



## ORDINARY AGENDA

Notice is hereby given that an ORDINARY Meeting of  
the Council will be held:

**DATE:** Tuesday, 22 August 2023

**TIME:** 5.00pm

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



Gary Clark  
CHIEF EXECUTIVE OFFICER

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each Item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

On establishing there is a quorum, the Presiding Member will declare the meeting open.

The Presiding Member acknowledges the Traditional Custodians of the land on which we meet today, paying respects to their Elders past, present and emerging.

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Nil

**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****4 PETITIONS / DEPUTATIONS / PRESENTATIONS****5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

**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 25 JULY 2023**

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 25 July 2023.

#### **OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 25 July 2023 as circulated, be taken as read and adopted as a correct record.**

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

**9 REPORTS OF COMMITTEES AND OFFICERS**

**9.1 DEVELOPMENT SERVICES REPORTS**

Nil

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 POLICY REVIEW – PRIVATE WORKS

<b>File Ref:</b>	<b>N61684</b>
<b>Attachment:</b>	<u>Policy with Changes</u>
<b>Responsible Officer:</b>	<b>Kevin Hemmings</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne</b> <b>Senior Administration Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</b>

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#### **PURPOSE**

The purpose of this report is to review Council Policy I/PW/1 Private Works.

#### **BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 24 August 2021.

#### **EXTERNAL CONSULTATION**

There has been no external consultation in relation to this report.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 3.59 'Commercial enterprises by local governments' provides a platform for local governments to engage in major trading undertakings.

This section of the Act does not apply to private works due to the low value (the policy applies to works with a maximum value of \$10,000.00) and the infrequency of private works completed.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

If the Shire engages in private works, the activities are charged on a full cost recovery basis. All private works are charged on a 'wet hire' basis, ensuring that salaries and on-costs are covered in the charges for any works.

#### **BUDGET IMPLICATIONS**

There are no budget 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.

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**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides:

At *Outcome 4 Performance & Leadership* the following:

Strategy 4.1.3:

*'A Shire that is open and transparent with its community.'*

Accordingly, the recommended outcome for this report aligns with the Corporate Business 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 policy provides clear process and guidelines if private works are requested. As stated in the policy, applicants are encouraged to approach local contractors first.

Some wording changes have been made to the policy for clarity and succinctness.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council Policy I/PW/1 Private Works be adopted as follows:

**OBJECTIVE**

To provide guidelines for the undertaking of private works by the Council.

**POLICY****1. Scope**

This policy applies to private works performed by the Council for individuals, organisations or businesses. This includes Shire staff and Councillors.

Private works of a value in excess of \$10,000.00 may not be undertaken without prior Council approval, unless the works are being undertaken for a Federal or State Government Department or another local government.

**2. Application of Policy**

2.1. Private works will be discouraged and only be undertaken when there is no detriment to the Council's own works program.

2.2. The Council will avoid, where possible, carrying out private works where involvement in such works would place the Council in competition with local private suppliers.

- 2.3. All Shire staff and Councillors are strongly discouraged from applying for private works.**
- 2.4. An estimate of costs will be provided for the proposed works, in accordance with the Council's annual schedule of fees and charges.**
- 2.5. Plant and equipment must only be hired on a 'wet hire' basis, meaning that an approved Shire employee must operate the plant or equipment.**
- 2.6. Payment of 100% of the estimated cost is required before works can commence. Any additional costs are to be paid within seven (7) days of the completion of the works. Any variations must be authorised by the client in writing before they are performed.**
- 2.7. The Executive Manager Works and Services will schedule the works and a time frame will be provided to the client indicating when the works will be completed.**
- 2.8. Shire staff or Councillors who have requested private works must not be involved in any part of the process other than from the perspective of the client. All private works will be performed, supervised, and accounts issued independently of the employee or Councillor.'**

**9.2.2 POLICY REVIEW – RURAL ROAD AND RESERVE VEGETATION MANAGEMENT – TREES ACROSS FENCES AND BOUNDARIES**

<b>File Ref:</b>	<b>N61667</b>
<b>Attachment:</b>	<u>Policy with Changes</u>
<b>Responsible Officer:</b>	<b>Kevin Hemmings</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne</b> <b>Senior Administration Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</b>

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**PURPOSE**

The purpose of this report is to review Council Policy I/RR/5 Rural Road and Reserve Vegetation Management – Trees Across Fences and Boundaries.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 22 June 2021.

