

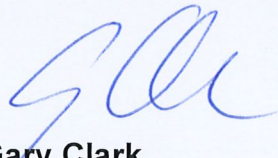


ORDINARY MINUTES

DATE: Tuesday, 22 August 2023

TIME: 5.00pm

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



Gary Clark
CHIEF EXECUTIVE OFFICER

Resolution numbers: 138/23 to 146/23

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	3
3	PUBLIC QUESTION TIME.....	4
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995	4
3.2.1	MR RON CLARKE – REPRESENTING RD & GM CLARKE.....	4
4	PETITIONS / DEPUTATIONS / PRESENTATIONS	4
4.1	PRESENTATION – MRS KATHRYN MACNEIL – REPRESENTING MOUNT BARKER TOURISM.....	4
5	DISCLOSURE OF INTEREST	4
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
7	CONFIRMATION OF MINUTES	5
7.1	ORDINARY MINUTES OF COUNCIL HELD 25 JULY 2025	5
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	5
9	REPORTS OF COMMITTEES AND OFFICERS	6
9.1	DEVELOPMENT SERVICES REPORTS	6
9.2	WORKS AND SERVICES REPORTS	7
9.2.1	POLICY REVIEW – PRIVATE WORKS	7
9.2.2	POLICY REVIEW – RURAL ROAD AND RESERVE VEGETATION MANAGEMENT – TREES ACROSS FENCES AND BOUNDARIES.....	10
9.3	CORPORATE SERVICES REPORTS.....	13
9.3.1	BUDGET REVIEW - JULY 2023	13

9.3.2	FINANCIAL STATEMENTS – JULY 2023.....	17
9.3.3	LIST OF ACCOUNTS – JULY 2023.....	19
9.4	EXECUTIVE SERVICES REPORTS	21
9.4.1	REGISTER OF DELEGATED AUTHORITY - AMENDMENT	21
9.4.2	NEW POLICY – COUNCIL FORUMS	24
9.4.3	PLANTAGENET COMPANY OF ARCHERS – MEMORANDUM OF UNDERSTANDING – AMENDMENT TO AREA - RESERVE 27184 MCDONALD AVENUE, MOUNT BARKER	30
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	33
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	33
12	CONFIDENTIAL	33
13	CLOSURE OF MEETING	33

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm The Presiding Member declared the meeting open.

The Presiding Member acknowledged the Traditional Custodians of the land, paying respects to Elders past, present and emerging.

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

Members Present:

Cr C Pavlovich	Shire President (Presiding Member)
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr A Fraser	Councillor
Cr L Handasyde	Councillor
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

In Attendance:

Mr Gary Clark	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Delma Baesjou	Manager Development Services
Mr Kevin Hemmings	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were 12 members of the public present at the meeting.

Previously Approved Leave of Absence:

Nil

Disclaimer:

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

3.2.1 MR RON CLARKE – REPRESENTING RD & GM CLARKE

Mr Clarke asked the following questions of Council:

- 1) *Who was awarded the Tender C07-2223 Bushfire Mitigation Program 2023?*
- 2) *How much was the awarded Tender?*
- 3) *Why was the Tender extended the Day I submitted our quote on 25 May 2023?*

The Executive Manager Works and Services responded to the questions as under:

- 1) Martins Environmental
- 2) \$246,000 (with a separate package offered to Ron Clarke)
- 3) The tender was extended due to another tenderer being sick on the final day of tendering. This meant they could not finish their submission. As it turned out the extension provided did not impact upon the final allocation because this tenderer did not win any of the work.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – MRS KATHRYN MACNEIL – REPRESENTING MOUNT BARKER TOURISM

Mrs MacNeil addressed the Council in relation to a Tourism Funding Review request that the Shire of Plantagenet identify \$12,830 as part of an immediate budget review process to allocate to the ongoing delivery of regional marketing and tourism projects (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

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 25 JULY 2025

Moved Cr B Bell, seconded Cr J Oldfield:

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.

CARRIED (9/0)

NO. 138/23

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President extended his sincere thanks to both temporary CEO Gary Clark, whose knowledge and expertise has been well received by Council, and DCEO John Fathers who has been a valued, long-standing member of staff for the past 17 years.

The Shire President wished both departing staff members all the best for the future.

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

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

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.

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/COUNCIL DECISION

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

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.'

CARRIED (9/0)

NO. 139/23

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

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

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/COUNCIL DECISION

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

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.'

CARRIED (9/0)

NO. 140/23

5.20pm Manager Development Services Delma Baesjou left the meeting.

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REVIEW - JULY 2023

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

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/COUNCIL DECISION

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

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
ADJUSTMENTS TO STATEMENTS OF FINANCIAL ACTIVITY				
	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

CARRIED (9/0)

NO. 141/23

Absolute Majority

9.3.2 FINANCIAL STATEMENTS – JULY 2023

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

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Woltering:

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

CARRIED (9/0)

NO. 142/23

9.3.3 LIST OF ACCOUNTS – JULY 2023

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

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 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.

CARRIED (9/0)

NO. 143/23

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 REGISTER OF DELEGATED AUTHORITY - AMENDMENT

File Ref:	N61658
Attachments:	<u>Register of Delegated Authority - Amendment</u>
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	22 August 2023

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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/COUNCIL DECISION

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

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.

CARRIED (9/0)

NO. 144/23

Absolute Majority

9.4.2 NEW POLICY – COUNCIL FORUMS

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

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.

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/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

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.'

CARRIED (9/0)

NO. 145/23

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

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

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Clements:

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.

