



# ORDINARY MINUTES

**DATE:** Tuesday, 25 May 2021

**TIME:** 4:00pm

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

**Cameron Woods**  
**CHIEF EXECUTIVE OFFICER**

Resolution numbers: 093/21 to 105/21

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

4.00pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr C Pavlovich	Shire President
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr K Woltering	Councillor

### In Attendance:

Mr Cameron Woods	Chief Executive Officer
Mr Andrus Budrikis	Executive Manager Strategic Development
Mr John Fathers	Executive Manager Corporate Services
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

### Apologies:

Nil

### Members of the Public Present:

There were four members of the public present.

### Previously Approved Leave of Absence:

Cr Chris Pavlovich will be on Leave of Absence from 5 June 2021 to 20 June 2021 inclusive.

### Disclaimer:

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### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Nil

### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **4.1 PRESENTATION AND QUESTIONS – MRS MARILYN MARSHALL**

Mrs Marshall addressed the Council in relation to an unprovoked dog attack that occurred on 11 May 2021. (attached).

Mrs Marshall also put the following questions to the Council:

- 1) Given the frequency of dog attacks in Mount Barker, what steps will you take to address community concerns?
- 2) Will you commit to fostering a zero tolerance approach towards dog owners who fail to supervise and constrain their dogs in accordance with the WA Dog Act of 1976 and the Shire of Plantagenet Local Law of 2008?
- 3) Why would the Shire of Plantagenet Council use Modified Penalties contained within the WA Dog Regulations of 2013 amendment to the WA 1976 Dog Act, as opposed to taking my case to court.?
- 4) Is there provision for additional monetary resources to assist Shire Rangers in executing their duties and keeping the Shire of Plantagenet residents safe from future dog attack?
- 5) Will you provide additional resources to develop a clear communication strategy and education policy for Shire of Plantagenet citizens regarding responsible dog ownership?

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

#### **4.2 PRESENTATION – MR SERGE ANSQUER – REQUEST OF INSTALLATION OF FOOTPATHS MOUNT BARKER**

Mr Ansquer addressed the Council in support of his request for the installation of footpaths in Mount Barker to support his application to Guide Dogs WA for a guide dog. (email from Guide Dogs WA attached).

**5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995.

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

**7 CONFIRMATION OF MINUTES****7.1 ORDINARY MINUTES OF COUNCIL HELD 27 APRIL 2021**

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 April 2021 as circulated, be taken as read and adopted as a correct record.

**CARRIED (9/0)**

**NO. 093/21**

**7.2 ORDINARY MINUTES OF COUNCIL HELD 23 MARCH 2021**

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

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 March 2021 be taken as read and adopted as a correct record, subject to the date '23 March 2021' being replaced with the date '23 February 2021'.

**CARRIED (9/0)**

**NO. 094/21**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President confirmed that funding for the Local Roads and Community Infrastructure Program (LRCIP) Stage 3 has been approved.

Congratulations was offered by the Shire President to Plantagenet News on reaching a milestone 1000<sup>th</sup> edition and for the provision of good news and information to the community of Plantagenet over the last 40 years.

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 STRATEGIC DEVELOPMENT REPORTS**

#### **9.1.1 ART LOAN AGREEMENT RENEWAL 2021 MOUNT BARKER COMMUNITY RESOURCE CENTRE**

<b>File Ref:</b>	<b>N55053</b>
<b>Attachments:</b>	<u>Art Loan Agreement 2021 Mount Barker Community Resource Centre</u>
<b>Responsible Officer:</b>	<b>Andrus Budrikis Executive Manager Strategic Development</b>
<b>Author:</b>	<b>Sonja Parker Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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#### **PURPOSE**

The purpose of this report is to recommend the renewal of the Art Loan Agreement for the Acquisitive Art Collection at the Mount Barker Community Resource Centre (MBCRC).

#### **BACKGROUND**

The Art Loan Agreement between the Shire of Plantagenet and the MBCRC to display the Acquisitive Art Collection expired on 26 February 2021. Following the annual stocktake process, the Agreement has been renewed and allows the MBCRC to display 21 pieces of art at the centre. A copy of the agreement is attached and endorsement is sought from the Council.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

External consultation has occurred with Martina Meinen, Manager of the MBCRC.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **BUDGET IMPLICATIONS**

There are no budget implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

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**ASSET MANAGEMENT IMPLICATIONS**

The review date has been set annually to ensure that the Council's Art Collection is subject to a physical stocktake on a yearly basis. The Shire's Art Collection (91 pieces in total) was valued by Art Management Services Pty Ltd on 30 June 2019 and the evaluation figures have been used in the amended agreement for 2021.

**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.

**STRATEGIC RISK IMPLICATIONS**

The Shire's Strategic Risk Register provides at Risk No.1.1.1 – Asset Risk (Theft) – that assets be registers; and

Risk No. 1.1.2 – Vandalism of Assets – that adequate insurance be in place.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

The display of the Acquisitive Art Collection at the MBCRC complements the Sir Claude Hotchin pieces which are permanently displayed at the Mount Barker Public Library. It also ensures that the art is accessible to both the local community and visitors to the area.

The agreement has varied from 2020 with one piece of art, Bella Kelly's Untitled (Carrolup Landscape), moved to be on display at the Shire of Plantagenet Administration Building. The agreement has been amended accordingly to contain 21 pieces.

The agreement ensures that the MBCRC maintain adequate insurances for the items on loan. This agreement will be reviewed in May 2022.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That:

1. The renewal of the amended Art Loan Agreement (Acquisitive Collection) with the Mount Barker Community Resource Centre as attached be endorsed.
2. The Chief Executive Officer be authorised to sign the agreement referred to in part 1. above.

**CARRIED (9/0)**

**NO. 095/21**

**9.1.2 MOUNT BARKER HOCKEY CLUB - MANAGEMENT OF HOCKEY FACILITY - MEMORANDUM OF UNDERSTANDING 2021**

<b>File Ref:</b>	<b>N55051</b>
<b>Attachment:</b>	<u>Mount Barker Hockey Club Management of Hockey Facility Memorandum of Understanding</u>
<b>Responsible Officer:</b>	<b>Andrus Budrikis</b> <b>Executive Manager Strategic Development</b>
<b>Author:</b>	<b>Sonja Parker</b> <b>Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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**PURPOSE**

The purpose of this report is to endorse the updated Memorandum of Understanding (MOU) between the Shire of Plantagenet and the Mount Barker Hockey Club (MBHC) relating to the management of the hockey facilities at Sounness Park.

**BACKGROUND**

In December 2015 (Resolution No. 277/15), the Council endorsed the Mount Barker Hockey Club Management of Hockey Facility - Memorandum of Understanding (attachment 1). The facility is located at the Sounness Park Community Recreation Facility, 150 MacDonald Avenue, Mount Barker, 6324.

The MOU between the Shire and the MBHC reflected the desire by both parties to allow community access to the hockey facility (hockey field) within the fenced area, as shown on the MOU Plan. The agreement created a framework for the roles and responsibilities of the hockey field management.

The MOU noted an expiration of the agreement three years after the date of signing. However, it was expected a similar arrangement would be in place for the life of the facility subject to regular review.

Shire Officers have been working with the MBHC on an updated MOU (attachment 2) which will address changes requested by the MBHC to the proposed management framework. The new MOU is provided for the Council's consideration and endorsement.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**EXTERNAL CONSULTATION**

Consultation has taken place with the Mount Barker Hockey Club.

**FINANCIAL IMPLICATIONS**

In 2015, the cost of replacement of the synthetic surface was anticipated to be \$330,000.00. The MBHC agreed to contribute to replacement of the synthetic surface at the end of its life. In order to meet this asset replacement cost the MBHC agreed to manage the facility at Sounness Park and charge usage fees accordingly

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to generate a replacement fund. It was noted in the 2015 report that conservatively, it could be expected that the total cost of resurfacing in 2030 would be close to \$500,000.00. The updated MOU outlines the same financial commitment of the MBHC and the Shire of Plantagenet, with each contributing 50% of the replacement cost.