**EXTERNAL CONSULTATION**

There has been no external consultation in relation to this report.

**STATUTORY ENVIRONMENT**

Dividing Fences Act 1961, Section 4 'Crown not bound by Act'

*'This Act does not bind the Crown.'*

Dividing Fences Regulations 1971, Section 3 'Exclusion from meaning of "owner"'

*'Under and for the purposes of the Act "owner" does not include-*

- (a) any trustees or other persons in whom land is vested; or*
- (b) a person who has the care, control and management of land used, for open spaces, streets, roads, or rights of way that are public.'*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget 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**

Insert relevant implications in format similar as under:

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides:

*At Outcome 4 Performance & Leadership the following:*

Strategy 4.1.3:

*'A Shire that is open and transparent with its community.'*

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

Initially adopted at the Council Meeting of 3 February 2015, this policy has been revised to the current version presented within this report.

This policy provides clear guidelines regarding the Council's response to trees falling over a property fence line into private land and ensures staff can provide a consistent response.

Despite requests, Shire staff do not cut vegetation from a fence line. This task lies with the property owner. This practice can cause some dissatisfaction from residents; however, the policy is relevant and should be retained. To ensure ultimate clarity, the words 'over their fence line and' have been added to the policy.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council Policy I/RR/5 Rural Road and Reserve Vegetation Management – Trees Across Fences and Boundaries be adopted, as follows:

**OBJECTIVE**

To provide guidelines for property owners that have been affected by a tree or branch falling into their property from Shire managed rural reserves.

**POLICY****1. Scope**

Where trees and/or branches fall onto fences and/or into properties from rural road reserves, unconstructed road reserves or reserves vested in the Shire of Plantagenet under a management order, fence reinstatement is the responsibility of the affected property owner.

**2. Legislation**

Dividing Fences Act 1961, Section 4

Dividing Fences Regulations 1971, Section 3

**3. Application of Policy**

3.1 The property owner is responsible for removing and disposing of the fallen tree over their fence line and within their property.

3.2 The tree debris remaining on the rural road reserve will be retained as roadside vegetation to provide habitat for wildlife, unless otherwise determined by the Executive Manager Works and Services.

3.3 Repair of damage to crossovers or private assets, caused by trees falling from a road reserve, is the responsibility of the property owner.'

### **9.3 CORPORATE SERVICES REPORTS**

#### **9.3.1 BUDGET REVIEW - JULY 2023**

<b>File Ref:</b>	<b>N61655</b>
<b>Responsible Officer:</b>	<b>Gary Clark Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</b>

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#### **PURPOSE**

The purpose of this report is to review and adjust the adopted 2023/2024 Annual Budget to recognise variations in actual income and expenditure.

#### **BACKGROUND**

The 2023/2024 annual budget was adopted by the Council on 25 July 2023. This is the first review of the budget.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

There is no specific section of the Act that deals with the reallocation of funds, however, Section 6.2(1) governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

The overall recommended effect on the budget is a surplus of \$29,903.00.

#### **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**

There are no strategic implications for this report.

#### **STRATEGIC RISK IMPLICATIONS**

The Strategic Risk 'Project / Change Management' includes the key control of regular monitoring and reporting of capital works program.

## REGIONAL IMPLICATIONS

There are no regional implications for this report.

## OFFICER COMMENT

Following the adoption of the budget, a number of issues have come to light that are worthy of a budget amendment and the following action is recommended:

- The BFB Operating grant as approved by the Department of Fire and Emergency Services (DFES) for this year is \$210,000.00 (line items 1-8). In addition, Line 9 Items (as shown below) total \$25,710.00.

