



ORDINARY MINUTES

DATE: Tuesday, 24 April 2018

TIME: 3:00pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

Resolution numbers: 69/18 to 92/18

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.....	2
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
9.2	WORKS AND SERVICES REPORTS.....	6
9.3	COMMUNITY SERVICES REPORTS	7
9.3.1	CHILD CARE FACILITY RELOCATION PROPOSAL	7
9.3.2	POLICY REVIEW - SWIMMING CARNIVALS.....	10
9.3.3	POLICY REVIEW - RELEASE OF IMPOUNDED ANIMALS	12
9.4	CORPORATE SERVICES REPORTS	14
9.4.1	FINANCIAL STATEMENTS – MARCH 2018.....	14
9.4.2	LIST OF ACCOUNTS – MARCH 2018.....	16
9.4.3	POLICY REVIEW - INVESTMENTS.....	18
9.4.4	POLICY REVIEW - CONCESSIONAL FEES AND CHARGES	22

9.4.5 POLICY REVIEW - LEGISLATIVE COMPLIANCE..... 25

9.4.6 PUBLIC ELECTRONIC NOTICE BOARD - REQUEST FOR
NOTICE - MOUNT BARKER CO-OPERATIVE 30

9.5 EXECUTIVE SERVICES REPORTS..... 32

9.5.1 POLICY REVIEW - MOTOR VEHICLE USE - SHIRE
PRESIDENT 32

9.5.2 POLICY REVIEW - MEMORIAL SEATING 37

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 39

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 39**

12 CONFIDENTIAL..... 40

12.1 WORKS AND SERVICES REPORTS..... 40

12.1.1 REQUEST FOR FINANCIAL CONTRIBUTION - LOTS 0 TO 5
LANGTON ROAD MOUNT BARKER 40

12.1.2 TENDER CO3-1718 AND CO4-1718 - SUPPLY AND
DELIVERY OF TWO MAINTENANCE TIP TRUCKS 42

12.2 EXECUTIVE SERVICES REPORTS..... 44

12.2.1 LOTS 500, 93, 411 - 414 AND 40 MENSTON STREET,
MARION STREET AND LANGTON ROAD, MOUNT BARKER -
FORMER DEPOT..... 44

13 CLOSURE OF MEETING..... 46

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:05pm 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 (Left the Chambers 3:20pm, returned 3:22pm, Left the Chambers 3:24pm, returned 3:25pm)
Cr L Handasyde	Councillor
Cr B Lang	Councillor (Left the Chambers 3:31pm, returned 3:42pm)
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Deputy Shire President

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr David Lynch	Manager Works and Services
Ms Fiona Pengel	Manager Community Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were no members of the public present.

Previously Approved Leave of Absence:

Cr S Etherington has approved leave of absence from 3 April 2018 to 8 May 2018 inclusive.

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 John Fathers – Acting Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Fathers then read aloud the following disclaimer:

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

3.2.1 QUESTIONS HANDED BY DONNA STAIN TO MR DAVID LYNCH TO BE ASKED ON HER BEHALF

'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.'

Response by: Mr David Lynch Manager Works and Services

The Shire is currently in the process of relocating a donga to remedy this situation.

'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?'

Response by: Cr Chris Pavlovich Shire President

The Shire President advised that the Council would take this on notice, investigate and respond in due course.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Lang

Item: 12.1.1
Type: Proximity (Section 5.60 (B) LGA)
Nature: Proximity
Extent: Property owned opposite

Cr K Clements

Item: 9.4.4
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Has a Health Care Card
Extent: Not required

Item: 9.4.6
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Board Member Mount Barker Co-operative
Extent: Not Required

Cr C Pavlovich

Item: 9.5.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Shire President
Extent: Not Required

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 March 2018 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 69/18

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately (as attached).

The Shire President noted the passing of former Councillor Stephen Carson, offering condolences to the family. Mr Carson was a Council Member from 1996 – 1999.

Moved Cr B Bell, seconded Cr B Lang:

That the Council's condolences be extended to the family of former Councillor Stephen Carson.

CARRIED (8/0)

NO. 70/18

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

9.3.1 CHILD CARE FACILITY RELOCATION PROPOSAL

File Ref:	N44365
Responsible Officer:	John Fathers Acting Chief Executive Officer
Author:	Fiona Pengel Manager Community Services
Proposed Meeting Date:	24 April 2018

PURPOSE

The purpose of this report is to determine the level of Council involvement in the relocation of Child Care Facilities as proposed in the *'Plantagenet Child Care Centre Feasibility Study'* received by the Council on 31 January 2018.

BACKGROUND

Prior to 2008, the Shire of Plantagenet operated child care services from Lot 7, Marmion Street, Mount Barker.