### **BUDGET IMPLICATIONS**

The 2021 MOU outlines the commitment that the Council continues to contribute annually to the Shire of Plantagenet Hockey Ground Carpet Replacement Reserve Fund to ensure that, when replacement of the hockey carpet is required, sufficient funds are available for the shared 50% contribution.

### **POLICY IMPLICATIONS**

There are no policy implications for this report. It is the opinion of the author that policy development is unnecessary.

### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

### **ASSET MANAGEMENT IMPLICATIONS**

The 2015 MOU outlined the aim of the MBHC to raise 50% of the future replacement cost of the synthetic surface. The routine maintenance would be carried out in line with the maintenance schedule to maximise the life of the synthetic surface.

In the attached 2021 MOU, it is proposed that this contribution of 50% is retained and the turf maintenance is continued annually by both the MBHC and the Shire to the best standards possible.

### **STRATEGIC IMPLICATIONS**

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

Strategy 1.5.1:

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

and

Strategy 1.5.3:

*'Develop Sounness Park as the primary ball sports facility in the District'*

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

### **STRATEGIC RISK IMPLICATIONS**

The Shire's Strategic Risk Register provides at Risk No. 1.3.1 Key asset breakdown: that assess management planning take place; and

Risk No. 1.6.1 Failure to manage assets for the future: there be a long-term financial plan as well as asset management planning.

## REGIONAL IMPLICATIONS

There are no regional implications for this report.

## OFFICER COMMENT

The 2015 MOU was the first agreement between the Shire and the MBHC to outline the responsibilities and commitment by both parties to maintain the hockey facilities at Sounness Park. The agreement noted the MBHC commitment and vested interest in raising funds through playing fees to then maintain and ensure replacement costs were available when needed. The MBHC also committed to cover the costs associated with the fuel for use in turf equipment.

The 2021 MOU reflects changes requested by the MBHC seeking a clear commitment of the Council's contributions in future carpet replacement (via a Reserve Fund), covering costs of equipment and fuel in maintaining the surface. The new MOU also gives greater priority for the MBHC in bookings and permissions given to other groups using the site. A comparison between the existing 2015 MOU and the proposed 2021 MOU is outlined below.

2015 MOU	2021 MOU	Officer Comment
<p><b>Key Commitments:</b></p> <p>1. The MBHC aims to contribute 50% of the cost of replacement of the synthetic playing surface when the existing turf is no longer serviceable.</p> <p>The timeframe of the replacement turf installation will be at the arrangement of both parties.</p>	<p><b>Key Commitments:</b></p> <p>1. The MBHC aims to contribute 50% of the cost of replacement of the synthetic playing surface when the existing turf is no longer serviceable.</p> <p>The Council continues to contribute annually to the Shire of Plantagenet Hockey Ground Carpet Replacement Reserve Fund for the specific purpose of replacing the hockey carpet to ensure that, when replacement of the hockey carpet is required, sufficient funds are available for this purpose.</p> <p>The timeframe of the replacement turf installation will be at the</p>	<p>In the 2015 MOU the MBHCs aim to contribute was noted with no mention of the Council's contribution.</p> <p>In the 2021 MOU the Council commitment is clarified and requires the Shire to contribute annually to a Reserve Fund for the specific purpose of hockey carpet replacement.</p> <p>The timeframe for this replacement is still at the agreement of both parties.</p>

	agreement of both parties.	
<p>5. The MBHC acknowledges that the hockey field is a facility constructed for community use and will not limit the usage of the facility to MBHC members only.</p> <p>The Council encourages use of the hockey field by other ball sports such as soccer and touch rugby.</p>	<p>5. The MBHC acknowledges that the hockey field is a facility constructed for community use and will not limit the usage of the facility to MBHC members only.</p> <p>The Council encourages use of the hockey field by other ball sports such as soccer and touch rugby.</p> <p>Pending availability and negotiations with the MBHC and payment of a hire fee prior to usage, other ball sports may use the hockey field providing all users wear approved footwear and abide by Club guidelines. All non-MBHC users are responsible for their own insurance.</p>	<p>This additional clause enables the MBHC to have priority use over the facility and bookings control.</p> <p>Funds can also be raised from other ball sport usage.</p> <p>Appropriate usage of the field to protect the carpet and insurance cover (usually through the National Hockey Insurance program) is required by the hiring group and is not covered by the MBHC.</p>
<p>7. The Council agrees to provide the specialist turf grooming equipment required to maintain the playing surface and training on its use to key volunteers.</p> <p>Only trained volunteers, authorised by the Executive Manager Works and Services, are to use the grooming equipment.</p> <p>Fuel required to operate the</p>	<p>7. The Council agrees to provide the specialist turf grooming equipment required to maintain the playing surface and training – for the required operators.</p> <p>Only trained operators, authorised by the Executive Manager Works and Services, are to use the grooming equipment.</p> <p>Fuel required to operate the equipment will be</p>	<p>In 2015, the MBHC was required to cover the costs of fuel for the turf grooming equipment and the Council would provide the equipment.</p> <p>The 2021 MOU outlines that the Council will provide training on turf grooming equipment to the MBHC, and cover the costs for the equipment (including fuel, maintenance and servicing).</p>

<p>equipment will be the responsibility of the MBHC.</p> <p>Maintenance and servicing of the grooming equipment will be at the cost of the Council.</p>	<p>the responsibility of the Council.</p> <p>Maintenance and servicing of the grooming equipment will be at the cost of the Council.</p>	
<p>8. All hockey field infrastructure remains the property of the Council.</p> <p>Any damage to the hockey facility, including lights, fencing, dugouts, safety netting and playing surface is to be reported to the Shire as soon as practicable.</p> <p>Unless damage is caused by negligence of the MBHC, the Council will arrange for repair and replacement of the infrastructure at its own cost.</p> <p>Damage caused through negligence of the MBHC will be paid for by the negligent party.</p>	<p>8. All hockey field infrastructure remains the property of the Council.</p> <p>Any damage to the hockey facility, including lights, fencing, dugouts, safety netting and playing surface is to be reported to the Shire as soon as practicable.</p> <p>Unless damage is caused by negligence of the MBHC, the Council will arrange for repair or replacement of the infrastructure at its own cost subject to funds available in its annual budget.</p> <p>Damage caused through negligence of the MBHC will be paid for by the negligent party.</p> <p>An annual inspection of the premises will be carried out by the Shire at a time agreed between the parties.</p>	<p>The 2021 MOU clarifies that repairs to damage will be carried out subject to annual budget funds being available.</p>

Officers support the recommended changes to the MOU and seek Council endorsement and subsequent signing.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

That:

1. The Chief Executive Officer and Shire President be authorised to sign the Memorandum of Understanding (as attached) setting out undertakings and responsibilities of the signatories relating to maintenance and asset replacement between the Shire of Plantagenet and the Mount Barker Hockey Club for the period commencing 25 May 2021 to 25 May 2024.
2. The Mount Barker Hockey Club be required to provide written confirmation of the reserve balance being retained for replacement of the synthetic hockey surface in the 2024 review.

**AMENDMENT**

Moved Cr K Woltering, seconded Cr B Bell:

That part 2 above be deleted and be replaced with the following 'The CEO be authorised to meet with the Hockey Club with the view to determining the Hockey Club's current reserve balance and to ensure these funds are appropriately secured so as to ensure the funds will be available for the turf replacement when required.'

**COUNCIL DECISION**

That:

1. The Chief Executive Officer and Shire President be authorised to sign the Memorandum of Understanding (as attached) setting out undertakings and responsibilities of the signatories relating to maintenance and asset replacement between the Shire of Plantagenet and the Mount Barker Hockey Club for the period commencing 25 May 2021 to 25 May 2024.
2. The CEO be authorised to meet with the Hockey Club with the view to determining the Hockey Club's current reserve balance and to ensure these funds are appropriately secured so as to ensure the funds will be available for the turf replacement when required.