Perilup BFB - CCTV	\$5,120.00
Denbarker BFB - CCTV	\$4,990.00
Kendenup/Mortigallup BFB - Refrigerator	\$1,200.00
Porongurup BFB - Refrigerator	\$1,200.00
Forrest Hill, Middleward, Narpyn, Narrikup, Porongurup & Woogenellup BFBs - Amphibious Floating Strainer Small 75mm (each)	\$13,200.00

The total above of \$235,710.00 less 2021-2022 uncommitted funds of \$18,943.00 gives a grand total of \$216,767.00. The adopted budget includes a sum of \$208,471.00 for Bush Fire Brigades which was based on assumed figures. Now that we have received the approved information from DFES, the budget can be amended, with a nil dollar impact.

Similarly, SES Operating grant for this year as approved by the DFES is \$16,500.00 (line items 1-8). In addition, Line 9 Items (as shown below) total \$6,406.00.

Mt Barker SES - Generator Inverter 4500W x 1	\$2,062.00
Mt Barker - Shelving Longspan 2000H x 1950L x 600D & 2000H x 1890L x 600D	\$4,344.00

This gives a grand total of \$22,906.00. The adopted budget includes a sum of \$23,897.00 for the SES which was based on assumed figures. Now that we have received the approved information from DFES, the budget can be amended, with a nil dollar impact.

- The DFES approved capital budget for the BFB is as follows.

Kendenup-Mortigallup BFB	3.4 Urban Tanker	\$549,100.00
Porongurup BFB	Light Tanker	\$255,200.00

Relevant expenditure and income accounts will be amended accordingly.

The applications for a One Appliance Bay Facility and Amenities (\$671,802 Self Supporting Loan) for each of the Rocky Gully and Woogenellup Bush Fire Brigades were declined. These items will be removed from the budget. The total adopted budget figure for these facilities included a sum of \$45,000.00 for earthworks which was to be a Shire responsibility. This sum can be made available for other items or held in surplus.

- Budget Item 3110300 (REC - Contributions & Donations) included income to the value of \$30,000.00 for Wilson Park Infrastructure - Exercise Equipment. Unfortunately, this amount was also included in Budget Item GI615A. Budget Item 3110300 should be reduced by \$30,000.00.

- The automatic doors on the front of the administration building have recently developed faults in the photo-electric safety beams and the mode switch. Due to the age and condition of the failed operator, it is likely that the existing automatic door will experience ongoing issues in the near term due to the operator is coming towards the end of its economic life.

The supplier has recommended upgrading the door with a brand-new automatic door operator with full warranty, that is likely to give in excess of 10 years operation. The cost is \$6,688.00 (ex GST). This will require approval of a capital budget item, which can be funded from the surplus identified in this review.

- The original budget included several items in the detailed capital and operating programs that were not properly brought through to the Statements of Financial Activity. The recommendation table includes the necessary details to correct this, which amounts to a surplus of \$21,591.00.