At its meeting held on 12 August 2008, the Council resolved that the management of the Plantagenet Day Care Centre be transferred to Wanslea (Inc.) from 1 January 2009.

The Council also resolved that the premises on Marmion Street, Mount Barker be leased to Wanslea on a peppercorn lease.

The Shire has undertaken maintenance and improvements to ensure the building is compliant with minimum standards set under the Children and Community Services Act 2004, Children and Community Services (Child Care) Regulations 2006 and the National Child Care Accreditation Council.

In February 2016, the Shire was successful in securing funding through the WA Department of Local Government and Communities (DLGC) Regional Child Care Development Fund (RCCDF) to undertake a pre-feasibility report and feasibility study into future facility requirements for child care in the Shire of Plantagenet.

At its meeting on 13 September 2016, the Council decided that:

- '1. The outcomes of the Plantagenet Child Care Centre Pre-Feasibility Report dated 17 June 2016, as attached, be noted.*
- 2. A feasibility study into the option of locating child care facilities at the Mount Barker Community College be undertaken.*
- 3. The feasibility study referred to in part 2 above shall consider opportunities for private sector investment in the construction of the facilities.'*

The resulting feasibility study was received by the Council at its meeting on 31 January 2017 with the recommendation that:

- '1. The Plantagenet Child Care Centre Feasibility Study be received.*
-

2. *It be noted that the Manager Community Services will be undertaking further discussions with the Principal of the Mount Barker Community College to:
 - a. Investigate land tenure options for the child care facility site with the Department of Education;
 - b. Investigate potential funding models for the construction of new child care facilities at the Mount Barker Community College.*
3. *A further report be presented to the Ordinary Meeting of the Council to be held 15 August 2017.'*

A workshop was held with the Council on 10 October 2017 to further discuss the progress of investigations with the Department of Education and Wanslea.

At its planning workshop held on 28 November 2017, the Council indicated that the provision of new child care facilities was not a major priority in this current funding environment as the current facilities are fit for purpose.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has taken place with the current child care provider, Wanslea (Inc.) and the WA Department of Education's Director of Strategic Asset Management.

FINANCIAL IMPLICATIONS

Based on the officer recommendation there are no financial implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The existing child care facility management is provided for in the Shire's Asset Management Plan.

STRATEGIC IMPLICATIONS

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

Strategy 1.1.3:

'Promote childhood development services and facilities'

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

OFFICER COMMENT

The Manager of Community Services has undertaken negotiations with the WA Department of Education, the landowner, and Wanslea (Inc.), the current service provider, to minimise the financial risk to the Shire in the construction and management of a new child care facility.

Following discussions with the Department of Education it is clear that the Shire would be the lease holder on the land and therefore ultimately responsible for the construction and management of a new building.

Wanslea (Inc.) has indicated that it is prepared to be the construction project lead and that it will seek funding for the construction of the facility. However, the Shire of Plantagenet would need to contribute as a funding partner in the project and this will require substantial input from the Shire even if only in terms of seeking funding from sources not available to Wanslea (Inc.).

These requirements are considered to be over and above what was initially intended and it is therefore recommended that the proposal be discontinued.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

- 1. No further action be taken in regards to the relocation of child care facilities to the Mount Barker Community College as proposed in the '*Plantagenet Child Care Centre Feasibility Study*' received by the Council on 31 January 2018.**
- 2. WA Department of Education and Wanslea (Inc.) be informed of the Council's decision.**

CARRIED (8/0)

NO. 71/18

9.3.2 POLICY REVIEW - SWIMMING CARNIVALS

File Ref:	N44682
Attachments:	CS SP 1 Swimming Carnivals amended
Responsible Officer:	Fiona Pengel Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	24 April 2018

PURPOSE

The purpose of this report is to review Council Policy CS/SP/1 – Swimming Carnivals.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 15 September 2015.

STATUTORY ENVIRONMENT

The Department of Health 'Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities' is silent on matters relating to Swimming Carnivals.

FINANCIAL IMPLICATIONS

The policy provides for the exclusion of members of the public during swimming carnivals. This may cause a decrease in revenue; however, this is compensated partly by paying attendees and spectators at swimming carnivals.

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

Strategy 1.5.6:

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

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

OFFICER COMMENT

The Mount Barker Swimming Pool holds an average of three to five swimming carnivals per year with participation of local and regional schools. The pool staff advertises carnival dates at the pool to inform other pool users of pool closures.

It is considered that the current policy is sufficient subject to some minor grammatical amendments and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Lang:

That amended Council Policy CS/SP/1 – Swimming Carnivals:

‘OBJECTIVE

To assist the Pool Manager in making suitable arrangements for Swimming Carnivals.