**CARRIED (9/0)**

**NO. 096/21**



### 9.1.3 REGIONAL CLIMATE ALLIANCE PROGRAM

<b>File Ref:</b>	<b>N55186</b>
<b>Attachments:</b>	<u>Regional Climate Alliance Declaration (Attachment 1)</u> <u>SCA Briefing Note – Regional Climate Alliance Program (Attachment 2)</u>
<b>Responsible Officer:</b>	<b>Andrus Budrikis</b> <b>Executive Manager Strategic Development</b>
<b>Author:</b>	<b>Sonja Parker</b> <b>Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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#### PURPOSE

The purpose of this report is to seek Council endorsement of the Regional Climate Alliance Declaration (Attachment 1) and participation in the South Coast Alliance Inc. Regional Climate Alliance Program (Attachment 2) to address greenhouse gas emissions across the region for a minimum two-year period.

#### BACKGROUND

Western Australian Local Government Association (WALGA) is inviting local governments to submit an Expression of Interest (EOI) to establish a climate alliance under the Regional Climate Alliance Program, an initiative under the State Government's Western Australian Climate Policy.

The Program will provide financial support amounting to a maximum of \$420,000.00 in total, shared between a maximum of two climate alliances in WA. A successful application to the Regional Climate Alliance Program provides \$55,000.00 (exc. GST) per annum for two financial years to fund the employment of a Regional Climate Alliance Coordinator position. In addition, up to \$100,000.00 is also available to the approved alliances for on ground project implementation activities in each of the two financial years (competitive process).

These funds would allow the South Coast Alliance Inc. (SCA) and member local governments to progress priority items in the existing SCA Strategic Plan and provide the necessary resources to bring forward community and business engagement. These are currently beyond the capacity of the agreed 2021 SCA financial budget. This is expected to enable earlier implementation of actions to address climate change risks, including bringing forward greenhouse gas emissions reduction strategies from community and business stakeholders.

At the SCA meeting held on Friday 14 May 2021, members resolved to submit an EOI to the program and form a Regional Climate Alliance under the existing SCA structure. To be eligible for consideration, the SCA must provide evidence that all local governments within the application have formally agreed to participate through a Council decision, for the 2-year period of the program. The attached Regional Climate Alliance Program Declaration would confirm the Shire of Plantagenet Participation in this program.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

During the implementation of future climate change adaptation and mitigation measures there may be asset management implications with the installation of infrastructure and technologies on Shire assets. This will be addressed on a case by case basis with consideration for life cycle costing, maintenance and efficiency.

**FINANCIAL IMPLICATIONS**

There are no immediate financial implications to the Shire in participating in the Regional Climate Alliance Program. The SCA existing budget allocations across climate related project streams up to June 2021 amounts to \$133,500.00. This exceeds the required co-contribution level, so no further contributions will be required by SCA members for the eligibility criteria to be met in submitting an EOI.

**BUDGET IMPLICATIONS**

Future project expenses relating to delivery of initiatives have the potential to be funded via an implementation budget of up to \$100,000.00 which is available to Alliances successfully selected through the EOI process. This can be accessed for on-ground project implementation activities in each of the two financial years via a competitive process.

**POLICY IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

There are no legal implications for the Shire of Plantagenet relating to this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.8: Awareness of an appropriate response to effects of climate variation.

Strategy 2.8.1:

*'Support community education and promotion of energy and water efficiency'.*

Strategy 2.8.2:

*'Investigate and adopt energy efficiency practices in Council operations'.*

Strategy 2.8.3:

*'Investigate green energy initiatives'.*

Strategy 2.8.4:

*'Consider climate variability to minimise impact on the nature environment and community assets'.*

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

## **REGIONAL IMPLICATIONS**

This project aligns with a range of activities that are designed to lead to a reduction in climate change risks and greenhouse gas emissions by members of the South Coast Alliance Inc. These include the Blue Green Economy Review, Energy Project and Dashboard initiative all aimed at identifying opportunities to support and facilitated change in industry community and local government operations.

## **OFFICER COMMENT**

Participation in the Regional Climate Alliance Program offers the Shire of Plantagenet the opportunity to deliver on its Strategic Community Plan 2017-2026 commitment to appropriately respond to the effects of climate variation. It also aligns with the SCA Strategic Plan that reflects the collaboration of the four member shires to address greenhouse gas emissions.

Joining a regional collaboration on climate change presents an opportunity for consistent communication, collaboration and industry development of strategies designed to leverage the work being done by Local Governments independently to enable and inspire the whole of the South Coast community and also offers the ability to access financial support to implement measures.

The formation of a Regional Climate Alliance, within the structure of the existing Alliance (South Coast Alliance Inc.), offers a structured approach to deliver and contribute to the State Government's Western Australian Climate Policy, thereby achieving progress on this very important issue.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr S Etherington, seconded Cr J Oldfield:**

**That the Council:**

- 1. Resolves to join the Regional Climate Alliance, within the structure of the existing South Coast Alliance Inc.**
- 2. Commits to the Climate Alliance Program for a minimum of two years.**
- 3. Endorses the Shire President and Chief Executive Officer to be a signatory of the Regional Climate Change Alliance Declaration.**

## **AMENDMENT**

**Moved Cr C Pavlovich, seconded Cr J Oldfield:**

**That a part 4. be added to the motion as follows:**

**'4. Resolves the project remain within the existing South Coast Alliance Inc financial contribution from the Shire of Plantagenet.'**

**CARRIED (9/0)**

**NO. 097/21**

**COUNCIL DECISION**

**That the Council:**

- 1. Resolves to join the Regional Climate Alliance, within the structure of the existing South Coast Alliance Inc.**
- 2. Commits to the Climate Alliance Program for a minimum of two years.**
- 3. Endorses the Shire President and Chief Executive Officer to be a signatory of the Regional Climate Change Alliance Declaration.**
- 4. Resolves the project remain within the existing South Coast Alliance Inc financial contribution from the Shire of Plantagenet.'**

**CARRIED (7/2)**

**NO. 098/21**

**Crs Bell and O'Dea voted against the motion**

## 9.2 WORKS AND SERVICES REPORTS

Nil

## 9.3 CORPORATE SERVICES REPORTS

### 9.3.1 BUDGET REVIEW – APRIL 2021

<b>File Ref:</b>	<b>N55067</b>
<b>Responsible Officer:</b>	<b>Cameron Woods Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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#### **PURPOSE**

The purpose of this report is to review and adjust the adopted 2020/2021 Annual Budget to recognise variations in actual income and expenditure.

#### **BACKGROUND**

The 2020/2021 annual budget was adopted by the Council at a special meeting held on 7 July 2020. This review is the third quarterly review of the 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*
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*and determination is to be provided to the Department.'*

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **BUDGET 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 dollars.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications as no assets are being created or acquired.

### **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.

### **STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

### **REGIONAL IMPLICATIONS**

There are no regional implications for this report.

### **OFFICER COMMENT**

This is the third budget review of the year. In terms of operating result, operating income is currently 9.7% under (year to date) budget, which is largely attributed to the delays receiving reimbursable income on storm damage works. Operating expenditure is 5.7% below (year to date) budget. The value of outstanding rates is currently 4.7%.

The capital roadworks program is generally proceeding as scheduled, although Palmdale Road (commodity Route funded) and the three Roads to Recovery projects (Martin Street, Sturdee Road and Bloxidge Road) will be partially carried forward to 2021/2022. The re-sheeting of Kworncup Road may also be delayed due

to weather considerations. Annual fleet purchases have been made, with a CAT 924 loader and two fleet items still on order.

Transfers to reserve funds have been carried out in line with the budget. The majority of transfers from reserve funds back to municipal have been carried out where possible.

