



ORDINARY MINUTES

DATE: Tuesday, 23 August 2022

TIME: 5.00pm

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

Cameron Woods
CHIEF EXECUTIVE OFFICER

Resolution numbers: 132/22 to 150/22

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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 Cameron Woods	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Delma Baesjou	Executive Manager Development Services
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were five members of the public present at the meeting, including one media representative.

Previously Approved Leave of Absence:

Nil

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3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – RODNEY HOVELL – REPRESENTING THE ROCKY GULLY PROGRESS ASSOCIATION

Mr Hovell addressed the Council with a brief update from the Rocky Gully Progress Association and asked the following questions of Council:

1. Can Rocky Gully residents have full use of the town oval for events?
2. Can we convert the tank on the oval boundary to public conveniences and will the Shire fund a septic system for it?
3. Will the Shire supply and install flashing speed signs to both entrances of Rocky Gully? (attached).

The Shire President thanked Mr Hovell and advised that the Shire would take the questions on notice and respond accordingly.

4.2 PRESENTATION – ROBYN PAGET - MOUNT BARKER RESIDENT

Ms Paget addressed the Council in relation to road safety concerns in Narrikup, specifically that there should be a slipway into Hannan Way, Hannan Way should not be closed, and Newman Road should be sealed.

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

6.1 APPLICANTS: CRS ETHERINGTON / BELL

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

That:

1. Cr S Etherington be granted Leave of Absence for Tuesday 27 September 2022.
2. Cr B Bell be granted Leave of Absence for the period 18 September to 18 October 2022 inclusive.

CARRIED (9/0)

NO. 132/22

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 2 AUGUST 2022

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

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 2 August 2022 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 133/22

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 ART LOAN AGREEMENT RENEWAL 2022/23 – MOUNT BARKER COMMUNITY RESOURCE CENTRE

File Ref:	N58804
Attachment:	<u>Art Loan Agreement 2022/23 Mount Barker Community Resource Centre</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	23 August 2022

PURPOSE

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

BACKGROUND

The Art Loan Agreement between the Shire of Plantagenet and the MBCRC to display the Acquisitive Art Collection expired on 5 June 2022. Following the annual stocktake process the Agreement has been reviewed and amended to allow the MBCRC to display 21 pieces of art at the centre. A copy of the agreement is attached and endorsement is sought from the Council.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The review date has been set annually to ensure that the Council's Art Collection is subject to a physical stocktake on a yearly basis. The Shire's Art Collection (91 pieces in total) was valued by Art Management Services Pty Ltd on 30 June 2019 and the evaluation figures have been used in the amended agreement for 2022. A re-valuation is recommended for prior to the next Art Collection stocktake.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022 – 2032 contains the following Strategic Priorities:

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

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

STRATEGIC RISK IMPLICATION

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

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

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

The agreement has varied from 2021/22 with one piece of art, Margaret Elisabeth Watkin's 'And the Stock Whips Ring Our Behind Them' moved to be displayed at the Library Manager's Office. As replacement, John Ainsworth's 'On the Water 2' was added to the Collection and displayed in the MPR4 Meeting room. The agreement has been amended accordingly.

The agreement ensures that the MBCRC maintain adequate insurances for the items on loan. This agreement will be reviewed in August 2023.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr A Fraser:

That:

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

CARRIED (9/0)

NO. 134/22

9.2 WORKS AND SERVICES REPORTS

9.2.1 NEWMAN ROAD, NARRIKUP – ROAD DEDICATION

File Ref:	N58842
Attachment:	<u>Location Maps</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Administration Officer Works and Services
Proposed Meeting Date:	23 August 2022

PURPOSE

The purpose of this report is to obtain Council approval for the dedication of land running through Vacant Crown Land (PIN 613528) as road reserve (see Attachment One). The road is known locally as Newman Road.

BACKGROUND

At the Council Meeting of 23 November 2021, it was resolved that

‘A Working Group be established to urgently progress solutions for the issues raised in Agenda Items 3.1 and 3.2 at the Special Meeting of Electors held on 19 October 2021 and related road safety concerns on the ‘Narrikup’ section of Albany Highway between the Spencer Road intersection and the bus stops south of the Hannan Way/Jackson Road intersections.’

Following meetings of the Narrikup Road Safety Working Group a letter was sent to Main Roads WA in July 2022 which listed the Group’s suggestions/requests for road safety in the areas mentioned above. In the letter, reference was made to Newman Road and that it be intended to act as the principal point of access into Narrikup townsite. Currently the road is gravel, and the proposal highlighted the road would need to be sealed as part of the upgrade. However, it was noted the road needed to be formally recognised (ie dedicated) prior to any of these initiatives taking place.

Attachment One shows the path of the existing Newman Road and its location within Vacant Crown Land adjacent to the railway reserve. Attachment Two shows the road’s location within the railway reserve.

STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 56 – ‘Dedication of land as road’

Land Administration Regulations 1998, Regulation 8 ‘Local government request to dedicate land as a road (Act s.56), requirements for’

Native Title Act 1993, Section 24KA - ‘Facilities for services to the public’

EXTERNAL CONSULTATION

Consultation has taken place with staff from the Department of Planning Lands and Heritage (DPLH). The DPLH South West Settlement Team advised that the proposal can proceed and a file has been started on the case.

Further advertising and consultation pursuant to Regulation 8 will be required.

FINANCIAL IMPLICATIONS

Staff time will be required to progress this proposal as will expenditure of funds for advertising and consultation. Initial administration costs will be in the vicinity of \$1,000.00 with further costs expected once the process commences, including a spring flora study highlighted in Officer Comment which is expected to cost in the vicinity of \$4,000.00.

If the proposal is accepted by the Minister, it is expected costs to finalise the road dedication will be in the vicinity of \$12,000.00.

BUDGET IMPLICATIONS

The 2022/2023 Annual Budget include item Legal Expenses (2120285) which has an allocation of \$30,000.00.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Newman Road has been treated by Shire staff as an asset. The road has been maintained and graded.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022/23 - 2032/33 contains the following Strategic Priority:

'Maintain and further develop Shire roads, drainage and pathways at appropriate standards.'

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

STRATEGIC RISK IMPLICATIONS

The Shire's Strategic Risk Register provides a review of Asset Sustainability Practices with failure or reduction in service of infrastructure assets, plant, equipment or machinery.

Controls to manage this include an asset management plan and routine maintenance on roads, bridges, drainage and footpaths.

Also, the gravel track is identified by the general public as a road and there is a potential for reputational risk if the Shire is not seen as managing what is perceived to be a public asset.

It is also seen as a viable alternative to access Albany Highway via Spencer Road rather than the potentially dangerous Hannan Way intersection.

OFFICER COMMENT

The approximate 350m of gravel road that runs through Vacant Crown Land (VCL) (Attachment One and Two) needs to be incorporated into a road reserve in order to continue management and potentially apply for future funding of upgrades.