POLICY

The Council will permit school and other similar type swimming carnivals at the Mount Barker Swimming Pool, subject to:

1. The host organisation holding appropriate and adequate insurance for the event;
2. The host organisation providing adequate supervision for the event; and
3. Exclusion of members of the public from the main pool during such events.’

be endorsed.

CARRIED (8/0)

NO. 72/18

9.3.3 POLICY REVIEW - RELEASE OF IMPOUNDED ANIMALS

File Ref:	N44687
Attachments:	<u>RS AC 1 Release of Impounded Animals amended</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	24 April 2018

PURPOSE

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

BACKGROUND

The Council adopted Policy RS/AC/1 - Release of Impounded Animals at its meeting held on 3 March 2015.

At the time of policy adoption, Regulatory Services (Animal Control) was structured under the Community Services Division. Since then, Animal Control has become the responsibility of Executive Services. The departmental change will be reflected in the amended policy.

The Dog Act 1976 and the Cat Act 2011 determine the requirements that owners must meet in order to reclaim their pets. Impounded stock falls under the jurisdiction of the Local Government (Miscellaneous Provision) Act 1960 Part XX. The Council annually adopts fees and charges for the impounding of animals, daily sustenance fees and transport fees for livestock.

STATUTORY ENVIRONMENT

Dog Act 1976

Cat Act 2011

Local Government (Miscellaneous Provisions) Act 1960 Part XX

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 1.9.1:

‘Provide animal control in accordance with legislative requirements.’

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

OFFICER COMMENT

This policy was adopted in 2015 to implement clear guidelines regarding conditions that must be met prior to the release of impounded animals back into the custody of their owners.

It is considered that the current policy is sufficient with an amendment to the responsible division and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

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

OBJECTIVE

The objective of this Policy is to provide clear guidelines for conditions that must be met prior to the release of impounded animals back into the custody of their owners.

POLICY

1. This policy relates to impounded livestock, dogs and cats.
2. Cats or dogs impounded under the Dog Act 1976 and Cat Act 2011 are only to be released to the custody of their owners if the animal/s is/are micro chipped and registered.
3. Livestock impounded under the Local Government (Miscellaneous Provisions) Act 1960 Part XX will be subject to impoundment and sustenance fees. Owners will also be charged costs incurred by the Shire of Plantagenet for impoundment of the animals.
4. All impoundment and sustenance fees as set under the adopted fees and charges, and fines levied under the appropriate acts are to be paid prior to release of any animal. Sustenance fees will accumulate on a daily basis until the day of release.'

be adopted.

CARRIED (8/0)

NO. 73/18

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – MARCH 2018

File Ref:	N45064
Attachment:	Financial Statements
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	24 April 2018

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 March 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 M O'Dea:

That the Financial Statement for the period ending 31 March 2018 be received.

CARRIED (8/0)

NO. 74/18

9.4.2 LIST OF ACCOUNTS – MARCH 2018

File Ref:	N45216
Attachment:	List of Accounts - March 2018
Responsible Officer:	John Fathers Acting Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	24 April 2018

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of March 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 M O'Dea, seconded Cr J Moir:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 March 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 \$1,442,544.17;
2. Municipal Cheques 46184 to 46223 totalling \$77,971.62; and
3. Trust Cheques 457 to 458 totalling \$78,920.00.

CARRIED (8/0)

NO. 75/18

9.4.3 POLICY REVIEW - INVESTMENTS

File Ref:	N44685
Attachments:	Council Policy F/RI/1 – Investments
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	27 March 2018

PURPOSE

The purpose of this report is to review Council Policy F/RI/1 – Investments.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 29 March 2016.

STATUTORY ENVIRONMENT

The authority for a local government to invest surplus funds comes from Section 6.14 of the Local Government Act 1995. Section 18 of the Trustees Act 1962 also details investment powers of trustees.

Local Government (Financial Management) Regulations 1996.

Regulation 19C(2) states that '*when investing money under section 6.14(1), a local government may not do any of the following —*

- (a) *deposit with an institution except an authorised institution;*
- (b) *deposit for a fixed term of more than 3 years;*
- (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- (d) *invest in bonds with a term to maturity of more than 3 years;*
- (e) *invest in a foreign currency.'*

An authorised deposit-taking institution is as defined in the Banking Act 1959 (Commonwealth) or the Western Australian Treasury Corporation.

FINANCIAL IMPLICATIONS

There are some financial implications to this report, depending on the spread of the Council's investments.

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 4.6.1:

‘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. Further, the Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.6.1.6 ‘Responsibly manage the Council’s financial resources’.

OFFICER COMMENT

The Standard and Poor’s long term rating for Bendigo and Adelaide Bank is currently BBB+ and the short term rating is A-2, which meet the minimum ratings specified in the policy.