### **VOTING REQUIREMENTS**

Absolute Majority



**OFFICER RECOMMENDATION**

That the budget review for the period 1 July 2023 to 31 July 2023 be adopted and the 2023/2024 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
2050507	ESL BFB - L5 Clothing & Accessories	(\$25,000)	(\$24,000)	\$1,000
2050530	ESL BFB - L8 Insurance Expenses	(\$82,000)	(\$80,000)	\$2,000
2050566	ESL BFB - L3 Maintenance Vehicles/Trailers/Boats	(\$65,471)	(\$63,057)	\$2,414
2050569	ESL BFB - L9 Plant & Equipment \$1,500 to \$5,000 per item	(\$8,000)	(\$25,710)	(\$17,710)
2050586	ESL BFB - L1 Plant & Equipment < \$1,500 per item	(\$5,000)	(\$4,000)	\$1,000
2050588	ESL BFB - L6 Utilities, Rates & Taxes	(\$6,000)	(\$5,000)	\$1,000
2050589	ESL BFB - L4 Maintenance Land & Buildings	(\$12,000)	(\$10,000)	\$2,000
3050510	ESL BFB - Operating Grant	\$208,471	216,767	\$8,296
BC208A	New Rocky Gully BFB Shed	(\$772,500)	0	\$772,500
BC210A	New Woogenellup BFB Shed	(\$772,500)	0	\$772,500
5050555	ESL BFB - New Loan Borrowings	\$1,500,000	0	(\$1,500,000)
4050530	ESL BFB - Plant & Equipment (\$Capital)	(\$7,000)	(\$811,300)	(\$804,300)
3050515	ESL BFB - Capital Grant	\$7,000	811,300	\$804,300
2050669	ESL SES - L9 Plant & Equipment \$1,500 to \$5,000 per item	(\$9,000)	(\$6,406)	\$2,594
2050688	ESL SES - L6 Utilities, Rates & Taxes	(\$500)	(\$600)	(\$100)
2050689	ESL SES - L4 Maintenance Land & Buildings	(\$1,500)	(\$3,003)	(\$1,503)
3050610	ESL SES - Operating Grant	\$23,897	22,906	(\$991)
3110300	REC - Contributions & Donations	\$79,330	49,330	(\$30,000)
BC100E	Administration Building (Replace front door operator)	\$0	(\$6,688)	(\$6,688)
Sub-Total				\$8,312
<b>ADJUSTMENTS TO STATEMENTS OF FINANCIAL ACTIVITY</b>				
	Fees and Charges	\$242,450	\$251,189	\$8,739
	Other Revenue	\$467,807	\$459,067	(\$8,739)
	Materials and Contracts	(\$5,888,273)	(\$5,883,273)	\$5,000
	Interest Expenses	(\$70,951)	(\$70,742)	\$209
	Other Expenditure	(\$401,268)	(\$414,939)	(\$13,671)
	Non-Operating Grants, Subsidies and Contributions	\$3,152,938	\$3,182,939	\$30,000
	Repayment of Lease Financing	(\$12,725)	(\$12,672)	\$53
Sub-Total				\$21,591
TOTAL				\$29,903

**9.3.2 FINANCIAL STATEMENTS – JULY 2023**

<b>File Ref:</b>	<b>N61654</b>
<b>Attachment:</b>	<u>Financial Statements – July 2023</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</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 31 July 2023.

**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.
- 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.

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Reputational</i> That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	<i>That Council receives the financial activity statements as required by legislation.</i>

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the Financial Statements for the period ending 31 July 2023 be received.**

**9.3.3 LIST OF ACCOUNTS – JULY 2023**

<b>File Ref:</b>	<b>N61657</b>
<b>Attachment:</b>	<u>List of Accounts – July 2023</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Finance Officer – Creditors and Payroll</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</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 July 2023.

**EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

**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 (28 June 2022). 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.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget 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**

There are no strategic implications for this report.

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Reputational</i>  That Council does not receive the list of payments	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	<i>That Council receives the list of payments as required by legislation.</i>

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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 July 2023 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$998,767.74; and
2. Municipal Cheque 47260 to 47261 totalling \$1,400.00.

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 REGISTER OF DELEGATED AUTHORITY - AMENDMENT

<b>File Ref:</b>	<b>N61658</b>
<b>Attachments:</b>	<u>Register of Delegated Authority - Amendment</u>
<b>Responsible Officer:</b>	<b>Gary Clark</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>22 August 2023</b>

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#### PURPOSE

The purpose of this report is to endorse a minor amendment to Delegation 8.8 (Information Coordinator – Freedom of Information Act 1992) of the Register of Delegated Authority adopted by the Council on 27 June 2023.

#### BACKGROUND

At its meeting held on 27 June 2023 the Council adopted an updated Register of Delegations, Sub-delegations, Appointments and Authorisations (Register of Delegated Authority).

#### 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 other than those referred to in s5.43, which are:

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

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

- under Regulation 18G of the Local Government (Administration) Regulations s7.12A(2), (3)(a) or (4).

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.

### **BUDGET IMPLICATIONS**

There are no budget implications for this report.

### **POLICY IMPLICATIONS**

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

### **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**

There are no legal implications for this report.