Email correspondence from DPLH has advised that this proposal may proceed but has not expanded on any Native Title issues. In this regard, Section 24KA of the Native Title

Act 1993 may apply. This section allows for facilities which are of service to the public and that provide a benefit to the community, such as a road, may retain native title rights and interests.

Section 24KA 1)(b)(ii) states,

'...consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public;'

And further subsection (2) states,

'For the purposes of paragraph (1)(b), the things are as follows:

(a) a road, railway, bridge or other transport facility (other than an airport or port);'

In effect whilst the facility exists those Native Titles rights and interests have no effect on the construction, operation, use, maintenance or repair of that facility but basic procedural rights must be granted. This includes notifying any claimant/s of the Shire's intention and be granted an opportunity to comment.

DPLH has used the provisions of Section 24KA when addressing road dedications in the past, enabling dedications to proceed without compensation. Until the process is started no further commentary regarding potential compensation can be made.

To initiate the road dedication process and satisfy Regulation 8, the Shire needs to consult with the community and relevant public utility providers. The outcome of these consultations, including any Shire responses to submissions, are then forwarded to DPLH along with an indemnity in favour of the Minister against any claims for compensation and costs.

DPLH will coordinate the Native Title implications before administering the road dedication. DPLH has advised that the process may take up to 12 months.

Giving the overall timings around this project it would be prudent to undertake a spring flora study of the margins of the road. The area is likely to contain Declared Rare Flora (DRF), and identifying and mapping any such DRF will assist in informing the final design of any future upgrades to the road alignment.

Additionally, the map at Attachment Two shows that portion of the existing alignment which runs through Reserve 10449 managed by the Public Transport Authority (PTA) and leased by Arc Infrastructure. Staff intend to make enquiries with the PTA to incorporate a small section of that reserve into the road reserve adjacent. A further report to Council will be made once their comments are received as this will require an additional Council resolution to proceed. Prior experience with a similar road issue indicates this process can be drawn out.

This matter will be brought back to Council should any of the above actions meet with issues or difficulties that in the opinion of the Chief Executive Officer cannot be addressed at the officer level.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Woltering:

That:

- 1. Pursuant to Section 56 (1)(a) of the Land Administration Act 1997, the Minister for Lands be requested to dedicate the land which runs through Vacant Crown Land (PIN 613528) as shown at Attachment One as a road.**
- 2. The Chief Executive Officer be authorised to procure a spring flora survey.**
- 3. The Minister for Lands be indemnified against any cost, including any claims for compensation that may be reasonably incurred by the Minister in considering granting the request to dedicate the land as a road.**

CARRIED (9/0)

NO. 135/22

Absolute Majority

9.2.2 O'NEILL ROAD – PROPOSED OBSTRUCTION TO VEHICULAR MOVEMENT

File Ref:	N58827
Attachment:	<u>Location Map</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Administration Officer Works and Services
Proposed Meeting Date:	23 August 2022

PURPOSE

The purpose of this report is to consider a proposal to close movement to motorised vehicles on the unconstructed section of O'Neill Road, Mount Barker for a period of five years.

BACKGROUND

The Plantagenet Trails Masterplan Review 2019 identifies proposed trails for development within the Shire of Plantagenet. The O'Neill Road to Wansborough Walk trail is listed as a multi-use trail and is intended to link Mount Barker townsite to the south side of Porongurup National Park

The Council's 2020/2021 budget allocated \$10,000.00 to commence works on preparing the trail for access. Works completed during this year included; the installation of bollards at the end of the unconstructed section of O'Neill Road; gravelling low lying areas at the start of the trail; and installation of culverts and headwalls at three locations.

A workshop was held with Councillors on 24 May 2022 to discuss eligible items for the third phase of the Local Community Roads and Community Infrastructure Programme (LRCIP). At the Council Meeting held on 24 May 2022 it was resolved:

'That the following list of project priorities for the Local Roads and Community Infrastructure Programme (LRCIP) – Phase 3 and extension, be approved:

..... Stage 1A O'Neill Road Trail – 7.3km unconstructed road reserve section from Location 5710 to Woodlands Road'.

Approval was received from the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) in June 2022 for the submitted projects.

A major part of the development of the O'Neill Road trail requires the closure of the road reserve to motorised vehicles.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 3, Division 3, Section 3.50 – 'Closing certain thoroughfares to vehicles'

Local Government (Functions and General) Regulations 1996, Part 2, Section 4 – 'Persons prescribed to be notified of road closure'

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008, Part 4 – 'Obstructing Animals, Vehicles or Shopping Trolley's'

EXTERNAL CONSULTATION

Consultation has taken place with adjoining property owners to this section of the road reserve. Correspondence advised of the Shire's intent to develop the trail into a multi-use trail in 2022/2023 and described the works to take place. Property owners were requested to cease any activity within the road reserve and to apply to the Shire for permits for future use. One reply was received from a property owner requesting the eastern end of O'Neill Road be upgraded.

FINANCIAL IMPLICATIONS

The approved LRCIP-3 funding for Stage 1A of the O'Neill Road Trail is \$35,100.00

BUDGET IMPLICATIONS

The Shire has an extensive road construction program budgeted for in 2022/23. \$35,100.00 has been allocated to Stage 1A of the O'Neill Road trail.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Once the trail preparation work has been completed it is anticipated that an annual maintenance programme will be required to maintain the track.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022/23 - 2032/33 contains the following Strategic Priority:

'Maintain and further develop Shire roads, drainage and pathways at appropriate standards.'

And further:

'Tourism that capitalises on our natural assets without exploiting them.'

The Shire of Plantagenet Corporate Business Plan 2022/2023 to 2025/2028 lists 'Footpaths, trails and cycleways' as one of the community's top five priorities:

'Provide a network of hiking and cycling trails to encourage recreation and tourism in the Shire.'

Also, the O'Neill Road trail is listed as one of the major projects to be progressed in the next two years.

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

STRATEGIC RISK IMPLICATIONS

The Shire's Strategic Risk Register provides a review of Asset Sustainability Practices with failure or reduction in service of infrastructure assets, plant, equipment or machinery.

Controls to manage this include an asset management plan and routine maintenance on roads, bridges, drainage and footpaths.

REGIONAL IMPLICATIONS

It is proposed the O'Neill Road Trail will be included in the Porongurup Trails Master Plan – a document being developed by the Department of Biodiversity Conservation and Attractions (DBCA) that outlines trails within the Porongurup National Park. The document is still in the review process.

OFFICER COMMENT

The intended purpose of the O'Neill Road Trail is to provide a safe and enjoyable experience to pedestrian, cyclists and horse riders. The use of motorised vehicles such as 4WD's and motorcycles is incompatible with this intended use due to safety and general amenity concerns. It is proposed to exclude all forms of motorised transport except emergency and maintenance vehicles and E-bikes.