It is considered that the policy is relevant and should be retained, with two changes. One being to amend Bendigo Bank to read Bendigo and Adelaide Bank wherever it appears. Secondly, to amend Accountant to read Senior Administration Officer - Finance wherever it appears, to reflect the updated title. Further, minor formatting changes have also been made to the policy numbering.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That amended Council Policy F/RI/1 – Investments, as follows:

‘OBJECTIVE:

To document and provide the necessary information for the delegated officers to invest surplus funds.

POLICY:

1. Purpose of Policy

1.1 The purpose of this policy is to ensure that:

- a) The Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act and Section 18 (1)(a) of the Trustees Act 1962 (the ‘Prudent Person’ rule);
- b) At all times, the Council has in place a current set of policies and delegations for its Investments Officers; and
- c) Adherence to the guidelines by all officers with delegated authority to invest / control surplus funds.

1.2 This Policy is to be made available to all employees involved in daily investment decisions.

1.3 Notwithstanding the provisions of this Policy, the general financial management obligations imposed under the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 should at all times be complied with.

2. Prudent Person Rule

- 2.1 The investment options available to local government authorities in Western Australia were altered in June 1997 with changes to the Trustees Act. With the passage of changes to the Trustees Act, the list of prescribed investments has been removed and replaced by the Prudent Person rule.
 - 2.2 The main features of the prudent person rule include:
 - a) Exercising the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons; and
 - b) A duty to invest funds in investments that are not speculative or hazardous.
 - 2.3 In exercising powers of investment, there are important matters for consideration:
 - a) The purpose of the investment and the needs and circumstances;
 - b) The desirability of diversifying investments and the nature of and risk associated with existing investments;
 - c) The need to maintain the real value of capital and income; The risk of capital or income loss or depreciation. The potential for capital appreciation;
 - d) The likely income return and timing of the income return. The length of the term of the proposed investment;
 - e) The liquidity and marketability of the proposed investment. The aggregate value of the investment;
 - f) The effect of the proposed investment in relation to the tax liability (if any);
 - g) The likelihood of inflation affecting the value of the proposed investment; and
 - h) The costs of making the proposed investment; the results of a review of existing investments.
 3. Investment Objectives
 - 3.1 To add value through prudent investment of funds.
 - 3.2 To support the local community bank without putting the Shire's surplus funds to any undue risk.
 - 3.3 To have ready access to funds for day-to-day requirements, without penalty.
 4. Authority to Invest
 - 4.1 The Shire of Plantagenet's surplus funds are to be invested in term deposits or negotiable certificates of deposit with Bendigo and Adelaide Bank and other banks with branches in Mount Barker or Albany, subject to their Standard and Poor's long term credit rating being at least BBB+ and the short term rating being at least A-2. Any proposal to invest funds in any other institution not referred to above, for whatever reason, is to be referred to the Council.
 - 4.2 Investments from the municipal, loan and reserve accounts are to be kept separate and distinct from the trust account.
 - 4.3 Funds may be invested for terms ranging from one to six months based on predicted cash flow requirements.
-

- 4.4 The Deputy Chief Executive Officer places, withdraws or re-invests sums up to \$500,000.00 jointly with the Senior Administration Officer - Finance or Chief Executive Officer, in accordance with the Chief Executive Officer's delegation.
- 4.5 The Chief Executive Officer places, withdraws or re-invests sums over \$500,000.00 jointly with the Deputy Chief Executive Officer or Senior Administration Officer - Finance in accordance with the Chief Executive Officer's delegation.
5. Review and Reporting
- 5.1 A cash flow report is to be monitored by the Senior Administration Officer - Finance at least weekly to ensure cash funds are available to meet commitments.
- 5.2 Investments will be managed actively as they mature with reviews by the Deputy Chief Executive Officer on a monthly basis.
- 5.3 Bendigo and Adelaide Bank's short term credit rating as defined by Standard and Poors is to be monitored on a monthly basis by the Deputy Chief Executive Officer. Any downgrading of the long term BBB+ or short term A-2 rating is to be reported to the Council.
- 5.4 For audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on the Council's behalf at 30 June each year.'

be endorsed.

CARRIED (8/0)

NO. 76/18

9.4.4 POLICY REVIEW - CONCESSIONAL FEES AND CHARGESCr K Clements

Item: 9.4.4
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Has a Health Care Card
Extent: Not required

3.20pm Cr K Clements withdrew from the meeting.

File Ref: N45134
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Donna Fawcett
Senior Administration/Human Resources Officer
Proposed Meeting Date: 24 April 2018

PURPOSE

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

BACKGROUND

The policy was adopted by the Council at its meeting held on 29 October 2013 to provide guidance in regard to eligibility for concessional rates to Shire facilities and services. This policy was last reviewed by the Council at its meeting held on 26 April 2016.