### **RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Relevant officer does not have the delegation</i>	<i>Likely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Endorse the amendment to the Register.</i>

### **OFFICER COMMENT**

Since the adoption of the current Register of Delegated Authority, an error has been identified in Delegation 8.8 - Information Coordinator – Freedom of Information Act 1992, whereby the Delegate/Appointee is noted as the Human Resources Coordinator. This was previously correct, however, the staff member that currently has that responsibility is the Coordinator Customer Service and Records. An amendment is required to correct this.

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That an amendment to Delegation 8.8 - Information Coordinator – Freedom of Information Act 1992 (as attached) within the Register of Delegated Authority dated 27 June 2023 be approved.**



**9.4.2 NEW POLICY – COUNCIL FORUMS**

<b>File Ref:</b>	<b>N61651</b>
<b>Attachment:</b>	<u>Local Government Operational Guidelines</u> <u>Policy CE/CS/6 Briefing Sessions for Councillors</u>
<b>Responsible Officer:</b>	<b>Gary Clark</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Gary Clark</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</b>

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**PURPOSE**

The purpose of this report is to recommend adoption of the new policy CE/CS/9 – Council Forums.

**BACKGROUND**

The use of Council Forums is supported by WALGA and the Department of Local Government, Sport and Cultural Industries (DLGSC). The attached Local Government Guidelines support a decision making framework. The guidelines were developed in 2004.

Council trialled the forum concept on 12 July and 8 August 2023.

Policy and procedures need to be adopted to ensure that Council Forums maintain standards of behaviour and public accountability.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

This report recommends the adoption of a new policy.

The Consultation and Engagement Policy CS/CC/1 applies; however, no community engagement has been conducted because the recommendation is assessed as low potential impact.

Existing policy CE/CS/6 Briefing Sessions for Councillors is relevant. This policy is redundant, and it is recommended that it be deleted and replaced with proposed Policy CE/CS/9 Council Forums.

**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 Corporate Business Plan 2022/23 – 2025/26 provides at Outcome 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.3:

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

**STRATEGIC RISK IMPLICATION**

There are no strategic risk implications for this report.

**OFFICER COMMENT**

The forums are relatively informal, and the public are not present. This is justified because ideas and innovation need to be encouraged. Some ideas may never amount to a Council decision, and it would be premature to have such preliminary ideas publicised without community engagement. No decisions can be made in these forums because they are closed to the public.

Council Forums provide the opportunity for more discussion and exploration of ideas than Council meetings. The experience at other local governments is that these forums improve the strategic focus and help build a sense of team amongst the Councillors and the staff. Trust is built when people work together on the community's priorities.

The same Council Forum format can be useful for occasional workshops about more complex issues like strategic planning, asset management planning, long term financial planning and other informing strategies. This does not preclude Council holding separate workshops if there is insufficient time to run them within a Council Forum. Council may also decide to hold a workshop in place of a Council Forum in a particular month.

Council Forums and workshops are a more effective and efficient than the current system of working groups in a decision-making framework. All Council members are involved in the processes that may lead to Council decisions and it requires less staff resources preparing for meetings and keeping track of actions.

Reports that normally come to Council meetings for noting can be listed for discussion at a Council Forum because they don't require a decision. This saves significant time in Council meetings.

It is recommended that a fixed time be set so that the Council Forums finish on time. The agenda should be structured so that the most important matters are discussed first. Any less important items left on the agenda at the end of the meeting can be carried over the next meeting. Councillors and staff are both encouraged to contribute to the agenda by suggesting ideas and topics for discussion.

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Policy and procedures need to be adopted for Council Forums because the Standing Orders Local Law does not refer to the conduct of forums.