Section 3.50 of the Local Government Act allows such exclusions.

Another exception would be the use of motorised vehicles crossing the road reserve from Lot 5716 on Plan 206374 to Lot 5708 on Plan 206374 on the eastern side of Watermans Road as both properties are in common ownership. The owners of these lots have previously fenced the road reserve. This practice would have to be discontinued and stock movements across the road reserve actively managed rather than having stock wandering through the reserve between the two properties. There may also be a requirement to transport stock food across the road reserve.

This access would require management through a written exemption to the exclusion of vehicles. The permit would need to contain conditions relating to adequate signage and risk mitigation giving priority to trail users.

As the road is unconstructed over the area of exclusion and therefore it cannot be expressed accurately using the straight line kilometre measurement (SLK) the best description is as follows:

- Commence at the eastern end of the unconstructed section of O'Neill Road (approximately SLK 6.48) 634.6745 deg. S, 117.7443 deg. E (WGS84), 568187.147E 6162800.704N (GDA2020);
- Eastwards to the intersection with Watermans Road reserve crossing at Watermans Road SLK 8.659;
- Eastwards from the Watermans Road intersection crossing to 34.6942 deg S, 117.8198 E (WGS84), 575086.258E 6160562.368N (GDA2020) or approximately 1.16km west of the Woodlands/O'Neill Road intersection.

Although different coordinate systems are used there is little difference at the sub-metre level.

A map showing the proposed portion of road reserve to be closed is at Attachment One.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

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

That:

1. Pursuant to Section 3.50 of the Local Government Act, local public notice be given of the proposal to close the unconstructed portion of O'Neill Road to all vehicles except emergency vehicles, infrastructure maintenance vehicles and E-bikes for a period of five (5) years and that each person who is prescribed for the purposes of Section 3.50 be given written notice of the proposal and that submissions be invited for a period of 28 days.
2. That an exemption be given to the owners of Lot 5716 and 5708 on Plan 206374 to be able to cross stock across the closed portion of O'Neill Road reserve by the shortest means possible, at a single nominated point, whilst the lots remain in common ownership for the purpose of farm management, subject to the application to the Shire for a permit to do so.
3. A further report be prepared for Council's consideration at the conclusion of advertising.

AMENDMENT

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That in part 2, the words 'by the shortest means possible' be deleted.

CARRIED (9/0)

NO. 136/22

COUNCIL DECISION

That:

1. Pursuant to Section 3.50 of the Local Government Act, local public notice be given of the proposal to close the unconstructed portion of O'Neill Road to all vehicles except emergency vehicles, infrastructure maintenance vehicles and E-bikes for a period of five (5) years and that each person who is prescribed for the purposes of Section 3.50 be given written notice of the proposal and that submissions be invited for a period of 28 days.
2. That an exemption be given to the owners of Lot 5716 and 5708 on Plan 206374 to be able to cross stock across the closed portion of O'Neill Road reserve, at a single nominated point, whilst the lots remain in common ownership for the purpose of farm management, subject to the application to the Shire for a permit to do so.
3. A further report be prepared for Council's consideration at the conclusion of advertising.

CARRIED (9/0)

NO. 137/22

Absolute Majority

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL MANAGEMENT REVIEW

File No:	N58877
Attachments:	<u>Financial Management Review Report</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	23 August 2022

PURPOSE

The purpose of this report is to consider a report from the contracted auditor, Moore Stephens, in relation to its investigation of the Council's financial management systems and procedures.

BACKGROUND

On 16-18 May 2022, representatives of Moore Australia attended the Shire office to conduct a Financial Management Review of the Shire. This review is designed to test the financial management systems of the Shire and to report on the appropriateness and effectiveness of the control environment as required by Local Government (Financial Management) Regulation 5(2)(c).

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Section 5(2)(c) states:

- (2) *The CEO is to –*
- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.'*

FINANCIAL IMPLICATIONS

There are no direct financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

The Strategic Risk Register provides for a number of key controls in order to fulfil statutory and regulatory compliance requirements. Those controls are rated as either effective or adequate.

OFFICER COMMENT

A copy of the Financial Management Review has been attached, which is very comprehensive. The report contains 46 findings, 5 of which were rated as high risk with the remainder assessed as a medium risk.

It is considered that the report reflects the increasing complexity of local government financial management and the increasing risks associated with potential information technology vulnerabilities. The number of findings has also been impacted upon by the inability to fully resource the key finance positions of Senior Finance Officer and Accounts Officer positions over the last two years as well as the workload associated with the implementation of the new Synergysoft financial system.

Out of the 46 findings:

- 23 are being actioned or have been completed.
- 19 will be attended to in future.
- 4 are under consideration (or in one instance out of the Shire's control).

The findings made within the report and the management responses are as follows:

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
5.2.1 Medium Risk	We noted some council policies which may be operational in nature. Council policies are not necessarily intended to provide direction on how different operational functions are to be executed as these are the responsibility of the CEO. Some policies where this may occur includes: •Budget Preparation Policy F/FM/12 •Debt Collection - Policy F/FM/15 Policies are not necessarily intended to provide direction on how different functions are to be executed, except where legislation requires it.	Review and update these policies to consider the appropriate separation of the roles of the council and the CEO. Consider review and update of policies to articulate the strategic direction of Council, particularly where legislation does not provide such direction.	It is agreed the debt collection policy is more administrative. We will seek to get that one revoked by the Council and kept as an administrative procedure. The Budget Preparation policy has been guided by the Council. Although there are some administrative elements, it is preferred to retain this as a council policy, particularly given the rating philosophy enshrined in it.
5.2.2 Medium Risk	The policy provides limited direction regarding contract variations and extensions awarded or against a written specification not awarded by tender. Extension of contracts and associated price changes are also not covered by the policy. For contracts awarded by tender, legislation provides minimum requirements.	Amend the policy to provide purchasing requirements for the issuing of contract variations and extensions for contracts not awarded by public tender. Consideration should be given to circumstances where the contract value increases over a policy threshold level, due to the variation or extension.	Agree - we will recommend the policy be amended.
5.2.2 Medium Risk	The policy includes the ability to avoid the requirement to call for competitive quotes for single source suppliers however no requirement relating to when to utilise this provision is outlined. Staff representation noted in order to utilise this provision CEO approval is required.	Amend the policy to provide requirements for use of the single supplier provision and ensure organisational procedures are in line with these requirements.	Agree - we will recommend the policy be amended top note that CEO approval is required to override the purchasing policy requirements.
6.1.1 Medium Risk	An ICT Plan highlighting and addressing ICT risks and how they are to be addressed was not available for inspection.	Develop an ICT Strategic Plan identifying and documenting key ICT risks along with the treatments to reduce the risk to an acceptable level.	We have been considering key risks and undertaking a lot of work to mitigate these. Upon completion of ICT DR plan, we intend to develop strategic ICT renewal plan
6.1.2 High Risk	An Information and Communication Technology Disaster Recovery Plan was not available to review.	Develop an ICT Disaster Recovery Plan. Identify and document key ICT risks, along with the treatments to reduce the risk to an acceptable level. Maintain, review and test the plan to ensure validity.	This plan has been finalised and is being reviewed.