STATUTORY ENVIRONMENT

Rates and Charges (Rebates and Deferments) Act 1992

Dog Act 1976

Cat Act 2011

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

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

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

No other cards enable a rebate on property rates.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

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

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

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

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

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

Further, the Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 provides the following Actions:

Action 1.3.5.2: *'Develop an understanding of the barriers to people accessing services.'*

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

OFFICER COMMENT

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

The fees and charges schedule includes fees for students and young people and therefore concessional entry fees do not apply for people in those categories. It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Lang, seconded Cr B Bell:

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

OBJECTIVE:

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

POLICY:

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

be endorsed.

CARRIED (7/0)

NO. 77/18

3:22pm Cr K Clements returned to the meeting.

9.4.5 POLICY REVIEW - LEGISLATIVE COMPLIANCE

File Ref:	N45133
Attachment:	<u>Policy A/L/1 - Legislative Compliance</u>
Responsible Officer:	John Fathers Acting Chief Executive Officer
Author:	John Fathers Acting Chief Executive Officer
Proposed Meeting Date:	24 April 2018

PURPOSE

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

BACKGROUND

The Council adopted the Legislative Compliance Policy at its meeting held on 1 April 2014. This policy was last reviewed by the Council at its meeting held on 26 April 2016.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

Regulation 17 states as follows:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.6:

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

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

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.1.6.4 - *'Maximise awareness of and compliance with relevant legislation'*.

OFFICER COMMENT

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

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

It is considered that the current policy is sufficient, subject to updating the link for the State Law Publisher website and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

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

'OBJECTIVE

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

1. BACKGROUND

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

2. POLICY STATEMENT

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

2.2 These processes and structures will aim to:-

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

2.3 Roles and Responsibilities

2.3.1 Councillors and Committee Members

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

2.3.2 Senior Management

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

2.3.3 Employees

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

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

2.3.4 Implementation of Legislation

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

3. LEGISLATIVE COMPLIANCE PROCEDURES

3.1 Identifying Current Legislation

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

3.2 Identifying New or Amended Legislation

3.2.1 Western Australian Government Gazette

The Council receives hard copies of the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia. Copies of Government Gazettes are distributed to Senior Staff and other designated staff. It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.

3.2.2 Department of Local Government

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

3.2.3 Department of Planning

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

3.2.4 Western Australian Local Government Association (WALGA)

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

3.3 Obtaining advice on Legislative Provisions

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

3.4 Informing Council of Legislative Change

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

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

3.5 Review of Incidents and Complaints of Non-compliance

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

3.6 Reporting of Non-compliance

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

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

be endorsed.

CARRIED (8/0)

NO. 78/18

9.4.6 PUBLIC ELECTRONIC NOTICE BOARD - REQUEST FOR NOTICE - MOUNT BARKER CO-OPERATIVE

Cr K Clements

Item: 9.4.6
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Board Member Mount Barker Co-operative
Extent: Not Required

3:24pm Cr K Clements withdrew from the meeting.

File Ref: N45224
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: John Fathers
Acting Chief Executive Officer
Proposed Meeting Date: 24 April 2018

PURPOSE

The purpose of this report is to consider a request from the Mount Barker Co-operative for approval to display a message on the Shire's public electronic notice board.

BACKGROUND

The Mount Barker Co-operative turns 100 in May 2018. The Co-operative has requested approval to display a message on the Shire's public electronic notice board, inviting the public to celebrate its centennial fun day, to be held on 6 May 2018 at Frost Park.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The following policy was adopted by the Council at its meeting held on 6 December 2016:

OBJECTIVE

The objective of this Policy is to provide clear guidelines for the messages which can be displayed on the Shire's public electronic notice board.

POLICY

The Council will allow messages to be displayed on the Shire's public electronic notice board, which relate to:

- a) *Shire events, meetings and ceremonies;*

- b) *Shire originated community advice;*
- c) *Local government electoral notifications;*
- d) *Facility opening and closing times;*
- e) *Shire service delivery notifications;*
- f) *Community based festivals and events which have Shire involvement or support;*
- g) *Emergency warnings;*
- h) *Time and temperature;*
- i) *Notifications and reminders about Shire surveys and nominations for awards;*
and
- j) *High impact roadworks and road closures.'*

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.3 (Innovative and accessible customer services and information system) the following Strategy:

Strategy 4.3.4:

'Increase use of new technology to engage with the public and keep them informed'

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

OFFICER COMMENT

The request does not entirely fit within the policy guideline, so is presented to the Council for a decision. While this is a community event, the proponent is a commercial business. In December 2016, the Co-op's Christmas opening hours were advertised on the board as a community announcement, which generated a petition complaining about the Shire assisting the advertising of a business.