CARRIED (9/0)

NO. 146/23

Absolute Majority

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

6.27pm The Shire President declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____

Mount Barker Tourism Deputation 22nd August 2023

Request: the Shire of Plantagenet identify \$12,830 as part of an immediate budget review process to allocate to Mount Barker Tourism for the ongoing delivery of regional marketing and tourism projects, as outlined in the MBT ECSO Grant Application.

Situation:

Mount Barker Tourism applied for \$44,830 as part of the ECSO Grant Program

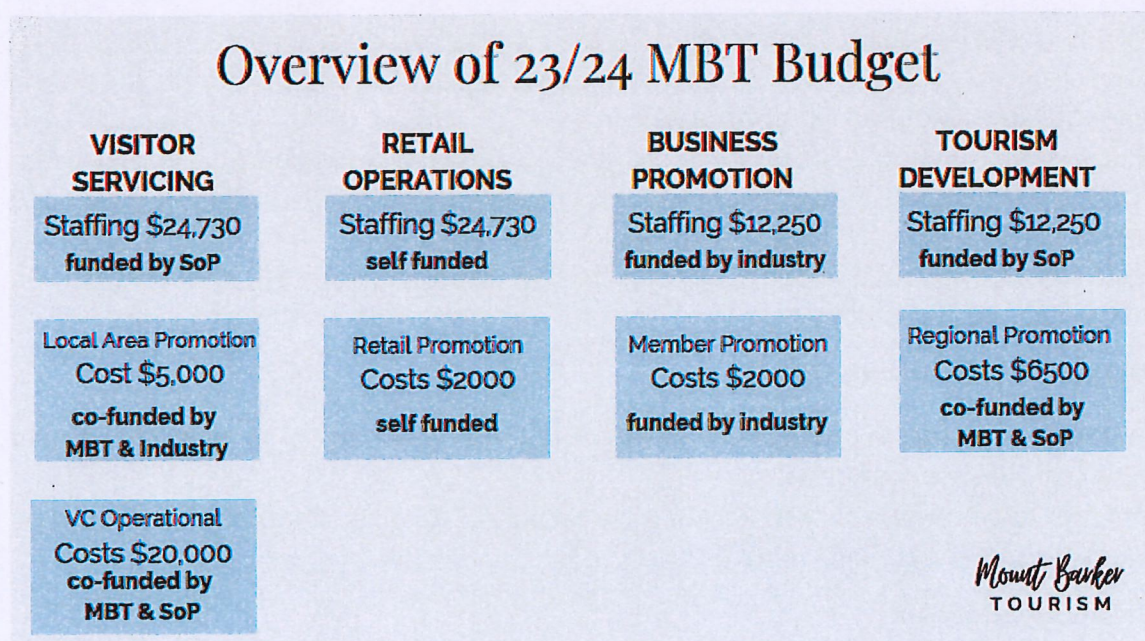
This funding can be broken down as follows:

\$29,330 to fund the continued operation of the Mount Barker Visitor Centre

- \$24,730 in staffing costs
- \$2500 electricity costs
- \$2100 other utilities

\$15,250 to fund the delivery of regional marketing and tourism projects

- \$12,250 in staffing costs
- \$3250 in regional marketing (GS Magazine, MC brand development)



ECSO Grant awarded:

\$32,000 (\$29,330 to operate the Mount Barker Visitor Centre; \$2,760 to deliver regional marketing and tourism projects)

Leaving a \$12,830 shortfall (\$12,250 to fund staffing; \$580 to fund regional promotional activities)

This means that Mount Barker Tourism will be unable to deliver the tourism development segment of operations.

So why fund Mount Barker Tourism's regional marketing and tourism projects?

Mount Barker Tourism has become the "go to" organisation in the region for tourism projects, events, brand development, promotions, tourism advocacy, collaboration, local and regional information service, capacity building activities and business development, business networking, and so much more.

Our planned activities, based on receiving the full funding from the Shire of Plantagenet include:

Mountain Country Trails Hub:

- Continued work on the Pwakkenbak trails, with a focus on building industry capacity, engagement with MB MTB Club to support events and the marketing & promotion of the trails once completed
- Trails WA Trail Manager work to update Plantagenet trails (Pwakkenbak, Porongurup, Stirling Range)
- Collaboration with Outdoors Great Southern, DBCA and Trails WA to create a trails hub space at the Visitor Centre
- Preparations for 2024 World Trails Forum in Albany

Regional Promotion:

(Our social media channels reach over 22k accounts and our website reaches 6k accounts – Mount Barker Tourism is much more than just a Visitor Centre)

- Planning and delivery of a Mountain Country marketing guide which will pave the way for consistent promotion of our local tourism products and industry, and further develop and promote the Mountain Country brand
- Collaboration with the Shire of Plantagenet to develop a four page editorial in the Great Southern Magazine, showcasing our tourism assets, led by Australia's Southwest (please see Delma Baesjou for more information)
- Building strong relationships with potential tourism industry investors to promote investment opportunities

Mount Barker Murals development:

- Development and installation of interpretive links (QR Codes) at each mural to further enhance visitor experience
- Multiple applications of entry to Australia Street Art Awards, in collaboration with previous winners, the Horse Power Highway

Community Engagement:

- Working with community associations to support projects, events and developments. For example the Rocky Gully Show and Shine event, Porongurup events, Wine Trails, local brochures and fact sheets, local displays

A Final Word:

As the Shire of Plantagenet is no longer part of the Great Southern Treasures group, it's vital that the tourism promotion and development work of Mount Barker Tourism be supported adequately. Our organisation is widely recognised for it's work in the local and regional tourism space, and this funding request will leverage Mount Barker Tourism into the next phase of our business development, **bringing economic benefit to all businesses in the Shire of Plantagenet.**