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
6.1.3 Medium Risk	A Business Continuity Plan was originally developed in February 2019 and has not been reviewed since November 2019. The current plan includes persons no longer employed by the Shire.	Routinely (at least annually) review, update and test the Plan to ensure validity. Identify and document key business continuity risks along with the treatments, to reduce the risk to an acceptable level.	The plan will be reviewed and tested
6.2.1 Medium Risk	Batch updates in the Shire's SynergySoft accounting software are not independently reviewed following update of the batch.	Ensure all batch updates are independently reviewed to ensure the update is as per the reviewed information.	All batches are now being independently reviewed to ensure the update is as per the reviewed information.
6.2.10 Medium Risk	No process is currently in place to determine the allocation of indirect costs for plant or public works overheads. From staff representations, current allocation rates are based on historical estimates and no calculation method to support the allocations was available.	Undertake a review of activity-based costings to support calculation of overheads.	Plant costings and PWO calculations were updated in 2021/22. They are being reviewed for 2022/23.
6.2.11 Medium Risk	<p>During testing of reconciliations between July 2021 and March 2022 we noted the following reconciliations did not balance:</p> <ul style="list-style-type: none"> • Payroll since the start of July 2021 • Rates for the month of July 2021 • Fixed Assets between July and November 2021 • Accounts Payable between July 2021 and February 2021 except for the month of November • Account Receivable between July 2021 and February 2021 except for the month of November • Inventory between July 2021 and February 2021 except for the month of November 	Review system processes to ensure regular and timely review of balance sheet reconciliations.	With regard to AP, there were none for July & August as we were setting up the system and hadn't had the necessary training to carry out all tasks. The reconciliation was done in September but it did not balance due to takeover error. It was fixed by November. With regard to AR, there were none for July & August as we were setting up the system and hadn't had the necessary training to carry out all tasks. September onwards balanced. With regard to stock, there were some out of balance due to timing differences (and a learning curve on how to operate the system). Regarding payroll, none balanced initially because of initial minor upload errors and journals (at IE code level not cash). These have now largely been corrected or reason noted. Again with Rates, we were uploading the new system with rates data throughout June.

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
6.2.12 Medium Risk	Staff representation noted Building asset condition data is outdated. Current and available asset condition data is necessary to ensure appropriate asset management decisions are made.	Develop processes to ensure asset condition data is available and current and utilise this to guide any decisions in relation to asset depreciation.	A building condition assessment is being carried out this year, which will satisfy this. This will be an ongoing requirement
6.2.13 Medium Risk	No regular refresher training for the use of the records system is currently in place.	Develop regular training to be undertaken by all staff with financial record keeping responsibilities to ensure a consistent and appropriate usage across the organisation.	Records refresher training will be offered and conducted with relevant staff
6.2.13 Medium Risk	No process to monitor and correct financial records usage is currently in place.	Develop systems and processes to monitor the practice of financial record keeping within the organisation and identify any misuse and correct appropriately.	The Records Officer has been asked to identify and offer correctional advice where incorrect system usage is observed
6.2.14 Medium Risk	The trust fund currently includes bonds. It is understood from staff representations, this is due to the change in accounting system recently undertaken.	Remove all funds which are not required by law to be held in the trust fund, and transfer to the Municipal Fund, in line with the Office of the Auditor General (OAG) position paper on Accounting for Work Bonds, Building Bonds and Hire Bonds released in July 2019.	Bonds are held in the Trust module, not the Trust Fund. This is the way Synergysoft has been set up.
6.2.14 Medium Risk	No process is currently in place to monitor transactions in the trust fund to ensure only amounts required to be in the trust fund are maintained within the fund.	Develop a process to monitor the trust fund to ensure only required funds are kept in the fund.	Few categories exist for trust receipts. We now only receipt what is essential under legislation or other historical agreement. This will be documented
6.2.15 High Risk	No consistent early reporting to management or reporting processes to monitor and recover overdue rate payments prior to the debt reaching the legal phase currently exist.	Develop reporting mechanisms to allow for the monitoring of rates collection for all stages of debt collection.	A rates spreadsheet with records of matters of concern and status will be prepared and report to be forwarded to management on a monthly basis.
6.2.16 Medium Risk	The adopted budget review was not submitted to the Department within 30 days of council making a determination as required by the Local Government Act (Financial Management) 1996 Regulations regulation 33A (4).	Review systems and procedures to ensure future regulatory compliance and timeframes are able to be met.	Agreed, this will be put in place

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
6.2.16	A copy of the annual financial report was not submitted to the Department within 30 days of the receipt of the audit report by the CEO as required by the Local Government Act (Financial Management) 1996 Regulations regulation 51 (2).	Review systems and procedures to ensure future regulatory compliance and timeframes are able to be met.	This was done about two weeks later, as soon as the DCEO returned from leave.
6.2.17	Procedures are not formalised for some key financial operational functions throughout the Shire. Documenting financial functions through checklists, flow diagrams or documented procedures are key elements in establishing, understanding and enforcing financial controls.	Undertake a review of existing operational procedures, and where required develop and implement additional procedures, to provide operational guidance aligned with adopted Council policies and legislation. Procedures should provide for activities not necessarily covered by legislation to communicate expected standards to staff from the CEO, in the course of implementing strategic direction and decisions of Council. Development of documented procedures and checklists, and / or workflow process diagrams may assist in clearly identifying controls and processes to be followed.	Some financial operational procedures are in place. It is agreed more are required and will be attended to in due course.
6.2.18	Process for amending or changing procedures are not formalised. This creates opportunities for unilateral unauthorised changes to procedures and a breakdown in key controls.	Establish a process for the development, review, amendment and authorisation of procedures, checklists and other internal control documentation, throughout the Shire to assist with managing changes to procedures.	This has now been established
6.2.2	We noted instances through our testing where credit card expenses were not reviewed and approved by an independent more senior member of staff.	Update procedures to require cardholders to review and certify expenses incurred on their credit cards each month, these must be subsequently reviewed by an independent more senior member of staff.	We are not aware of any instances where credit card reconciliations were not fully completed at all. Reconciliations have always been done monthly and signed off. We did note that the DCEO credit card needed to be signed off by the CEO, which we have started doing.
6.2.3	Weak controls of cash handling and poor weak security measures have been identified at certain Shire facilities.	Ensure access to any cash held is restricted only to authorised personnel through secure storage. Implement appropriate documented procedures and controls for cash maintained by staff.	The strong room door is now kept locked and key is hidden. We agree about the rec centre. This has been raised internally. A basic barrier is under consideration, as is a more comprehensive counter upgrade to keep the drinks fridge away from the public