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

- Rates recovery costs have been lower than predicted in the budget. The original budget figure was \$40,000.00, whereas only \$30,000.00 will be required at year end. The recovery income amount will also be adjusted accordingly, resulting in a nil cash impact.
- Interest on Municipal and Reserve Funds is significantly below year to date budget, due to lower interest rates than predicted in the budget. The predicted year end budget is \$6,500.00 and \$16,243.00 respectively. This is an overall reduction on the current budget amount of \$33,500.00.
- Budget items Audit Fees and Additional Audit Costs had original budget figures of \$54,632.00 and \$12,000.00 respectively. These were increased significantly on prior year budget figures due to anticipated impacts of Auditor General requirements on the Shire's previous auditors, Moore Australia. The total increase predicted should not be required, so the amounts can be reduced to \$35,632.00 and \$5,000.00 respectively, freeing up \$26,000.00 to be reallocated elsewhere in this review.
- Budget item Sesquicentennial Event had an original budget amount of \$10,000.00. The final figure was approximately \$6,400.00, so the remainder is available for reallocation.
- Budget item Staff Housing - Grounds Maintenance is predicted to be around \$14,000.00 over the original budget amount of \$8,000.00. This is mainly due to removal of trees at the Martin Street properties, to make way for survey and future redevelopment.
- The amount of \$5,000.00 set aside in the budget for GIS data upgrade has not been used and will not be required this year. It can be made available for reallocation.
- The salaries budget allocation for the Community Emergency Services Manager has been exceeded with approved overtime by around \$20,000.00. This will be reimbursed by the Department of Fire and Emergency Services, with a nil cash impact.
- Budget items Firebreak Inspections and Hazard Reduction had a combined original budget of \$65,000.00. Only \$40,000.00 was required. Conversely, the income budget for reimbursements from firebreak action, which had a budget of \$10,000.00 has not attracted any income due to the high rate of compliance with fire break requirements, with virtually no firebreaks undertaken by the Shire.
- Budget items Fire Control – Superannuation had an initial allocation of \$12,189.00. Unfortunately, this did not account for some relevant superannuation cost transfers from Animal Control. An additional \$6,000.00 is required.



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- Budget item Emergency Services Levy - Uniforms, Clothing & Accessories requires a budget allocation of \$14,500.00, which should have been made within the adopted budget. A number of budget items within this grant funded sub program can be adjusted with a nil cash impact.
  - Budget item Animal Control – Salaries will require an additional \$10,000.00 for relief staff coverage due to illness and recent increased staffing for after hours dog control.
  - Waste Disposal Sites - Grounds Maintenance is currently over YTD budget by approximately \$27,197.00. This is largely made up of labour overhead adjustments of \$13,820.00, mattress transport & recycle of \$5,162.00 and \$14,720 bin repair and painting of \$14,720.00. It is envisaged that the overhead adjustments will be able to be reversed by the end of the financial year, so other savings identified in this review totalling \$9,600.00 can be reallocated to this account.
  - Budget item Public Halls and Civic Centres – Grounds Maintenance requires a further \$15,000.00 for installation of subsoil drainage at the District Hall and general tidy ups at Kendenup Hall and Narrikup Hall.
  - Budget item Rec.Centre – Building Maintenance requires a further \$13,000.00 for among other things, installation of replacement LED lighting to replace defective lighting. The Department of Education has reimbursed 50% of the cost.
  - Budget item Rec.Centre – Salaries may exceed the budget figure of \$189,052.00 by around \$3,000.00 due to the need for more casual staff due to a vacant position and other staff absences. This can be accommodated from savings in the Rec.Centre – Superannuation account. The Rec.Centre has also seen a membership fees exceed budget by an estimated \$15,000.00 by the end of the financial year (currently \$72,500.00), which can be made available for reallocation.
  - Budget item Rec.Centre – Gym Equipment was established with a total of \$17,000.00, of which \$12,600.00 was for the purchase of equipment that was formerly leased. None of the items purchased is over the \$5,000.00 capitalisation threshold, so the expenditure should be charged to a Minor Furniture & Equipment Purchases item instead. Appropriate adjustments are recommended, with a nil cash impact.
  - Budget item Parks Facilities Maintenance had an initial budget of \$245,000.00. It is likely this budget will be exceeded by \$25,000.00 by the end of the financial year. Several factors have impacted on this, namely a higher overhead rate, work at Wilson Park (installation of a basketball hoop, reticulation, mowing & contract gardener), Shire office grounds (contract gardener) and Bonnyup Park (reticulation and playground). This cost can be accommodated from a related budget item Parks and Recreation Grounds – Apprentice / Trainee, the costs of which should have been allocated to the item in question.
  - The Shire has obtained approval from Main Roads to even out over and under expenditures on Commodity Route funded roads. Yellanup Road has exceeded budget by \$51,255.00 due to unforeseen costs associated with cement stabilisation of the shoulders and Pile Road is under spent by approximately \$40,000.00 due to savings made on contract renewal / pricing

with sealing contractors. The Palmdale Road project will be able to fund the shortfall of \$11,256.00, with a nil cash impact.

- The Federal Blackspot road project Lake Matilda Rd - Red Gum Pass Road Intersection has been ongoing for some years. The carry forward budget of \$23,343.00 has been exceeded by \$66,656.00 as the project was not correctly costed in the first instance. The over expenditure can be funded from savings in the Roadworks – Minor Renewal account.
- In regard to storm damage, there was more expenditure than envisaged on contractor work contracts. Additional claims have been submitted by Core Business and are under evaluation by DFES. Additional expenditure of \$111,885.00 has been included as well as the corresponding income. This was covered in further detail at a recent budget workshop.
- Expenditure and reimbursement income for catchment group vehicle leases will be under budget at the end of the financial year as the Oyster Harbour Catchment Group surrendered a vehicle. The relevant accounts have been adjusted by \$7,500.00 each, with a nil cash impact.
- A number of Feral Pig Eradication Group accounts have variances to original budget estimates. Up to date figures have been included in the review, with a nil cash impact.
- Budget item Tourism and Area Promotion – Superannuation will be above year end budget by approximately \$8,500.00 due to a back payment of superannuation owed to an employee, due to a system input error.
- BCITF and BRB receipts and payments have both seen large increases on budget figures due to more activity on building licences than predicted. Adjustments have been made to expenditure and income accounts to reflect the current values, with a nil cash impact. In addition to that, the Building Licence Fees account is currently approximately \$30,000.00 over the initial budget of \$25,000.00, which can be made available for reallocation.
- Expenditure and income budget items relating to sale of standpipe water are below initial budget estimates and adjustments by \$30,000.00 are recommended, with a nil cash impact.
- At its meeting held on 1 December 2020, the Council resolved as follows in regard to the Local Roads and Community Infrastructure Program (LRCIP) – Extension grant of \$540,357.00.

*‘That the following project priorities for the Local Roads and Community Infrastructure Program (LRCIP) – Extension grant application be endorsed, subject to the Council approval of final designs and costings:*

1. *Mead Street upgrade.*
2. *Replace toilet block – Kendenup Hall.*
3. *Albany Highway – Infill Drain.*
4. *Mount Barker Hill – Carpark and Bus Bay.*
5. *Mount Barker Hill – Trails Development.’*

The best estimate on the top three priority works at this stage is as follows:

1. Mead Street upgrade - \$234,000.00

2. Replace toilet block – Kendenup Hall - \$150,000.00
3. Albany Highway – Infill Drain and Landscape - \$100,000.00

That would leave \$57,000.00 as a contribution towards the priority 4 project Mount Barker Hill – Carpark and Bus Bay, which is also being part funded by the Drought Communities Program. More accurate estimates cannot be provided until tenders or quotes have been sourced, however, it is recommended that these allocations be confirmed as preliminary budget allocations at this stage.

- Budget item Public Works Overheads – Unallocated Wages is in excess of the budget by approximately \$50,000.00 due mainly to long term workers compensation payments. This is covered by corresponding income received from LGIS, with a nil cash impact.
- Budget item Public Works Overheads – Building Maintenance has exceeded budget by approximately \$6,000.00 mainly due to lighting improvements for staff safety and removal / refitting a water tank.

