



ORDINARY AGENDA

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

DATE: Tuesday, 26 April 2022

TIME: 5.00pm

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

Cameron Woods
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Nil

3 PUBLIC QUESTION TIME**3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**4 PETITIONS / DEPUTATIONS / PRESENTATIONS****5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 22 MARCH 2022

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 22 March 2022.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 March 2022 as circulated, be taken as read and adopted as a correct record.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

9.2.1 PROPOSED ROAD RESERVE CLOSURE AND DEDICATION – KWORNICUP ROAD

File Ref:	N57945
Attachment:	<u>Kwornicup Road and Reserve – Aerial Map</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	26 April 2022

PURPOSE

The purpose of this report is to consider submissions received in relation to the advertising of a proposal to close a portion of an unconstructed section of the Kwornicup Road reserve, amalgamate the closed road reserve into the adjacent Class A Reserve 25456 (Lot 2223) and to excise a portion of Reserve 25456 for dedication as a road.

BACKGROUND

A 310m section of Kwornicup Road is constructed outside of the formal road reserve and travels through Class A Reserve 25456 (Lot 2223). A small portion of the actual road falls within the road reserve.

Correspondence from the Department of Biodiversity, Conservation and Attractions (DBCA) was received in September 2021 advising of the intent to add the unmanaged reserve (Reserve 25456) into the adjacent Kwornicup Lake Nature Reserve 32284. Previous correspondence from the Shire to the DBCA in 2006 indicated the Shire had no objections to the proposed vesting of reserves and suggested a land swap for the constructed section of Kwornicup Road with the section of unused formal road reserve.

The Council at its meeting held on 26 January 2022 resolved:

‘That:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close a portion of road reserve located in Reserve 25456 as shown at Attachment One.*
- 2. A further report be prepared for the Council’s consideration at the conclusion of advertising on or before the Ordinary Meeting of the Council to be held 26 April 2022.’*

STATUTORY ENVIRONMENT

Land Administration Act 1997

Section 56 – ‘Dedication of Land as Road’

Section 58 – ‘Closing roads’

Land Administration Regulations 1998

Regulation 8 – ‘Local government request to dedicate land as a road (Act s.56) requirements for’

Regulation 9 – ‘Local government request to close road permanently (Act s.58(2)), requirements for’

EXTERNAL CONSULTATION

As required by Section 58 of the Land Administration Act 1997, public notice of the road closure and amalgamation proposal was placed in the Plantagenet News on 2 March 2022 and the Albany Advertiser on 3 March 2022. No submissions were received, however, there were a couple of counter enquiries with applicants wanting to have the process explained.

Also, consultation has taken place with the Department of Planning Lands and Heritage (DPLH), Department of Mines, Telstra, Western Power, Alinta Gas, Water Corporation and Main Roads. There were no objections to the proposal.

FINANCIAL IMPLICATIONS

As the DBCA are proposing the alteration to the Kwornicup Lake Nature Reserve they have offered to share the survey costs with the Shire which includes the drafting of a new deposited plan. Survey costs are within the vicinity of \$7,000.00 (exc GST). The DBCA have advised they will bear the costs to establish the Certificate of Title.

BUDGET IMPLICATIONS

The Council’s 2021/2022 Annual Budget includes a line item ‘Legal Expenses’ – 2120285 of \$30,000.00 of which \$8,835.84 has been allocated as of the date of 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.

ASSET MANAGEMENT IMPLICATIONS

The correction of the alignment of Kwornicup Road reserve will ensure the Shire’s road asset follows a legal boundary and is correctly managed.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following:

Strategy 2.4.4:

‘Investigate and respond to road safety and traffic issues throughout the district.’

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

To facilitate the closure of the unconstructed portion of road reserve which travels through Reserve 25456 (Lot 2223), the Shire gave public notice of the proposed closure, consulted with public utility service providers, and advised other government agencies of the proposal. No objections were received for the closure.

A formal request must now be made to the Minister of Lands to permanently close the relevant portion of road reserve. This request must include a statement which indemnifies the Minister of Lands from any costs associated with the road closure.

One approved, the closed portion of road reserve will be amalgamated into the adjoining Class A Reserve 25456 (Lot 2223).

A dedication is also required to create a road reserve around the constructed portion of Kwornicup Road which is presently located on Reserve 25456 (Lot 2223).