The event marks a significant event in the history of the co-operative and it is considered that attendance to this event could be encouraged via a notice on the board.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the request from the Mount Barker Co-operative for approval to display a message on the Shire's public electronic notice board, inviting the public to celebrate its centennial fun day, to be held on 6 May 2018 at Frost Park, be approved.

CARRIED (7/0)

NO. 79/18

3:25pm Cr K Clements returned to the meeting.

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 POLICY REVIEW - MOTOR VEHICLE USE - SHIRE PRESIDENT

Cr C Pavlovich

Item: 9.5.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Shire President
Extent: Not Required

File Ref: N44806

Attachments: [Council Policy CE/CS/2 - Motor Vehicle Use - Shire President](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Rob Stewart
Chief Executive Officer

Proposed Meeting Date: 24 April 2018

PURPOSE

The purpose of this report is to review Council Policy CE/CS/2 – Motor Vehicle Use – Shire President.

BACKGROUND

This Policy was last reviewed at the Council meeting held on 8 December 2015.

Further, the Chief Executive Officer provided a memorandum to Councillors dated 30 January 2018 which noted that the Shire President would not be requiring a Council vehicle to be allocated to him, thus requiring policy review.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 2.7 defines the role of the Council.
Local Government Act 1995, Section 2.8 defines the role of the Mayor or President.
Local Government (Administration) Regulations 1996 refers to the use of vehicles by elected members.

FINANCIAL IMPLICATIONS

The Shire President is not classified as an employee of the Council. The position is therefore exempt from the application of Fringe Benefits Tax (FBT). However, the value of the Shire President's vehicle is shown in the Council's Annual Report.

Costs will be incurred during the changeover of a motor vehicle for the Shire President. In addition, costs will be incurred for fuel and oil usage, servicing, registration, insurances, and other costs attributed to the running of a motor vehicle. These costs are factored into the annual budget, if required.

The Shire President is required to reimburse the Council for all private use of the motor vehicle. The Department acknowledges that where a vehicle is made available for civic/ceremonial purposes, private use will no doubt occur.

Significant savings will be made in not providing a motor vehicle for the use of the Shire President.

POLICY IMPLICATIONS

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

Policy No. I/PM/3 – Vehicle Usage, and
Policy No. I/FM/2 – Vehicle Specifications also applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.1 (Effective governance and leadership) and Outcome 4.1 (Skilled, committee and professional staff in a supportive environment) the following Strategy:

Strategy 4.1.5:

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

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

OFFICER COMMENT

The current Policy provides for a motor vehicle to be made available to the office of the Shire President for both business and restricted private use to assist the Councillor elected as Shire President to carry out the role of Shire President.

The current Shire President has chosen to use his own motor vehicle to carry out the role of Shire President and does not wish to make use of the motor vehicle provided.

The amended policy allows for the choice of the Shire President to take up the provision of a motor vehicle or to use his own vehicle.

It also states that a motor vehicle will only be provided under this Policy by Council Resolution.

The Shire President, for such use of a private motor vehicle, can seek reimbursement for such use by the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That amended Council Policy CE/CS/2 – Motor Vehicle Use – Shire President:

OBJECTIVE

The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle should a vehicle be provided for use by the Shire President.

POLICY

A motor vehicle may be provided to the office of the Shire President for both Business Use and Restricted Private Use to assist the Councillor elected as Shire President carry out the role of Shire President.

A motor vehicle will only be provided under this Policy by Council resolution and will be subject to the wishes of the Council, the Shire President and budgetary allocations.

DEFINITIONS

'Business Use' is defined as the use required giving effect to all of the Council's operational needs and services.

'Restricted Private Use' is defined as private use within the geographical area of Western Australia in accordance with this policy and subject to the total cost of running the vehicle for private use being the responsibility of the primary user, based on the current Local Government Industry Award rate per kilometre as amended from time to time.

MOTOR VEHICLE USAGE

A fully maintained motor vehicle may be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

This table identifies the type of motor vehicle to be provided to the Shire President to enable the undertaking of official duties and activities.

CATEGORY	TYPE OF VEHICLE	POSITION	EXTENT OF USE
Sedan	Luxury vehicle.	Shire President	Restricted

The motor vehicle will be made available to the Shire President for both Business Use and Restricted Private Use within the State of Western Australia.

When the motor vehicle is used for private purposes, the Shire President will advise the CEO of such use and the CEO will then invoice the Shire President for all private use based on the current Local Government Industry Award rate per kilometre as amended from time to time.

The Shire President or another person authorised in writing by the CEO may use the motor vehicle provided he/she holds a valid and appropriate Western Australian 'C' Class Driver's Licence. In the event of an emergency, a driver other than the person specified above may be nominated to complete the journey.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs, except when the vehicle is being used for private purposes.