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
6.2.3 High Risk	Staff representation noted regular documenting of receipts was not undertaken at the Mount Barker Regional Stockyard.	To help minimise the risk of fraud or error, funds received should be receipted immediately and batches updated daily, with a reconciliation to the daily banking undertaken routinely. Errors identified through the reconciliation to the bank statements should be corrected through appropriately authorised journals.	Saleyards staff now present cash to the Admin Centre on a weekly basis, with documentation of receipts. Appropriate cash handling and receipting procedures to be documented for all outcentres
6.2.4 Medium Risk	Reconciliations for the asset register were not undertaken between July 2021 and November 2021.	Review system processes to ensure regular and timely preparation of asset reconciliations and for these to be independently review.	Due to the implementation of the new finance system, there was a gradual uptake of data and then processes, so this could not be achieved initially. Reconciliations are now carried out monthly.
6.2.4 Medium Risk	No independent review of asset reconciliations is undertaken.	Review system processes to ensure regular and timely preparation of asset reconciliations and for these to be independently review.	This will now be done monthly
6.2.5 Medium Risk	Limited controls exist for the review of fixed asset acquisition, disposal and adjustment of assets into the fixed asset register.	Review procedures and controls for updating the fixed assets register including evidencing review and authorisation by an independent officer.	This will be done (DCEO has not been able to hand this task onto the SFO as she is also doing FO role)
6.2.6 Medium Risk	We noted one instance where evidence of review of a journal was not available.	Document and enforce internal controls to ensure journals requests initiated are reviewed and approved/authorised prior to posting by an appropriate officer, the current practice of independent review is maintained, and evidence of review is consistently applied.	All journals are being reviewed by a second person
6.2.7 High Risk	No stocktakes are currently undertaken for the following items: •chemical, oils and miscellaneous construction materials at the Shire Depot. •snacks and beverages at the Shire Recreation Centre.	Review and implement processes to undertake regular stocktakes of items of inventory.	For everything that is in 'stock', a stocktake is done quarterly on these items. Chemical is not a 'stock' item. The CEO has discussed the need to do stock takes at the Rec Centre with the new Manager of Sport and Recreation. It is planned to implement a regular check of the sale of stock, including stock take

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
6.2.7 Medium Risk	Limited controls are in place to monitor potential erroneous allocations or misuse of stock. Fuel dips are not independently reviewed for accuracy at periodic intervals and a reconciliation between the fuel on hand and the balance recorded in the accounting system is not undertaken.	Review and implement processes to undertake regular fuel stock reconciliations and allocations. Ensure appropriate controls exist to evidence independent review of data as required.	There is a reconciliation between fuel on hand and the balance recorded in the accounting system – we just don't enter it in the system but the Depot Purchasing Officer does a fuel dip every two months and sends through which the SFO looks at to compare to the system value.
6.2.8 Medium Risk	Some risk management activities currently undertaken are largely undocumented.	<p>Risk management should underpin the financial management of the Shire as such implementation of risk management procedures is considered important.</p> <p>Risk management procedures and processes are to be developed in accordance with the latest risk management standard (ISO 31000:2018).</p> <p>Implement risk management procedures and processes throughout the whole organisation.</p>	The Shire has a Risk Management Policy, Framework and Strategic Risk Register, regularly reviewed by the Audit and Risk Committee. We are introducing risk assessment tables into Council reports. OSH risks are a current focus and we are engaging a professional safety officer to conduct and audit and assist us in improving processes. We will undertake a review and document procedures for activities that we have in place for financial risk management and include this into our staff induction process.
6.2.9 Medium Risk	From staff representation and our understanding of IT controls we noted no process was in place to review, monitor and control access to financial records.	Undertake a comprehensive IT security review and implement findings.	A basic report was commissioned two years ago and we have been implementing findings. We are also developing a cyber security incident response plan. A comprehensive test would require a significant expense to do network penetration testing.
6.3.1 Medium Risk	During testing we noted one sample where a termination letter was not available for inspection.	Establish procedures or checklists to manage and document the termination of employees, ensuring access to IT systems etc is appropriately restricted and Shire assets are recovered.	A letter was sent out but not scanned. A procedure has been developed to rectify this
6.3.1 Medium Risk	Staff representation noted the removal of ICT access was not included within the procedure for departing staff.	Establish procedures or checklists to manage and document the termination of employees, ensuring access to IT systems etc is appropriately restricted and Shire assets are recovered.	Staff exit process will cover these items

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
6.3.2 Medium Risk	Limited review of changes made to employee master file and parameters was evidenced when each payroll is processed. We noted changes in the audit trail report did not include details of the staff member making the change in all instances.	Procedures to minimise risk of erroneous or unauthorised changes to employee details should be implemented. Regular reviews of software audit trails is one form of control and should be undertaken as a minimum. Where possible, segregation of duties should exist where those responsible for processing payroll transactions are unable to make changes to employee master file. Payroll exception reporting and review of audit trails should be undertaken to capture anomalies or unauthorised changes.	The SFO/HR officer is the only person with administrative access to this system. The Payroll Audit report contains changes made by that staff member and also changes made by employees themselves (to back details, addresses etc). However the audit report does not specify who makes all changes. This is not something we can currently change. We will make representations to Definitiv to amend the report accordingly. A very recent change (coming in the next release) may solve this.
6.4.1 Medium Risk	No evidence of an evaluation of building insurance cover was noted. It is therefore unknown whether the current level of insurance for buildings is sufficient.	Develop procedures for the regular review of building valuations and adjust insurance levels regularly to sufficiently cover any potential losses.	General insurance reviews are carried out with the LGIS rep every year. An insurance valuation has just been done. It is agreed we need to assess potential value increases in between valuation years.
7.1.1 Medium Risk	We noted minutes published on the Shire website differed from the official confirmed minutes due to the list of accounts not being made available in the minutes published on the Shire website.	Ensure the minutes published on the Shire website reflect the official minutes as required by the Local Government Act 1995 5.96A (f).	This is now being done again. It was previously held in the official minutes only, due to concerns with potential scammer access to financial information.
7.2.1 Medium Risk	No register was available for the ICT Hardware and Software in use was not available.	As part of managing IT risks and expenditure develop a register listing the current ICT Hardware and Software and include information required for the effective monitoring and management for this equipment and systems.	A register exists but is out of date. It will be brought up to date.
7.2.2 Medium Risk	We noticed multiple instances where an annual return was completed prior to the end of the return period.	Review systems and procedures to ensure the acknowledgement of receipt of all returns occurs and are appropriately filed in the register of financial interests as required by section 5.77 of the Local Government Act 1995.	This has been referred to the relevant staff member for attention in future
7.2.2 Medium Risk	We noted instances where annual returns contained several blank fields / incomplete information within the forms.	Review systems and procedures to ensure the acknowledgement of receipt of all returns occurs and are appropriately filed in the register of financial interests as required by section 5.77 of the Local Government Act 1995.	This has been referred to the relevant staff member for attention in future