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, the Minister for Lands be requested to permanently close the portion of road reserve running alongside Reserve 25456 (Lot 2223) as shown at Attachment One and it be amalgamated into Reserve 25456 (Lot 2223).**
- 2. Pursuant to Section 56 of the Land Administration Act 1997, the Minister for Land be requested to dedicate the land which runs through Reserve 25456 (Lot 2223) as road as shown at Attachment One and it be titled Kwornicup Road.**
- 3. The Minister for Lands be indemnified against any costs including any claims for compensation and costs that may reasonably be incurred by the Minister in considering and granting the request to dedicate the land as road.**

9.2.2 POLICY REVIEW – TOURISM, TOURISM SERVICES AND COMMUNITY SERVICES DIRECTIONAL SIGNS

File Ref:	N57958
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	26 April 2022

PURPOSE

The purpose of this report is to review Council Policy I/RS/19 – Tourism, Tourism Services and Community Services Directional signs.

BACKGROUND

This policy was reviewed by the Council at its meeting held on 28 January 2020.

STATUTORY ENVIRONMENT

Local Government Act 1995

Main Roads Western Australia – Policy and Application Guidelines for Tourist and Service Signs, March 2021

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following:

Strategy 2.4.5:

‘Maintain and control street signs, banners and directional signage.’

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

This policy was upgraded thoroughly at its last review in January 2020. It should be noted the Main Roads Western Australia – Policy and Application Guidelines for Tourist and Service Signs has also been updated since the last review in March 2021.

The policy reads well and works well for staff when responding to enquiries and applications for relevant signage within the Shire.

Some minor changes in alignment formatting have been made for aesthetic purposes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy I/RS/19 Tourism, Tourism Services and Community Services Directional Signs as follows:

‘OBJECTIVE

To ensure the provision of tourism, tourism services and community services directional signs provide guidance to the public, in particular the visiting public, to locate services and tourism facilities through clear and uniform information.

POLICY

1. Scope

- 1.1 This policy applies to tourism and service directional signs on road reserves and public places within the Shire of Plantagenet.**
- 1.2 The Council supports the control and limitation of signage to ensure signs:**
 - a) Provide clear and uniform information.**
 - b) Meet a consistent standard.**
 - c) Do not present a public safety hazard, and**
 - d) Do not impact on the aesthetic values of the landscape and environment.**
- 1.3 Tourist and service signs are in place to confirm the location of a business or service, not to advertise a business or service. Advertising businesses should be through Visitor Centre services, the Business Information / Tourist map structure and commercial advertising mediums covered in Town Planning Scheme Policy No 22 - Advertising Signs.**
- 1.4 The Main Roads WA (MRWA) Tourism and Service Signs in Western Australia Policy complies with both national and international standards and will be followed with the application of this policy.**

1.5 Signage on MRWA controlled roads is to be referred to MRWA for approval. These roads include the Albany Highway, Chester Pass Road, Denmark Mount Barker Road and Muir Highway.

2. Definitions for Directional Signs

2.1 Tourist Signs

Tourist signs identify features and establishments recognised as being of significant interest to tourists. In order for a business to qualify for a tourist attraction, the core business must be based on tourism and have a strong commitment to servicing visitors.

Examples include:

- a) Commercial tourist attractions;**
- b) National Parks.**
- c) Natural features.**
- d) Wineries that provide tastings and cellar sales (including breweries and distilleries).**
- e) Historic sites and towns, and**
- f) Scenic Tourist Routes.**

Arts and crafts establishments, nurseries, food and produce retail shops and the like are generally not endorsed as a tourist attraction unless they offer a significant value added visitor experience such as tours of the premises or demonstrations or a well-known artist in residence. The MRWA Tourism and Service Signs in Western Australia Policy should be referred to when considering the eligibility of a tourist business.

2.2 Service Signs

There are two categories for Service Signs: Community Service Facilities; and Tourist Service Facilities.

