37) WESTFIELD STREET, ROCKY GULLY - SALE OF LAND**

File Ref: N44778
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Alison Kendrick
Senior Administration Officer - Finance
Proposed Meeting Date: 22 May 2018

PURPOSE

The purpose of this report is to recommend that authority be given to affix the common seal to documentation for the sale of land at Lot 137 (37) Westfield Street, Rocky Gully. Further to write off the balance of rates outstanding on the property, after sale proceeds.

MOTION TO PROCEED BEHIND CLOSED DOORS

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

4.04pm 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. 111/18

MOTION TO PROCEED IN PUBLIC

Moved Cr K Clements, seconded Cr B Bell:

4.09pm That the meeting proceed in public

CARRIED (9/0)

NO. 112/18

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

1. Pursuant to Section 3.58 of the Local Government Act 1995, the property at Lot 137 (37) Westfield Street, Rocky Gully be sold to the highest tenderer, Gemma Taryn Kiiveri for a sum of \$12,000.00;
2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Transfer of Land and any other documentation to effect the transfer in Part 1 above; and
3. Following the application of the sale price in Part 1 above, the remaining rates and charges outstanding on Rates Assessment 137190 relating to Lot 137 (37) Westfield Street, Rocky Gully, totalling approximately \$14,183.47 be written off.

CARRIED (9/0)

NO. 113/18

Absolute Majority

13 CLOSURE OF MEETING

4.10pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____