General Conditions of Vehicle Usage

The following general conditions are applicable to the use of a Council motor vehicle:

Smoking is strictly prohibited within Council motor vehicles at all times.

Motor vehicles shall be operated in a reasonable manner in accordance with all relevant Acts, Regulations and Council policies. Any authorised person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.

The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.

Where the motor vehicle has been equipped with a first aid kit and/or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The primary user shall comply with the following conditions with respect to the motor vehicle:

- a) Advise the Council's Works and Services division when scheduled servicing of the motor vehicle is due;
- b) Wash, clean, and vacuum the motor vehicle as often as required;
- c) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
- d) Secure the motor vehicle when parked in public/private places;
- e) Examine the motor vehicle prior to use for any damage, operation of lights and indicators, tyre pressure etc; and
- f) Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.

A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the primary user, when appropriate.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The primary user shall immediately surrender the motor vehicle to the Shire upon:

- a) cancellation or suspension of his/her driver's licence; and
- b) cessation of position with the Council the subject of this policy.'

be endorsed.

CARRIED (8/0)

NO. 80/18

9.5.2 POLICY REVIEW - MEMORIAL SEATING

File Ref:	N45110
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	24 April 2018

PURPOSE

The purpose of this report is to re-evaluate the revocation of former Council Policy I/OA/2 - Memorial Seating.

BACKGROUND

The original Memorial Seating Policy was adopted by the Council at its meeting held 1 March 2011 and subsequently revoked at its meeting held 30 April 2013.

The revocation occurred, as there had been no interest from the public regarding memorial seating.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The cost of providing and installing a memorial seat shall be borne by the applicant and upon placement/erection, the seat shall become the property of the Shire of Plantagenet. The Shire would then be required to maintain the seat.

POLICY IMPLICATIONS

If adopted by the Council this report would have the effect of creating new policy.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens), the following Strategy:

Strategy 2.3.2:

'Develop, maintain and enhance town streetscapes and public spaces.'

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

OFFICER COMMENT

At the conclusion of the Council meeting held on 27 March 2018, the Chief Executive Officer advised Councillors that a request had been received from a member of the public regarding the placement of a memorial seat in memory of that person's deceased wife.

The Chief Executive Officer further advised that the Council formerly had a policy in this regard but as it had been revoked, we were in a 'policy free zone'.

Possibly, with the fabrication of a memorial seat at the front of the refurbished Plantagenet District Hall, the placement of memorial seats may be gaining traction.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That former Policy No. I/OA/2 - Memorial Seating as follows:

'OBJECTIVE

To provide an opportunity for members of the public to have memorial seating placed within the Shire as public furniture.

POLICY

The Shire of Plantagenet will consider applications for the installation of memorial seating where:

1. Such memorial seating recognises former residents of the Shire of Plantagenet.
2. The location sought for the placement of memorial seating does not compromise existing Council policies or development plans for long term maintenance or upgrading.
3. The cost of providing and installing a memorial seat is borne by the applicant.
4. The seat remains the property of the Shire of Plantagenet.
5. All formal requests for memorial seating being submitted in accordance with any guidelines developed for this purpose.
6. Memorial seating is made from hard wood timber supplied and constructed by the Shire of Plantagenet in accordance with an adopted Shire design.
7. All plaques on memorial seating being of the dimensions 150mm x 75mm and being affixed to the front of the seat.
8. The memorial seating is maintained by the Council for a minimum of 15 years from the date of placement.'

be adopted.

CARRIED (8/0)

NO. 81/18

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

12.1 WORKS AND SERVICES REPORTS

12.1.1 REQUEST FOR FINANCIAL CONTRIBUTION - LOTS 0 TO 5 LANGTON ROAD MOUNT BARKER

Cr B Lang

Item: 12.1.1
Type: Proximity (Section 5.60 (B) LGA)
Nature: Proximity
Extent: Property owned opposite

3:31 Cr B Lang withdrew from the meeting.

File Ref: N45171
Attachments: [24 April - St Josephs Sacred Heart Parish - location](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: David Lynch
Manager Works and Services
Proposed Meeting Date: 24 April 2018

PURPOSE

The purpose of this report is to consider a request from the St Joseph's Sacred Heart Parish for a financial contribution in return for the use of land owned by it at Lots 0 to 5 Langton Road, Mount Barker.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr B Bell:

3:31pm That the meeting be closed to members of the public pursuant to Section 5.23(2)(e) relating to a matter that if disclosed, would reveal - ...
(iii) information about the business, professional, commercial or financial affairs of a person;

CARRIED (7/0)

NO. 82/18

MOTION TO PROCEED IN PUBLIC

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

3:40pm That the meeting proceed in public

CARRIED (7/0)

NO. 83/18

OFFICER RECOMMENDATION

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

That:

1. An ex-gratia payment to the Sacred Heart Parish of \$5,000.00 be made for the use of Lots 4 and 5 Langton Road, Mount Barker for storage of materials and equipment by the Shire and its contractors from June 2017 to April 2018, with this sum being charged to the Langton Road Drainage Upgrade account;
2. It be noted that rehabilitation works will be carried out to Lots 4 and 5 Langton Road, Mount Barker to restore the land to its original state, to the satisfaction of the Manager Works and Services as part of normal procedures; and
3. The Sacred Heart Parish be advised that, pursuant to Council Policy I/PW/1 Private Works – External, it can either organise for the Shire to undertake private works to dig a trench to connect plumbing for a new toilet in the church to the existing sewerage point or engage private contractors.