This policy has been drafted to guide the conduct of Council Forums. There has been no community engagement in the drafting of this policy because the recommendation is assessed as low potential impact.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

**That:**

- 1. Existing policy CE/CS/6 Briefing Sessions for Councillors be deleted.**
- 2. New Council policy CE/CS/9 – Council Forum be adopted as follows:**

### **OBJECTIVE:**

**Council Forums provide an opportunity for Councillors and staff to discuss strategies, policy and concepts without the constraints of Standing Orders and the requirement for public participation.**

### **POLICY:**

**Council Forums are a component of Council's Decision-Making Framework.**

**Policy and procedures need to be adopted for these meetings to ensure that Council Forums maintain standards of behaviour, probity and public accountability. No decisions can be made in these forums.**

#### **1. Scope**

**Council Forums can be useful for:**

- a) Discussing strategic ideas**
- b) Discussing policy ideas**
- c) Reviewing services**
- d) Workshops on informing strategies**
- e) Seeking feedback on a notice of motion**
- f) Alerting each other about emerging issues**
- g) Hear presentations from stakeholders**
- h) Providing updates on significant projects**
- i) Providing progress on Corporate Business Plan priorities**
- j) Discussing service delivery**
- k) Providing information on operational matters.**

## **2. Draft Policy Requirements**

### **2.1. Calling Council Forums and Workshops:**

- a) The Shire President or Chief Executive Officer may call a Council Forum or Workshop.**

### **2.2. Presentations:**

- a) In consultation with the Shire President, the CEO may approve a request for a presentation to a Council Forum or Workshop on issues considered of special significance to the Shire.**

### **2.3. Agenda:**

- a) The CEO shall prepare an agenda for each Council Forum or Workshop.**
- b) Council members may submit agenda items for a Council Forum by email up to one week prior.**

### **2.4. Notice:**

- a) The CEO shall give Council Members at least one week written notice of a Council Forum or Workshop unless the CEO, in consultation with the Shire President, agrees to provide a lesser period of notice in urgent or exceptional circumstances.**

### **2.5. Presiding Person:**

- a) The Shire President shall preside at Council Forums or Workshops. The Shire President may nominate another person to be the presiding person.**

### **2.6. Disclosure of Interests:**

- a) Those provisions in the Code of Conduct dealing with Conflict of Interests shall apply to Council Forums and Workshops.**

### **2.7. Notes of Meetings:**

- a) The CEO will cause notes to be kept of each Council Forum and workshop.**
- b) These notes will include the date, attendance and title of the subjects addressed.**
- c) These notes will record any actions that the CEO intends to take regarding the subjects addressed.**

### **2.8. Decisions:**

- a) As these meetings are outside the statutory framework of the Local Government Act 1995 and are not intended to replace ordinary council meetings, Council cannot make decisions at Council Forums or Workshops.**

### **2.9. Voting Intentions:**

- a) Council Members must not indicate their voting intentions at a Council Forum or Workshop.

#### 2.10. Council Forums:

- a) Council Forums provide an opportunity for Council Members to discuss ideas, strategies and concepts for the development of the Shire or projects that are in the early planning stage and are some time away from being presented to Council for a decision. They provide an opportunity for relevant staff or outside consultants to present information to Council Members on the concept or project.
- b) They allow Council Members to ask questions of relevant staff or consultants and enables Council Members to discuss aspects of the concept or project.

#### 2.11. Council Forum – Procedure:

- a) Council Members may ask questions of relevant staff or consultants and must address their questions and all discussion through the presiding person.
- b) The CEO may provide background briefing notes prior to the Council Forum to inform discussion.
- c) Council Members must limit their discussion about issues arising in the Council Forum to brief statements on relevant matters. Council Members must not enter into debate.
- d) Council Forums will be limited to two hours and any remaining agenda items will be carried over to the next agenda.

#### 2.12. Council Forum – Public Attendance:

- a) Council Forums are generally closed to the public.

#### 2.13. Workshops:

- a) Workshops provide an opportunity for Council Members to have input into the development of a strategy, policy, concept or project scope. They allow Council Members to explore different options with relevant staff and to participate more fully in the development of a strategy, policy, concept or project scope.

#### 2.14. Workshops – Procedure:

- a) Council Members may ask questions of relevant staff and may address their questions through the presiding person or directly to the person concerned.
- b) Council Members must not debate their voting intentions at a Workshop.

#### 2.15. Workshops – Public Attendance:

- a) Workshops are generally closed to the public.'