2.2.1 Community Service Facilities

Community Service Facilities are facilities of local interest, generally of a non-commercial or not-for-profit nature. For example:

- a) Hospital**
- b) Police station**
- c) Religious buildings**
- d) Post office**
- e) Halls and Civic Centres**
- f) Returned Services League, and**
- g) Sporting and recreation grounds.**

2.2.2 Tourist Service Facilities

Tourist Service Facilities are facilities of interest to tourists and visitors. They can be commercial or non-commercial in nature. For example:

- a) Accommodation (including caravan parks and camping facilities);
- b) Visitor Information Centres
- c) Fuel outlets
- d) Meals, and
- e) Public toilets and effluent dump sites.

2.3 Settlement Signs

Settlement signs inform road users of the direction and distance to townsites and districts. For example, Mount Barker, Narrikup, Kendenup, Porongurup and Rocky Gully.

2.4 Position Signs

Position signs are placed at the actual location of the tourist attraction or service facility. These are generally only used when the facility or attraction is located in a rural area and is not obvious from the roadside. Where the Council considers it appropriate from a traffic safety perspective a position sign may be approved. Only one position sign per attraction or service is permissible.

3. Sign Format

Any sign to be installed on a MRWA controlled road must comply with the requirements detailed in MRWA's Tourism and Service Signs in Western Australia Policy and authority must be obtained from MRWA as part of the application process.

On Shire of Plantagenet managed roads, the following sign format applies.

A 'sign' in this context refers to a 'fingerboard' sign which is a maximum 200mm in height and one of three lengths: 900mm, 1200mm and a maximum 1500mm long.

All tourist and service signs will be accompanied by a street / road name sign where applicable.

3.1 Sign Hierarchy

The sign hierarchy is:

1. Street / road name sign
2. Settlement sign (if applicable)
3. Service sign, and
4. Tourist sign.

3.2 Sign Colours:

Sign colours will remain consistent whether in a townsite or rural area and shall be:

- a) Street / road sign - dark green lettering on a white background
- b) Settlement signs - white lettering on a green background

- c) **Service signs - white lettering and symbols on a blue background, and**
- d) **Tourist signs - white lettering and symbols on a brown background.**

3.3 Sign Design

The sign design will be determined by the direction the tourist attraction or service is from the sign location. For a tourist attraction or service located to the left of the sign location the following shall apply (in the listed order):

1. **Direction to proceed.**
2. **Symbol (if applicable). Symbols must be in accordance with Australian Standards whenever possible to ensure clear and consistent messaging.**
3. **Business name, and**
4. **Distance to the property / feature entrance or driveway.**

See example below.



For a tourist attraction or service located to the right of the sign location the following shall apply (in listed order):

1. **Distance to the property / feature entrance or driveway**
2. **Business name**
3. **Symbol (if applicable). Symbols must be in accordance with Australian Standards whenever possible to ensure clear and consistent messaging, and**
4. **Direction to proceed.**

See example below.



3.4 Sign Location

All tourism and service signs will be located to the satisfaction of the Executive Manager Works and Services.

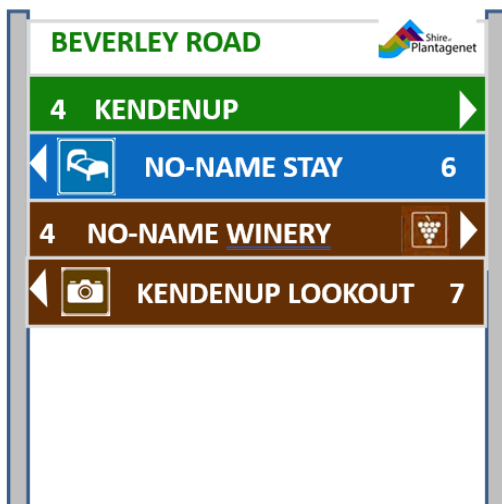
3.5 Sign Stacks

If more than one tourist or service sign is required at a particular junction, a sign stack structure will be erected by the Council. All signs shall be a uniform length.

The recommended number of fingerboards on a sign stack is six, excluding the road name sign at the top. More than six fingerboards

may be allowed if considered safe by the Executive Manager Works and Services.

Refer to the example below.



3.6 Multiple Features

In some instances, a tourist attraction or service may provide more than one function, for example a winery with a café. Individual directional signs are not permissible for each attraction. In this instance the larger proportion of the business or feature will determine the sign format, with the secondary component acknowledged with a symbol. The symbol colour must reflect the relevant category.