AMENDMENT

Moved Cr K Clements, seconded Cr B Bell:

That point 3 be deleted.

CARRIED (7/0)

NO. 84/18

COUNCIL DECISION

That:

1. An ex-gratia payment to the Sacred Heart Parish of \$5,000.00 be made for the use of Lots 4 and 5 Langton Road, Mount Barker for storage of materials and equipment by the Shire and its contractors from June 2017 to April 2018, with this sum being charged to the Langton Road Drainage Upgrade account; and
2. It be noted that rehabilitation works will be carried out to Lots 4 and 5 Langton Road, Mount Barker to restore the land to its original state, to the satisfaction of the Manager Works and Services as part of normal procedures.

CARRIED (7/0)

NO. 85/18

Reason for Change

The Council was not inclined to undertake private works at the site due to unknown risks of excavation.

3:42pm Cr B Lang returned to the meeting.

12.1.2 TENDER CO3-1718 AND CO4-1718 - SUPPLY AND DELIVERY OF TWO MAINTENANCE TIP TRUCKS

File Ref: N45166
Attachments: [Tender Submissions Received](#)
Responsible Officer: David Lynch
Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 24 April 2018

PURPOSE

The purpose of this report is to consider tender submissions received for two separate tenders for the supply and delivery of two maintenance tip trucks.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr B Bell:

3:46pm 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 (8/0)

NO. 86/18

MOTION TO PROCEED IN PUBLIC

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

3:50pm That the meeting proceed in public

CARRIED (8/0)

NO. 87/18

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr L Handasyde:

That:

1. The tender submitted by Albany City Isuzu for the supply and delivery of a new Isuzu FRR Factory Tipper (Tender CO3-1718) and trade-in on the current Isuzu Tipper, at a net changeover cost of \$57,897.14 (ex GST), be accepted.

2. The tender submitted by Albany City Isuzu for the supply and delivery of a new Isuzu GIGA 455 (Tender CO4-1718) and trade-in on the current DAF FAT FC85, at a net changeover cost of \$146,427.98 (ex GST), be accepted.

CARRIED (8/0)

NO. 88/18

12.2 EXECUTIVE SERVICES REPORTS**12.2.1 LOTS 500, 93, 411 - 414 AND 40 MENSTON STREET, MARION STREET
AND LANGTON ROAD, MOUNT BARKER - FORMER DEPOT**

File Ref: N45170
Attachment: [Map - Former Council Depot Land](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: John Fathers
Acting Chief Executive Officer
Proposed Meeting Date: 24 April 2018

PURPOSE

The purpose of this report is to consider an adjourned Notice of Motion relating to the calling of expressions of interest for the potential disposal of the former Council depot land.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr B Bell:

3:52pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting be 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;
- (d)** legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED (8/0)

NO. 89/18

MOTION TO PROCEED IN PUBLIC

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

4:01pm That the meeting proceed in public

CARRIED (8/0)

NO. 90/18

ADJOURNED QUESTION

Moved Cr B Bell, seconded Cr B Lang:

That:

- 1) Expressions of Interest be sought relating to the potential disposal of the former Council depot land (lots 500, 411, 412, 413 and 414) and lot 40 Langton Road.
- 2) A further report be prepared for the Council's consideration on or before the Ordinary meeting of the Council to be held on 11 September 2018, in response to the advertising of expressions of interest for the disposal of the said site.

AMENDMENT

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

That the number '93,' be included in Point 1 after the words 'lots 500,'.

CARRIED (8/0)

NO. 91/18

COUNCIL DECISION

That:

- 1) Expressions of Interest be sought relating to the potential disposal of the former Council depot land (lots 500, 93, 411, 412, 413 and 414) and lot 40 Langton Road.
- 2) A further report be prepared for the Council's consideration on or before the Ordinary meeting of the Council to be held on 11 September 2018, in response to the advertising of expressions of interest for the disposal of the said site.

CARRIED (6/2)

NO. 92/18

Cr M O'Dea and Cr K Clements voted against the motion

13 CLOSURE OF MEETING

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

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____