**9.4.3 PLANTAGENET COMPANY OF ARCHERS – MEMORANDUM OF UNDERSTANDING – AMENDMENT TO AREA - RESERVE 27184 MCDONALD AVENUE, MOUNT BARKER**

<b>File Ref:</b>	<b>N61688</b>
<b>Attachment:</b>	<u>Site Plan – 21 February 2023</u> <u>Amended Site Plan - Reserve 27184 McDonald Avenue, Mount Barker</u>
<b>Responsible Officer:</b>	<b>Gary Clark</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Nicole Selesnew</b> <b>Acting Manager Community and Recreation Services</b>
<b>Proprietor/Applicant:</b>	<b>Plantagenet Company of Archers</b>
<b>Proposed Meeting Date:</b>	<b>22 August 2023</b>

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**PURPOSE**

The purpose of this report is to consider an amendment to the area within Reserve 27184 McDonald Avenue, Mount Barker, to be used by the Plantagenet Company of Archers (PCA) in association with the Memorandum of Understanding (MOU) between the Shire of Plantagenet and the PCA.

**BACKGROUND**

At its meeting held on 21 February 2023, the Council resolved:

*'That the Chief Executive Officer and Shire President be authorised to sign the Memorandum of Understanding between the Shire of Plantagenet and the Plantagenet Company of Archers Reserve 27184 McDonald Avenue, Mount Barker for a period of five years commencing 15 December 2022'.*

The map identifying the area of Reserve 27184 that applies to the MOU shows a reduced area from the previous MOU between the Shire and PCA, endorsed by the Council on 5 December 2017.

The PCA has queried the reduction to their approved area as it restricts the club's activities.

**EXTERNAL CONSULTATION**

Consultation has taken place with the Plantagenet Company of Archers.

**STATUTORY ENVIRONMENT**

There are no statutory 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.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget 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 Corporate Business Plan 2022/23 – 2025/26 provides:

*At Outcome 1 – Health and Wellbeing, the following Strategy:*

Strategy 1.3.2:

*'A healthy and active community.'*

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

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Operational - A member of the public is injured by entering the shooting range during club activities</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Low / Moderate</i>	<i>Club to operate under safety policies and procedures as set by Archery Western Australia</i>

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

The 2017 MOU between the Shire of Plantagenet and the PCA identified the whole of Reserve 27184 as the applicable site for the PCA to carry out club activities.

The MOU did not prevent the use of Reserve 27184 for other community activities such as vehicle parking when required for large events. The MOU was relevant for a period of five years which concluded on 15 December 2022.

The Council authorised a new MOU between the Shire of Plantagenet and PCA at its meeting held on 21 February 2023. The MOU included a map of Reserve 27184 McDonald Avenue, which showed the area relevant to the MOU as an etched area. The area had been reduced from the whole of Reserve 27184 to a part of the Reserve, as shown in the attached document titled '*Site Plan - 21 February 2023*'.

The PCA was not aware of the reduction to their approved area until members presented to sign the MOU. The members raised some concerns as the reduced space will prevent the Club from carrying out some of their archery activities.

Shire staff met with PCA members at Reserve 27184 to review the space required for archery. The cleared area, which borders McDonald Avenue and Marmion Street, is used for activities such as Target and Clout Archery, both of which require distance and clear sight lines to the targets.

The bushland area to the west of the cleared area is used for Field Archery. This involves club members moving through the bush trying to find and shoot at targets which may, or may not, include measured distances. The undulating nature of the land is suited to Field Archery as targets can be set against mounds, minimising the risk of arrows overshooting the targets. The vegetation provides archers with extra challenges such as shooting between branches or trying to avoid natural elements such as rocks or stumps.

A revised map of Reserve 27184 was prepared in consultation with the PCA (please refer to the attachment titled '*Amended Site Plan - Reserve 27184 McDonald Avenue, Mount Barker*'). It is recommended that the amended site plan be applied to the MOU between the Shire and PCA.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**That the map titled '*Amended Site Plan – Reserve 27184 McDonald Avenue, Mount Barker*', dated 04 August 2023, be applied to the Memorandum of Understanding between the Shire of Plantagenet and the Plantagenet Company of Archers endorsed by the Council on 21 February 2023.**



**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**12 CONFIDENTIAL**

**13 CLOSURE OF MEETING**