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

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr L Handasyde, seconded Cr M O’Dea:**

**That the budget review for the period 1 July 2020 to 30 April 2021 be adopted and the 2020/2021 Annual Budget be amended as follows:**

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
20009.0071	Other Expenses - Rate Recovery / Legal Costs	(\$40,000)	(\$30,000)	\$10,000
10004.0069	Rates Penalties & Fees - Legal Costs Reimbursed	\$35,000	\$25,000	(\$10,000)
10009.0067	Interest on Municipal Investments	\$25,000	\$6,500	(\$18,500)
10009.0066	Interest on Reserve Funds	\$31,243	\$16,243	(\$15,000)
20033.0260	Other Expenses - Additional Audit Costs	(\$12,000)	(\$5,000)	\$7,000
20033.0259	Other Expenses - Audit Fees	(\$54,632)	(\$35,632)	\$19,000
20033.0365	Other Expenses - Sesquicentennial Event	(\$10,000)	(\$6,400)	\$3,600
20411.0052	Building & Grounds (PC) - Staff Housing - Grounds Mtce	(\$8,000)	(\$22,000)	(\$14,000)
20049.0292	Other Expenses - GIS Data Upgrade	(\$5,000)	\$0	\$5,000
20072.0141	Employee Costs - Superannuation	(\$12,189)	(\$18,189)	(\$6,000)
20072.0296	Employee Costs - CESM - Reimbursable Salaries	(\$86,748)	(\$106,748)	(\$20,000)
10043.0219	Other Revenue - CESM Reimbursable Salary & Oncost	\$72,595	\$92,595	\$20,000
20077.0277	Fire Control & Hazard Reduction - Firebreak Inspections	(\$35,000)	(\$25,000)	\$10,000
20077.0276	Fire Control & Hazard Reduction - Hazard Reduction	(\$30,000)	(\$15,000)	\$15,000
10041.0225	Other Revenue - Reimbursements Firebreaks	\$10,000	\$0	(\$10,000)
20513.0064	Other Expenses - Insurances	(\$75,000)	(\$71,585)	\$3,415
20513.0312	Other Expenses - Other Goods and Services	(\$10,000)	(\$6,546)	\$3,454

20513.0266	Other Expenses - Uniforms, Clothing & Accessories	\$0	(\$14,500)	(\$14,500)
20512.0171	Vehicle Running Costs - Repairs & Maintenance	(\$47,020)	(\$39,389)	\$7,631
20078.0130	Employee Costs - Salaries	(\$49,025)	(\$59,025)	(\$10,000)
20165.0052	Waste Disposal Sites - Grounds Maintenance	(\$269,475)	(\$279,075)	(\$9,600)
20193.0052	Building & Grounds (PC) - Grounds Maintenance	(\$15,000)	(\$30,000)	(\$15,000)
21104.0010	Building & Grounds (PC) - Building Maintenance	(\$10,000)	(\$23,000)	(\$13,000)
21100.0130	Employee Costs - Salaries	(\$189,052)	(\$192,052)	(\$3,000)
21100.0141	Employee Costs - Superannuation	(\$21,830)	(\$18,830)	\$3,000
11101.0410	Other Income - Membership Fees	\$60,000	\$75,000	\$15,000
51111.0006	Rec.Centre - Gym and Other Equipment	(\$17,000)	(\$4,000)	\$12,600
21102.0085	Rec.Centre - Minor Furniture & Equipment Purchases	(\$5,000)	(\$17,600)	(\$12,600)
20212.0047	Parks Mtce (PC) - Facilities Maintenance	(\$245,000)	(\$270,000)	(\$25,000)
20206.0351	Employee Costs - Apprentice / Trainee	(\$40,000)	\$0	\$40,000
51815.0250	Pile Road - SLK 0.0 - 9.34	(\$237,515)	(\$197,517)	\$39,998
51816.0250	Palmdale Road - SLK 0.00 - 4.32	(\$204,585)	(\$193,329)	\$11,256
51817.0250	Yellanup Road - SLK 13.04 to 19.50	(\$320,821)	(\$372,075)	(\$51,254)
51654.0250	Lake Matilda Rd - Red Gum Pass Road - Intersection	(\$23,343)	(\$90,000)	(\$66,657)
51276.0250	Roadworks - Minor Renewal	(\$250,000)	(\$183,343)	\$66,657
20225.0039	Road Maintenance - Storm Damage	(\$1,098,439)	(\$1,210,324)	(\$111,885)
10134.0200	Contributions - Other Contributions (Storm Damage)	\$1,977,131	\$2,089,016	\$111,885
21305.0307	Other Expenses - Vehicle Leases - Community Ag Ctr	(\$15,000)	(\$7,500)	\$7,500
11306.0228	Reimbursements - Vehicles	\$15,000	\$7,500	(\$7,500)
21307.0130	Employee Costs - Salaries	(\$26,500)	(\$32,000)	(\$5,500)
21310.0312	Feral Pig Eradication (PC) - Other Operating Costs	(\$19,200)	(\$14,000)	\$5,200
11307.0242	Contributions - State & Federal Gov't Contributions	\$28,500	\$0	(\$28,500)
11308.0210	Grant Income - Grant Income	\$5,000	\$32,800	\$27,800
11308.0212	Grant Income - Direct Grants	\$10,000	\$0	(\$10,000)
11309.0475	Other Income - Recharge of Services	\$10,000	\$1,000	(\$9,000)
11310.0243	Transfer From Trust To Municipal	\$0	\$20,000	\$20,000
21315.0141	Employee Costs - Superannuation	(\$19,766)	(\$28,266)	(\$8,500)
20247.0316	Other Expenses - BCITF Payments	(\$25,000)	(\$35,000)	(\$10,000)
20247.0315	Other Expenses - BRB Payments	(\$20,000)	(\$35,000)	(\$15,000)
10155.0247	Other Revenue - BCITF Levy	\$25,000	\$35,000	\$10,000
10155.0246	Other Revenue - BRB Levy	\$20,000	\$35,000	\$15,000
10155.0009	Other Revenue - Building Licence Fees	\$25,000	\$55,000	\$30,000
21328.0319	Water Supply (Standpipes)	(\$140,000)	(\$110,000)	\$30,000
11320.0400	Other Income - Sale of Water	\$130,000	\$100,000	(\$30,000)
New	Mead Street upgrade	\$0	(\$234,000)	(\$234,000)
41021.0208	Swimming Pool - Special Grants	\$974,183	\$1,208,183	\$234,000
New	Replace toilet block – Kendenup Hall	\$0	(\$150,000)	(\$150,000)
New	Other Community Amenities - Special Grants	\$0	\$150,000	\$150,000
New	Albany Highway – Infill Drain and Landscape	\$0	(\$100,000)	(\$100,000)
New	Parks & Recreation Grants - Special Grants	\$0	\$100,000	\$100,000
New	Mount Barker Hill – Carpark and Bus Bay	\$0	(\$57,000)	(\$57,000)
41221.0208	Tourism & Area Promotion - Special Grants	\$700,000	\$757,000	\$57,000
21410.0322	Outside Staff Wages (PC) - Unallocated Wages	(\$373,236)	(\$445,736)	(\$72,500)
10161.0219	Reimbursements - Salaries	\$0	\$72,500	\$72,500
	<b>Totals</b>	<b>\$93,276</b>	<b>\$93,276</b>	<b>\$0</b>

CARRIED (9/0)

NO. 099/21

Absolute Majority

**9.3.2 FINANCIAL STATEMENTS – APRIL 2021**

<b>File Ref:</b>	<b>N55064</b>
<b>Attachment:</b>	<u>Financial Statements</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Diana Marsh</b> <b>Senior Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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**PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 April 2021.

**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 B Bell:**

**That the Financial Statements for the period ending 30 April 2021 be received.**

**CARRIED (9/0)**

**NO. 100/21**

**9.3.3 LIST OF ACCOUNTS – APRIL 2021**

<b>File Ref:</b>	<b>N55063</b>
<b>Attachment:</b>	<u>List of Accounts- April 2021</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Vanessa Hillman</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of April 2021.

**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 (19 May 2020). 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 L Handasyde:

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 2021 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$1,962,834.57.
2. Municipal Cheques 47125 – 47148 totalling \$158,791.25.