Risk	Risk Assessment Category	Mitigation and Management Strategy (Possible Future Controls)	Management Comment
7.2.3 Medium Risk	On inspection of the tender register we noted the following: •Opening date of the tender submissions was prior to the closing date of submissions; •One instance where the value of the successful tender was not available; •One instance where a non tender procurement was entered into the tender register. the tender register.	Ensure the tender register complies with Regulation 17 of the Local Government (Functions and General) Regulations 1996 for any future tenders called.	The errors will be fixed
7.2.4 Medium Risk	Our testing identified a number of issues with several delegations. We noted common occurrences where: 1.Delegations are suitable for acting through 2.No power is available to be delegated.	Review and update the delegations register to ensure the delegations are correct and are consistent with relevant legislation.	The updated response on this will be forwarded to the relevant staff member for attention in future
7.2.5 Medium Risk	A contracts register has been established, however it does not provide information detailing the status of contracts held by the Shire.	Maintain a register to record details of contracts and their status to assist with ensuring contracts are monitored and actioned as required.	The register has an expiry date and a 'bring-up' is recorded in Synergysoft to the relevant officer
7.2.6 Medium Risk	A listing of fees and allowance paid to council members was not available on the website for the 2020/21 financial year.	Maintain and publish on the Shire website a register of fees and allowances paid to council members for each financial year following 1 July 2020 as per the Local Government (Administration) Regulations 1996 regulation 29C (2)(f).	Noted. This has now been fixed and 2021/22 is also on the website
7.4.1 Medium Risk	Currently, no internal auditors have been appointed, and limited internal audit functions have been undertaken.	We suggest as the level of documented procedures increases, an expanded internal audit function to confirm adherence to documented policies and procedures may be required as recommended by the OAG in their report to Parliament on the Audit Results Report – Annual 2017-18 Financial Audits of Local Government Entities.	If the DLG mandates the need for internal auditors we will comply. With an interim audit, annual audit, compliance audits and internal controls we consider the current practices sufficient for a tier 3 local government at this time.
7.5.1 Medium Risk	A financial management review was not undertaken within the time period as required by Regulation 5(2) of Local Government (Financial Management) Regulations 1996 having last been adopted in June 2018.	Ensure the next review is undertaken within the next three years as required by legislation.	Agreed. There have been severe time constraints with the implementation of Synergysoft and loss of key finance staff

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr A Fraser:

That the results of the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Plantagenet, pursuant to Section 5(2)(c) of the Local Government (Financial Management) Regulations 1996, be noted.

CARRIED (9/0)

NO. 138/22

9.3.2 FINANCIAL STATEMENTS – JULY 2022

File Ref:	N58898
Attachment:	<u>Financial Statements – July 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	23 August 2022

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 2022.

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Woltering, seconded Cr B Bell:

That the Financial Statements for the period ending 31 July 2022 be received.

CARRIED (9/0)

NO. 139/22

9.3.3 LIST OF ACCOUNTS – JULY 2022

File Ref:	N58802
Attachment:	<u>List of Accounts - July 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	23 August 2022

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 2022.

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.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde seconded Cr K Clements:

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 2022 be received and recorded in the minutes of the Council, the summary of which is as follows:

- 1. Electronic Payments and Direct Debits totalling \$700,647.37; and**
- 2. Municipal Cheques 47231 totalling \$223.90.**

CARRIED (9/0)

NO. 140/22

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

File Ref:	N58793
Attachments:	<u>Policy with amendments</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	23 August 2022

PURPOSE

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

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 14 July 2020.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

FINANCIAL IMPLICATIONS

The Policy requires the Council to raise rates on its leasehold properties but pay those rates itself. This involves actually raising the rates in the finance system, and also paying the rates back as a donation.

In regard to the accounting treatment of such transactions, the Shire’s auditors identified in the 2020 mid-year audit that recognising both the rates income and donation expenditure is not in accordance with AASB 101 – Presentation of Financial Statements and has the effect of overstating that revenue and expenditure. A record can be kept for internal management purposes, however for financial reporting purposes, the entries needed to be eliminated.

When the Synergysoft finance system was implemented, the advice from the software supplier was that rates on such properties could be recognised as a waiver, due to the relative simplicity of this treatment and that it does not impact on setting rates in the dollar.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

‘The general position is that land occupied by a private club would not be described as being used for “public purpose”. See Swan Yacht Club Inc v Town of East

Fremantle [2005] WASCA99 – which is a decision of the Court of Appeal of the WA Supreme Court.

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

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

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

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

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

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

The policy has been amended as follows:

- Clause 2 has been amended to reflect that the rates will be waived, not raised and then donated back.
- The start of Clause 3 has been amended to aid clarity.
- The Amazing South Coast Tourism Inc. relinquished the lease of the Visitor Centre, so it reverted to the original sub-lease, Mount Barker Tourist Bureau.
- At its meeting held on 23 November 2021 that the lease for the Mitchell House Arts Centre to Mitchell House Arts Centre Inc (formerly Plantagenet Arts Council) be subject to a 100% waiver.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

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

‘OBJECTIVE:

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

POLICY:

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

Facility	Lessee
Narpanup Golf Course	Narpanup Golf Club
Kendenup Golf Course and Country Club	Kendenup Country Club
Mount Barker Communications Tower	Bevan Lang
Mount Barker Railway Station	Mount Barker Tourist Bureau Inc
Lower Floor - Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA
Upper Floor – Mount Barker Community Resource Centre	Department of Training and Workforce Development – South Regional TAFE

3. The Council has determined by separate resolutions that the rateability of the following leased properties will be categorised as follows:

a) **Charitable Status – 100% Waiver**

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

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

b) **State Government Service or Purpose – 100% Waiver**

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

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

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

d) **Other Service Organisation/Sporting Club**

Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community

benefit provided. The decision is to be made by the Council when the respective leases are renewed.

The degree to which rates should be waived for each of these is considered on a case-by-case basis, but as a guide the following factors are to be considered:

- Benefits to the Shire as a whole of activities being provided.
- Number of active participants or people benefitting.
- Structure of organisation (ie: not for profit or other, membership fees payable, base of operations).
- Ability to recoup costs, such as commercial kitchen, bar or fee for service.
- Exclusion/inclusion of sections of the community.

Facility	Lessee	Specific Council decision regarding a waiver
Mount Barker Speedway	Mount Barker Speedway Club	100%
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club	100%
Mount Barker Men's Shed	Plantagenet Men's Shed	100%
Narpanup Golf Course	Narpanup Golf Club	
Mount Barker Communications Tower	Bevan Lang	
Kendenup Golf Course and Country Club	Kendenup Country Club	
Portion of Mount Barker Railway Station	Mount Barker Tourist Bureau Inc	
Mount Barker Tennis Courts	Mount Barker Tennis Club	100%
Arts Centre (Mitchell House)	Mitchell House Arts Centre Inc	100%
Kendenup Tennis Courts	Kendenup Tennis Club	100%
Lower Floor - Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA	
Lot 150 Beverley Road Kendenup	Kendenup Community Grounds Committee Inc	100%
Sounness Park Clubrooms	Plantagenet Sporting Club	100%
Plantagenet District Hall	Plantagenet Players	100%
Upper Floor – Mount Barker Community Resource Centre	Department of Training and Workforce Development – South Regional TAFE	
Frost Park Training Track	Mount Barker Turf Club Inc.	50%
Part Lot 250 Memorial Road Mount Barker (former HACC building)	Plantagenet News	100%
Part of Lot 250 Memorial Road, Mount Barker (Lesser Hall)	Empowering Plantagenet Seniors Inc	100%
Portion of Mount Barker Railway Station	Wilson Inlet Catchment Committee Inc	100%
Portion of Mount Barker Railway Station	Oyster Harbour Catchment Group	100%

e) Commercial entities or persons running a profit-making business – Lessee responsible for rates

Facility	Lessee
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Plantagenet Medical Centre	Prima Stella Pty Ltd trading as Pioneer Health

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

be endorsed.

CARRIED (9/0)

NO. 141/22

9.3.5 POLICY REVIEW - TELECOMMUNICATIONS - COUNCILLORS

File Ref:	N58792
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	23 August 2022

PURPOSE

The purpose of this report is to review Council Policy F/FM/4 – Telecommunications – Councillors.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 8 September 2020.

STATUTORY ENVIRONMENT

Local Government Act
Local Government (Administration) Regulations

Sections 5.98 to 5.102 of the Act and Regulations 30 to 34 provide the framework for the payment of expenses and allowances to elected members.

BUDGET IMPLICATIONS

The budget for Councillors' Communications Allowance for 2022/2023 is \$18,000.00.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr K Clements:

That Council Policy F/FM/4 – Telecommunications – Councillors, as follows:

‘OBJECTIVE:

To ensure that councillors are reimbursed adequately for telecommunications and information technology costs.

POLICY:

1. Councillors shall be paid an annual Information and Communication Technology Allowance to be reviewed annually in conjunction with attendance fees.
2. The annual allowance is to be paid monthly in arrears.
3. Reimbursement of member expenses in excess of the annual allowance made under this policy is required to be substantiated by the claimant through the production of receipts.
4. The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.
5. A mobile telephone shall be supplied to the Shire President by the Council with all related costs to be borne by the Council.’

be endorsed.

CARRIED (9/0)

NO. 142/22

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 COMMUNITY ENGAGEMENT MEETINGS

File Ref:	N58832
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to seek Council approval to trial annual community engagement sessions in Kendenup, Porongurup, Narrikup, and Rocky Gully town sites for a period of two years with a review in 2024/25.

The rationale for the meetings is to update community members on the progress of the Community Strategic Plan and to provide a forum for the community to engage with administration on matters that are important to them.

BACKGROUND:

In recent years, the Shire has been improving its processes in consulting and engaging with the community.

A new 'Consultation and Engagement' policy was adopted by the Council at its meeting held 14 December 2021. The objectives of this policy were to:

- Provide the public with a clear understanding of Council's commitment to community and stakeholder engagement.
- Achieve good governance by facilitating open and honest communication with stakeholders and the community on programs, projects and initiatives that may impact their lives.
- Raise awareness of Council decisions and community aspirations surrounding programs, projects, and initiatives.
- Allow for informed decision-making to achieve an improved quality of life in the Shire of Plantagenet by planning for projects where they are needed and supported by the community.
- Ensure more members of our community will feel encouraged to build local networks and participate in civic life with a greater understanding of the role of local government.

In late 2021, the Shire commenced the four-yearly review of its Community Strategic Plan (CSP). In addition to a Shire-wide community survey, town hall style meetings were called for the purpose of informing the community and developing the CSP.

This style of meeting was well received by the community and the request from some was for this style of engagement to be ongoing.

In June this year, Catalyse Pty Ltd conducted the biannual MARKYT Community Scorecard survey to assist in informing our Community Strategic Plan and the development of the Corporate Business Plan.

The survey was well received by the community with a total of 540 responses representing 10% of our total population with a good cross section of community demographics and all five townsites proportionately represented.

The survey findings indicate that the Shire is rated above the industry average for liveability, governance, and value for rates. It also highlighted that we are industry leaders in library services, sport, and recreation facilities and how we preserve and promote our history and heritage.

The survey findings also indicated that we have improved in the delivery of services to seniors, streetscapes and in animal management since the survey was completed in 2019.

Overall, the Shire of Plantagenet is 2 index points above the industry average of all the 50 metro and regional local governments that participated in the Markyt Community Scorecard.

The survey indicated that the Shire has dropped 8 index points (from 32 to 26) in communicating a clear vision for the area. This is despite undertaking more community consultation in the last 12 months than when the last four yearly review of the community strategic plan was undertaken.

This figure drops to 21 index points in Kendenup and is a high 39 index points in the Porongurup district.

A Notice of Motion was submitted by CR Handasyde on the 25th of January requesting a report on the hosting of Community Engagement sessions.

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

That:

- 1. The CEO be requested to prepare a report for Council to host meetings once per year at Kendenup, Porongurup, Narrikup and Rocky Gully town sites. The purpose of the meetings is to update the community members on the progress of the Community Strategic Plan and to provide a forum for the community to engage with the administration on matters that are important to them.*
- 2. The report should consider options on the days, times and format of the meeting, taking into consideration the annual meeting calendar, and identify any costs and issues relating to the hosting of meetings in the townsites.*
- 3. The report to be brought back to a Council workshop in March of 2022.*

CARRIED (8/0)

NO. 271/22'

A workshop was held with Council on 22 March, addressing the above Notice of Motion and Council provided the following direction.

- Community engagement sessions were not considered necessary for the Mount Barker townsite as the monthly ordinary meetings of Council and the annual electors meeting provide a forum for community members to raise issues and engage with Council.
- Meetings should be held at a time after work to attract community members
- Meetings should avoid the months of December and January and the months that Council have additional budget workshops, April through to June annually.

FINANCIAL IMPLICATIONS:

There will be minor resourcing and financial impacts from hosting engagement sessions in rural locations

Additional administration costs will be incurred in preparing Council agendas; the taking of minutes or actions and in providing communication and feedback to community members.

There are likely to be hire fees for venue and cleaning and set up costs.

Depending on the time of the meeting and which officers' attend may also impact salaries and wages.

STATUTORY ENVIRONMENT

There are no Statutory 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

BUDGET IMPLICATIONS:

Any costs will be absorbed in the existing annual administration costs and salary impacts can be avoided by not rostering any staff under the EBA. This will require contract staff to undertake the majority of afterhours work.