**CARRIED (9/0)**

**NO. 101/21**



**9.3.4 POLICY REVIEW - SELF SUPPORTING LOANS**

<b>File Ref:</b>	<b>N55087</b>
<b>Responsible Officer:</b>	<b>Cameron Woods Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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**PURPOSE**

The purpose of this report is to review Council Policy No. F/FM/1 – Self Supporting Loans and seek endorsement of the current policy without change.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 21 May 2019.

**STATUTORY ENVIRONMENT**

The Local Government Act 1995 stipulates the requirements for a local authority when borrowing money. It does not differentiate between normal loans and self-supporting loans.

**EXTERNAL CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

Self-supporting loans are taken out in the Council's name, however all repayments relating to self-supporting loans are met by the applicant and therefore there is no cost to the Council.

The purpose of this policy is to minimise the Council's exposure to inheriting a self-supporting loan, by ensuring all applicants can financially meet the repayments of the loan.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**POLICY IMPLICATIONS**

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications as no assets are being created or acquired.

## **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.

## **STRATEGIC RISK IMPLICATIONS**

There is a potential financial risk to the Council if loan repayments are not made by the organisation. This can be mitigated by consideration of appropriate security arrangements.

## **REGIONAL IMPLICATIONS**

There are no regional implications for this report.

## **OFFICER COMMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Oldfield, seconded Cr J Moir:

**That Council Policy No. F/FM/1 – Self Supporting Loans:**

**‘OBJECTIVE:**

**To assist clubs and organisations in improving community based facilities.**

**POLICY:**

### **1. Eligible Organisations**

**1.1 Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.**

**1.2 Organisations are to provide:**

- a) Three years audited financial statements.**
- b) A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.**
- c) Their constitution.**
- d) Minute agreeing to borrow funds.**
- e) Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.**
- f) Any other information that the Council requires.**

### **2. Funding Details**

- 
- 2.1 Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).
- 2.2 Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten years. Loan repayments will be amortised and will generally be six monthly unless the applicant organisation requests otherwise. An additional Government Guarantee Fee will be payable six monthly at rates that may vary during the term of the loan.
3. Approval Process
- 3.1 The Council will consider the approval of the loan on the following basis:
- a) Demonstrated ability to repay.
  - b) Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).
  - c) Stability, sound management, membership base, community accessibility and longevity of applicant organisation.
  - d) Funds being used for capital improvements.
  - e) Debenture security over assets (including lease) of organisation if considered appropriate.
- 3.2 Organisations will be required to:
- a) Enter into a Deed of Agreement for the period of the loan repayments.
  - b) Pay all costs associated with the preparation of documents concerning the raising of the loan.
  - c) Insure and keep insured premises where the premises are security over repayment of a loan.
- 3.3 Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.
4. Other
- 4.1 Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.
- 4.2 The Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans.
- 4.3 The Council will consider the objectives of Policy No. F/FM/6 – Borrowing Program and Asset Financing in determining applications for self-supporting loans.'

be endorsed.

CARRIED (9/0)

NO. 102/21

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 POLICY REVIEW - NOTICES OF MOTION

<b>File Ref:</b>	<b>N54924</b>
<b>Attachments:</b>	<u>Amended policy A/AMM/1 – Notices of Motion</u>
<b>Responsible Officer:</b>	<b>Cameron Woods</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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#### **PURPOSE**

The purpose of this report is to review Council Policy No. A/AMM/1 – Notices of Motion.

#### **BACKGROUND**

This policy was adopted by the Council at its meeting held on 27 March 2018. The policy wording was as follows:

##### **‘OBJECTIVE:**

To ensure that all Councillors are presented with, as is the normal case for an officer’s report, information relating to, where applicable:

Statutory Environment, Regional Implications, Policy Implications, Asset Management Implications, Financial Implications, Strategic Implications and Officer Comment.

##### **POLICY:**

*Whenever a valid notice of motion comes before the Council for consideration and in the opinion of the CEO, will, if carried, require more than nominal expenditure or staff time, that Notice will be referred to the CEO for report, such report to be considered by the Council at the next Ordinary meeting.’*

The policy was subsequently amended to its current form as a result of a notice of motion on 30 April 2019.

At the Council meeting held on 27 April 2021, the Council resolved *‘that the motion be adjourned to seek clarification on the process of determining the support for a Notice of Motion under this policy and be brought back to the meeting of Council on 25 May 2021’.*

#### **STATUTORY ENVIRONMENT**

Local Government Act (1995)

Section 3.5 provides the legislative power for local governments to make local laws.

The Council’s Standing Orders Local Law provides:

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**'5.3 Motion of which Previous Notice has been given**

- (1) *Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.*
- (2) *A notice of motion under subclause (1) is to be given at least 5 clear working days before the meeting at which the motion is moved.*
- (3) *A notice of motion is to relate to the good governance of the district.*
- (4) *The CEO –*
  - (a) *with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*
  - (b) *must inform members on each occasion that a notice has been excluded and the reasons for that exclusion;*
  - (c) *may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
  - (d) *may provide to the meeting relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- (5) *A motion of which notice has been given is to lapse unless:*
  - (a) *the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or*
  - (b) *the meeting on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) *If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.'*

**EXTERNAL CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**POLICY IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications as no assets are being created or acquired.

**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'*

Strategy 4.1.5:

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

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**ORIGINAL OFFICER COMMENT**

The policy ensures that all Councillors are presented with, as is the normal case for an officer's report, a full report giving a full and balanced view of a matter the subject of a notice of motion.

The CEO is of the opinion that the policy should be amended to provide for two possible ways of dealing with a notice of motion. Firstly, the Council agrees that the proposal has merit and should be adjourned so that a report can be prepared for further consideration. Under the Shire of Plantagenet Standing Orders Local Law 2020, this is done via a procedural motion *'that the debate be adjourned'*.

Secondly, the Council considers that the proposal does not warrant further consideration. The way of doing that under the Standing Orders would be via a procedural motion *'that the meeting proceed to the next item of business'*.

This approach would be more efficient by enabling some initial discussion on the proposal and if warranted, resources would be allocated to researching and preparing a report. If not, there would be no further effort taken on the matter.

One other change to the policy is recommended. Given the change to the policy in 2019, the objective can be simplified to remove reference to the Council report components, which will form part of an officer's report anyway.

**VOTING REQUIREMENTS**

Simple Majority

**ORIGINAL OFFICER RECOMMENDATION**

That amended Council Policy No. A/AMM/1 – Notices of Motion:

'OBJECTIVE:

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To ensure that all Councillors are presented with a full report giving a properly researched and balanced view of matters, where appropriate.

POLICY:

When a Notice of Motion is brought before the Council:

1. The Council will either:
  - (a) Determine that the proposal has merit and adjourn the debate to allow the Chief Executive Officer to prepare a report on the matter concerned for the Council's consideration; or
  - (b) Determine that the proposal does not warrant further consideration. This would be done via a procedural motion *'that the meeting proceed to the next item of business'*;
2. An adjournment in Clause 1(a) will allow sufficient time for due preparation of that report to allow the Chief Executive Officer to create the report. The time required for preparation of the report will be determined on the day; and
3. This policy would not apply for minor issues such as a condolence motion, and the like.

be endorsed.

### **FURTHER REPORT OF THE CHIEF EXECUTIVE OFFICER**

At the Council meeting held on 27 April 2021, the Council adjourned the motion to seek clarification on the process of determining the support for a Notice of Motion under this policy. The discussion at the Council meeting has led to a reassessment of the way in which a Notice of Motion could be handled.

It is suggested that the current motion on the table be defeated and a simplified version shown below be progressed, which does not involve an option for a procedural motion to proceed to the next business. This amended policy would provide for the following two scenarios:

1. If the proposal has merit it should be adjourned so that a report can be prepared for further consideration; or
2. Alternatively, the proposal is rejected.

This course of action should be easily directed by the meeting chairperson.

### **AMENDED OFFICER RECOMMENDATION**

'OBJECTIVE:

*To ensure that all Councillors are presented with a full report giving a properly researched and balanced view of matters, where appropriate.*

POLICY:

*When a Notice of Motion is brought before the Council:*

1. *The Council will either adjourn the motion to allow the Chief Executive Officer to prepare a report on the matter concerned for the Council's consideration or reject the motion.*
2. *An adjournment will allow sufficient time for due preparation of that report. The time required for preparation of the report will be determined on the day.*

3. *This policy would not apply for minor issues such as a condolence motion, and the like.'*

### **ADJOURNED MOTION**

**Moved Cr K Woltering, seconded Cr B Bell:**

**That amended Council Policy No. A/AMM/1 – Notices of Motion:**

**‘OBJECTIVE:**

**To ensure that all Councillors are presented with a full report giving a properly researched and balanced view of matters, where appropriate.**

**POLICY:**

**When a Notice of Motion is brought before the Council:**

**2. The Council will either:**

- (a) Determine that the proposal has merit and adjourn the debate to allow the Chief Executive Officer to prepare a report on the matter concerned for the Council’s consideration.**
- (b) Determine that the proposal does not warrant further consideration. This would be done via a procedural motion *‘that the meeting proceed to the next item of business’*.**

**4. An adjournment in Clause 1(a) will allow sufficient time for due preparation of that report to allow the Chief Executive Officer to create the report. The time required for preparation of the report will be determined on the day.**

**5. This policy would not apply for minor issues such as a condolence motion, and the like.**

**be endorsed.**

**LOST (1/8)**

**Crs Pavlovich, Oldfield, Bell, Clements, Etherington, Handasyde, Moir and O’Dea voted against the motion**



**AMENDED OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr L Handasyde:

**OBJECTIVE:**

To ensure that all Councillors are presented with a full report giving a properly researched and balanced view of matters, where appropriate.

**POLICY:**

When a Notice of Motion is brought before the Council:

1. The Council will either adjourn the motion to allow the Chief Executive Officer to prepare a report on the matter concerned for the Council's consideration or reject the motion.
2. An adjournment will allow sufficient time for due preparation of that report. The time required for preparation of the report will be determined on the day.
3. This policy would not apply for minor issues such as a condolence motion, and the like.

**CARRIED (9/0)**

**NO. 103/21**

**9.4.2 REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW**

<b>File Ref:</b>	<b>N55055</b>
<b>Attachment:</b>	<u>Register of Delegation, Sub-delegations, Appointments and Authorisations</u>
<b>Responsible Officer:</b>	<b>Cameron Woods Chief Executive Officer</b>
<b>Author:</b>	<b>Nolene Wake Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 May 2021</b>

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**PURPOSE**

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

**BACKGROUND**

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

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

**STATUTORY ENVIRONMENT**

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

- any power or duty that requires a decision of an absolute majority of the council.
- accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- appointing an auditor.
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
- any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100.
- borrowing money on behalf of the local government.
- hearing or determining an objection of a kind referred to in section 9.5.
- the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government.
- any power or duty that requires the approval of the Minister or the Governor.

- such other powers or duties as may be prescribed.

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(2), 7.12A(3)(a) and 7.12(4), which relate to meetings with auditors;
- under Regulation 18C and 18D which relate to the recruitment and performance management of the CEO; and

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Strategy 4.1.6:

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

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

*Strategy 4.6.1*

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

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

### **OFFICER COMMENT**

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

1. Minor formatting and typographical error corrections
2. Position title updates to reflect current organisational structure
3. Legislation amendment updates
4. Addition/amendments to any relevant Council Policy updates
5. All Review Dates updated.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr K Woltering:**

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

**CARRIED (9/0)**

**NO. 104/21**

**Absolute Majority**

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### 9.4.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION 2021 - COUNCILLOR ATTENDANCE

**File Ref:** N55054  
**Responsible Officer:** Cameron Woods  
Chief Executive Officer  
**Author:** Nolene Wake  
Executive Officer  
**Proposed Meeting Date:** 25 May 2021

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#### **PURPOSE**

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) Convention to be held Monday 20 September to Tuesday 21 September 2021 and authorise the attendance of Shire President Cr Chris Pavlovich and Deputy Shire President Cr Jon Oldfield at the WALGA Annual General Meeting on Monday 20 September as Voting Delegates.

#### **BACKGROUND**

At the Ordinary Meeting of Council on 21 May 2019, the Council resolved:

*'That all Councillors be authorised to attend the WALGA Local Government Convention 7 August 2019 to 9 August 2019 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation).'*

In 2020, the WALGA Convention and Trade Exhibition was cancelled due to COVID restrictions and alongside the AGM, WALGA held a breakfast event, a political forum for Mayors, Presidents and CEOs and a sundowner at the end of the day's proceedings. All Councillors were authorised to attend.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

There was no external consultation conducted for this report.

#### **FINANCIAL IMPLICATIONS**

Full delegate convention fees as unknown at this time.

As a guide, 2019 figures are noted under:

Per person – (1-4 registrations) \$1475.00 or (5+ registrations) \$1300.00 / Convention Breakfast – \$88.00 / Welcome Reception (partners) \$70.00 / Convention Gala Dinner (partners) - \$140.00.

Partner activities are available.

Approximate cost estimate per delegate (Including 3 nights' accommodation but not including meals) is \$2,500.00, depending on registration numbers and partner activity registrations.

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Budget Item 20026-0032 (Local Government Convention) has a current budget allocation of \$10,000.00

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

### **BUDGET IMPLICATIONS**

There are no budget implications for this report.

### **POLICY IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications as no assets are being created or acquired.

### **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 2021 Convention will be held at Crown Perth on Monday 20 – Tuesday 21 September 2021.

The Provisional Program is noted under:

Sunday, 19 September 2021

Mayors and Presidents' Forum Opening Welcome Reception

Monday, 20 September 2021

AGM

Breakfast with Directors General

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Conference Sessions  
Gala Dinner

Tuesday, 21 September 2021

Convention Breakfast with Jelena Dokic  
Conference Sessions

More information will be provided when it becomes available.

The recommendation below is based on the Congress being the most important conference that Councillors can attend and therefore all Councillors should be encouraged to attend. All Councillors will therefore have equal opportunity to learn, rethink and bring new ideas back to the District.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr K Woltering:**

**That:**

- 1. All Councillors be entitled to attend the WALGA Local Government Convention 20 September to 21 September 2021 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation).**
- 2. The EO will liaise with all Councillors to confirm attendance and bookings for the WALGA Convention 2021.**

**CARRIED (9/0)**

**NO. 105/21**

**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**

Nil

**13 CLOSURE OF MEETING**

5.03pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON  DATE: 22 6 21

**Marilyn Marshall**  
**24 Montem Street**  
**Mount Barker 6324 Mobile: 0416 018 063**  
**Presentation to Plantagenet Shire Meeting**  
**Tuesday 25 May 2021**

**Good afternoon, CEO Cameron Woods, Shire President Chris Pavlovich and Shire of Plantagenet Councillors.**

Thank you for the opportunity to address this meeting.

**My address will cover three key aspects regarding an unprovoked dog attack** that occurred in the front garden of my property on Tuesday 11 May at 1.30pm.

**Firstly**, I will outline the incident.

**Secondly**, I will describe the impact of this dog attack on my grandson, our family and my immediate community.

And, **thirdly**, I will outline the questions I would like answered and the support that I would like from you all as elected members of Shire of Plantagenet Council.

## **THE INCIDENT**

Each Tuesday and Thursday I care for my three year old grandson at my home.

**Two weeks ago today my grandson, James, and I took advantage of the sunny afternoon and took some of his toys out onto my front verandah after lunch.**

We have done this on numerous occasions because we both love being outdoors and playing in my garden.

My little grandson is particularly interested in the proteas on the lawn and we regularly inspect them for new growth and to see if the bees are still around.

**We filled a watering can to water the plants. As we were watering the plants together I was suddenly aware of a large dog bounding through the trees on my property and lunging at James. There was no warning.**

**The large dog was salivating, shaking its head, growling and baring its teeth.**

The dog persisted in running to the right and to the left, circling us as I tried to shield my grandson from the dog's mouth. I feared for his life.