STRATEGIC IMPLICATIONS:

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

At Outcome 4 Performance & Leadership the following Strategies:

Strategy 4.1.1:

'A Shire that listens and considers the needs of each community.'

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.

POLICY IMPLICATIONS:

CS/CC/1 Consultation and Engagement Policy.

STRATEGIC RISK IMPLICATION:

Additional meaningful engagement should reduce the risk to the organisations reputation from being more approachable and transparent with residents.

CONSULTATION:

This report is a direct result of community feedback from the review of the community strategic plan and in addressing feedback from the June 2022 Markyt Scorecard results.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT:

The Act is very clear in relation to the administrative functions of local governments and the holding of meetings.

Meetings identified as Council Meetings, are commonly known as Ordinary Council Meetings (OCM), Special Council Meetings, Committee Meetings and Electors' Meetings. These are the formal meetings of the Council administration.

All the above meetings are open to the public unless, as per the regulations, some matters are to be considered behind closed doors.

The Shire of Plantagenet has an annual calendar of monthly Ordinary Council Meetings, an Annual Electors' Meeting and numerous Committee Meetings

Community members appreciate the opportunity for genuine and less formal engagement. The engagement can and should be two-way so that community can become educated about the role and the reality of local government and how competing needs are prioritised.

The opportunity to report and engage against the CSP progress is not only good practice but a requirement of the integrated planning process.

The holding of less formal engagement opportunities structured around reporting on the progress of the CSP and opening the discussion to community issues would be the preferred approach rather than rotating the current OCM meeting to individual townsites.

The timing issues relate not only to the time of the day for the meeting but also the calendar month, as seasonality will affect attendances and Council's existing calendar is very busy from April through until budget adoption in July.

With seasonal factors and the business of Council, the best months for any additional meetings are possibly September through to November and February and March annually.

Council formally adopted the Corporate Business Plan on 2 August 2022, which included an action to conduct community engagement sessions in townsites to improve the communication and engagement with the community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

- 1. The Chief Executive Officer be authorised to organise the hosting of community engagement sessions, during the months of October and November 2022, and February and March 2023, for the townsites of Kendenup, Rocky Gully, Narrikup and Porongurup.**
- 2. The Council to review the effectiveness of the community engagement sessions and to determine the dates for the 2023/24 community engagement sessions as part of the 2023/24 budget adoption.**
- 3. The Catalyse Markyt Community Scorecard survey in 2024 include a dedicated survey question to rate the importance of the community engagement sessions before committing to a further term of community engagement sessions in townsites.**

CARRIED (9/0)

NO. 143/22

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL**12.1.1 TENDER CO1-2223 CARBARUP ROAD – RECONSTRUCTION OF SECTIONS OF ROAD SLK 8.41 TO 9.11 AND SLK 9.79 TO 11.08**

File Ref: N58791
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Administration Officer Works and Services
Proposed Meeting Date: 23 August 2022

PURPOSE

The purpose of this report is to consider submissions received for Tender CO1-2223 Carbarup Road – reconstruction

MOTION TO PROCEED BEHIND CLOSED DOORS

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

5:30pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED (9/0)

NO. 144/22

5:30pm Remaining members of the public left the meeting.

MOTION TO PROCEED IN PUBLIC

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

6:06pm That the meeting proceed in public.

CARRIED (8/0)

NO. 145/22

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr M O’Dea:

That:

1. Tender CO1-2223 Carbarup Road – reconstruction of sections of road SLK 8.41 to 9.11 and SLK 9.79 to 11.08 be awarded to Fulcher Contractors.
2. The Chief Executive Officer be authorised to negotiate a revised scope of works to a maximum of the available funding and a suitable start date for the contract to allow for the community to be informed.

CARRIED (9/0)

NO. 146/22

Absolute Majority

12.1.2 TENDER CO2-2223 MOWING SERVICES

File Ref: N58826
Attachment: Evaluation Scorecard
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Administration Officer Works and Services
Proposed Meeting Date: 23 August 2022

PURPOSE

The purpose of this report is to consider submissions received for Tender CO2-2223 Mowing Services.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Woltering:

That:

1. The Tender CO2-2223 Mowing Services be awarded to Lochness Landscape Services for \$87,120.99 (excl GST) for a two-year period.
2. The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.
3. The Chief Executive Officer be authorised to extend the contact for a further two-year period at the conclusion of the initial two-year period subject to satisfactory performance. The renewal be subject to a maximum price escalation based on the All Groups CPI (Perth) June Quarter 2023 to June Quarter 2024.

CARRIED (9/0)

NO. 147/22

Absolute Majority

COUNCIL DECISION

That:

- 1. Tender CO3-2223 Lowood Road – stabilising and 30mm AC10 asphalt overlay works SLK 0.04 to 0.54 be awarded to WCP Civil Contractors for \$214,974.51 (exc GST)**
- 2. The Chief Executive Officer be authorised to negotiate an alternative Traffic Management Plan that limits business and community disruption.**

CARRIED (9/0)

NO. 149/22

12.1.4 TENDER CO4-2223 CONSTRUCTION OF A RETAINING WALL AT THE MEMORIAL SWIMMING POOL AND ALL ABILITIES ACCESS PATHWAY AND ALTERATIONS TO MEAD STREET

File Ref: N58872
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: David Lynch
Executive Manager Works and Services
Proposed Meeting Date: 23 August 2022

PURPOSE

The purpose of this report is to consider submissions received for Tender CO4-2223 Construction of a Retaining Wall at the Memorial Swimming Pool and All Abilities Access Pathway and Alterations to Mead Street, Mount Barker Western Australia.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Clements:

That:

1. The tender submitted for CO4-2223 Construction of a Retaining Wall at the Memorial Swimming Pool and All Abilities Access pathway and Alterations to Mead Street not be awarded.
2. Council approves the Shire of Plantagenet cost estimate Option 2 for \$199,407.00 and authorises the Chief Executive Officer to program works to meet the 1 November 2022 pool season opening date.
3. Council permits the variation of Council Purchasing Policy F/FM/17 to allow the Chief Executive Officer to approve quotations from single suppliers of goods and services to expediate the construction, provided that:
 - a) Where possible, preference be given to local suppliers with the skill and knowledge to undertake the tasks required in a timely manner.
 - b) The retaining wall construction and installation be awarded to Newman's Concrete on the basis that the engineering design was based on their products and previous quotation, and
 - c) That purchases of goods and services approved represent value for money and would be comparable to pricing if sought elsewhere.

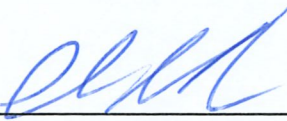
CARRIED (9/0)

NO. 150/22

Absolute Majority

13 CLOSURE OF MEETING

6.07pm The President declared the meeting closed.

CONFIRMED: CHAIRPERSON  DATE: 27 / 9 / 22