The dog was intent on repeatedly lunging at my grandson, ignoring my shouting and screaming. It was fixated on my grandson.

**Marilyn Marshall  
24 Montem Street  
Mount Barker 6324 Mobile: 0416 018 063  
Presentation to Plantagenet Shire Meeting  
Tuesday 25 May 2021**

**I tried to put myself between the dog and my grandson. The dog repeatedly circled and dodged me before running and lunging at James with such force that he was physically and aggressively knocked backwards onto the asphalt path.**

**My grandson was screaming hysterically and was traumatised. We were both traumatised. The dog persisted to lunge at James while he was flailing on the ground. It was horrifying.**

The dog was not deterred by my shouting or my attempts to get it away from my little grandson.

**After a number of attempts to lift James from the path and gather him into my arms, I eventually managed to get hold of his left leg and arm and lifted him towards me.**

**I was aware that my neighbour had arrived in my garden and was shouting loudly at the dog, hands raised, bravely placing herself between the dog and James.**

This occurred as I escaped across the lawn towards the safety of my house. She ordered another neighbour to call the Ranger.

I am not sure what might have happened to James if she had not so courageously intervened.

**I retreated into my house and tried to calm James who was screaming and sobbing hysterically. He was asking for his Daddy.** I tried to comfort him as I looked for injuries. I was not sure of the severity of James' head injury at that point but it was obvious he needed medical attention. We were both shaking and traumatised.

**Another neighbour had heard the screaming and rushed into my garden and supported me inside my house.**

Her husband stood guard on my verandah keeping the dog away from advancing towards my house.

**The dog was refusing to leave my premises.**

This increased my anxiety because I wasn't sure how I would get James safely to my car without a repeated attack. **I felt imprisoned and extremely vulnerable.**

My neighbour's husband was telling us to use the back door to get out of the house because the dog was refusing to leave.

**We left for the hospital, taking a photo of the offending animal from my car.**

**At Mount Barker Hospital James was assessed for injury.**

**My son arrived with a change of clothing for James. As my son removed his clothing, a large vertical welt was visible on the left side of James' body.**

**Marilyn Marshall  
24 Montem Street  
Mount Barker 6324 Mobile: 0416 018 063  
Presentation to Plantagenet Shire Meeting  
Tuesday 25 May 2021**

I now know that **this wound was caused by the dog's nails as I was carrying James across my lawn. My neighbour saw the dog leaping and pawing at James' back while I had him in my arms.** It was still continuing to maul my grandson.

## **THE IMPACT**

James was eventually discharged later that afternoon into the care of his father after assessment and treatment at Mount Barker Emergency Department. His parents were instructed to monitor him closely in view of the head injury.

**Our family is now coming to terms with this trauma,** occurring as it did in a quiet town street on a sunny May afternoon.

**Our hope is that, eventually, James will be able to put this attack behind him and that it will not have a lasting impression on him.**

**This attack has affected me profoundly. It has been every grandparent's worst nightmare.**

The dog attack has left me feeling totally shocked and traumatised, yet equally determined to assist the Council in any way I can to ensure that attacks like this never happen again within Mount Barker's community.

This attack has numerous victims.

**Apart from those of us specifically affected,** there is the four year old child across the road who saw the vicious attack from her house.

Her mother is now anxious about allowing her child the freedom to play in her front yard.

**My local environment houses families with children who regularly play in their front lawns.**

**Each person I speak to has a dog attack story.** There have been numerous 'near misses'.

I am reliably advised of situations where unsupervised dogs wander the Co-op car park while their owners are shopping in the store.

Elderly people have felt vulnerable passing vehicles with barking dogs in open trucks and dogs snarling out of car windows.

**I am incredulous that dogs like the one that attacked my grandson are to be found wandering amongst our community and not under the control of their owners.**

**It appears that there is a real pattern developing in our town regarding dog attacks and a distinct lack of adequate dog supervision.**

Marilyn Marshall  
24 Montem Street  
Mount Barker 6324 Mobile: 0416 018 063  
Presentation to Plantagenet Shire Meeting  
Tuesday 25 May 2021

## **WHAT I WOULD LIKE TO HAPPEN NOW**

After an event such as this, it is very important for those affected to receive **appropriate and sensitive progress updates**. It is a difficult time during which processes must be allowed to be followed but **victims must feel supported by effective and timely communication**.

I would like to be assured that the Shire of Plantagenet Rangers feel sufficiently supported to carry out their duties assertively within the auspices of their position and the WA Dog Act of 1976 and the Shire of Plantagenet Dogs Local Law of 2008.

I would like the Shire of Plantagenet Councillors to consider adjustments to the Dog Registration process.

These adjustments could include requiring dog owners to provide details of the dimensions of their yards at the time of registration.

This information would assist the Shire in assessing the suitability for keeping large dogs in smaller residential dwellings within the town environment.

### **Here are my questions to you:**

1) Given the frequency of dog attacks in Mount Barker, what steps will you take to address community concerns?

2) Will you commit to fostering a zero tolerance approach towards dog owners who fail to supervise and constrain their dogs in accordance with the WA Dog Act of 1976 and the Shire of Plantagenet Local Law of 2008?

3) Why would the Shire of Plantagenet Council use Modified Penalties contained within the WA Dog Regulations of 2013 amendment to the WA 1976 Dog Act, as opposed to taking my case to Court?

4) Is there provision for additional monetary resources to assist Shire Rangers in executing their duties and keeping the Shire of Plantagenet residents safe from future dog attack?

5) Will you provide additional resources to develop a clear communication strategy and education policy for Shire of Plantagenet citizens regarding responsible dog ownership?

Thank you for giving me the opportunity to share my story with you and for providing a timely response to my questions.

Marilyn Marshall

## Nolene Wake

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**Subject:** FW: Jim Robertson - Guide Dogs WA

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**From:** Katie Crawford [<mailto:Katie.Crawford@guidedogswa.com.au>]

**Sent:** Thursday, 29 April 2021 8:28 AM

**To:** Jim Robertson

**Cc:** Serge

**Subject:** FAO: Jim Robertson - Guide Dogs WA

Dear Jim,

RE: Serge Ansquer's request of installation of footpaths, Mount Barker.

I am a Guide Dog Mobility Instructor for Guide Dogs WA and I am writing in support of Serge Ansquer's request for footpaths to be installed along his street from his home within Mount Barker. I worked closely with Serge in his home area when I trained him with his guide dog and the lack of a footpath has been challenging and compromised his independent mobility, in terms of his safety and mobility.

A Guide Dog is trained to guide a person along a footpath because this is the safest place for a person with a vision impairment to walk to ensure they are safe from traffic. For Serge, walking along his road with no footpath exposes him regularly to oncoming vehicles and puts him in potential danger. In addition, if cars are parked on the road, Serge has to walk around them and further into the road and line of traffic, making it more dangerous for him. A footpath aids a guide dog's and Serge's orientation with a kerb edge preventing them from drifting into the road. Without a footpath and no kerb edge it is very easy for a Guide Dog User and their dog to become disoriented and walk into the middle of a road.

Although Serge does not currently have a guide dog, the plan is for him to re-apply for a dog. For now, Serge uses a long cane for mobility and the lack of a footpath is equally challenging for a long cane user. Using a long cane when there is no footpath available also puts the person in danger of oncoming vehicles and potential to become disoriented and drift into the middle of the road.

Serge's vision is extremely limited and he has no useful vision to orientate himself. A footpath with a kerb edge provides a safe pathway with a tactile landmark for Serge to orientate himself and travel from his home independently. Without a footpath, Serge's safety is compromised, along with his freedom to go out on his own. As a qualified and experienced Guide Dog Mobility Instructor I would highly recommend that footpaths are installed in his home area.

Please do not hesitate to get in touch if you would like to discuss further.

Kind regards,  
Katie

**Katie Crawford**  
**Guide Dog Mobility Instructor**  
| Guide Dog Services | Guide Dogs WA

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