For example, a winery which is open seven days a week with a café open four days a week will fall under the category of a Tourism Sign (white lettering on a brown sign along with the grape symbol). The café is a Tourist Service and will be acknowledged with the symbol of a knife and fork (white design on a blue background).



3.7 Sign Replacement

The Council reserves the right to:

- a) Remove signs which are unapproved, dangerous or require modification or replacement.
- b) Relocate signs or
- c) Replace deteriorated, stolen or damaged signs.

with or without notice. The replacement will be at the business owner's expense and the Council's adopted fees and charges will apply.

4.0 Application

Applications for all new Tourism, Tourism Services and Community Services Directional signs must be made on the appropriate form

together with the relevant fee as detailed in the Council's adopted fees and charges.

Replacement signs will require confirmation that the details are correct and payment of the relevant fee as detailed in the Council's adopted fees and charges.

Sign stacks will require a different method of charging depending on the number of applicants requesting a sign and whether there is pre-existing tourist or service signs. Fees for sign stacks will be considered by the Council on a case by case basis.

Any applications relating to MRWA controlled roads within the Shire will be referred to MRWA for approval.

Signs will be manufactured and installed by the Council after obtaining approvals from referral agencies (if required) and following confirmed payment of the fees.'

be endorsed.

9.2.3 ROADWISE COMMITTEE – REPLACEMENT OF MEMBER

File Ref:	N57935
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	26 April 2022

PURPOSE

The purpose of this report is to note the resignation of one member of the Plantagenet RoadWise Committee and to consider the appointment of a replacement member.

BACKGROUND

The Plantagenet RoadWise Committee was created with the following functions:

1. To provide a structured forum for stakeholders to consider and discuss road *safety issues; and*
2. *To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.'*

Former Sergeant David Johnson, the Mount Barker Police representative advised of his resignation from the Plantagenet RoadWise Committee.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 5.8 'Establishment of committees'

The Plantagenet RoadWise Committee was formed under Section 5.9 (2) (c) which provides that a Committee is to comprise '... council members, employees and other person.' These appointments must be adopted by an Absolute Majority.

Sections 5.10 and 5.11 refer to 'Appointment of committee members' and 'Tenure of committee member' respectively.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Policy implication 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

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following:

Strategy 2.4.4:

‘Investigate and respond to road safety and traffic issues throughout the district.’

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Pursuant to Section 5.11 of the Local Government Act 1995, Sergeant Johnson resigned from his role as the Mount Barker Police representative.

Correspondence received from the Mount Barker Police Station nominated Sergeant Wayne Byram as the representative for the Mount Barker Police.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. **Sergeant Wayne Byram be appointed as a committee member on the Plantagenet RoadWise Committee.**
2. **The resignation of former Sergeant David Johnson from the Plantagenet RoadWise Committee be accepted and former Sergeant Johnson be thanked for his service.**

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – MARCH 2022

File Ref:	N57875
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	26 April 2022

PURPOSE

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

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

9.3.2 LIST OF ACCOUNTS – MARCH 2022

File Ref:	N57927
Attachment:	<u>List of Accounts – March 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	26 April 2022

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of March 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 (25 May 2021). 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

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 March 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 \$1,578,209.68; and
2. Municipal Cheques 47220 - 47224 totalling \$1,210.00.

9.3.3 POLICY REVIEW – BUDGET PREPARATION

File Ref:	N57928
Attachment:	<u>Amended Budget Preparation Policy</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	26 April 2022

PURPOSE

The purpose of this report is to review Council Policy F/FM/10 - Budget Preparation.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 24 March 2020.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

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

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

OFFICER COMMENT

This policy has guided the budget preparation process for the last 10 years. It has worked well however there is a number of suggested amendments:

- Clause 2.1 Works Program has been amended to reflect that programming of major works should occur as early as possible after the adoption of the budget. This will enable funded projects to be progressed as far as possible in a financial year and will also potentially enable identification of expenditure savings that can be returned to community projects. This is in keeping with a CEO Key Performance Indicator.

- Where practical, procurement of budgeted heavy plant items should be progressed but on the basis of payment not being required until after January each year. This assists in maintaining a strong cash flow position throughout the year.
- Clause 2.1 (c) has been amended so that procurement of fixed assets within the last month of the financial year should be avoided unless the project is grant funded or other extenuating circumstances exist. This subclause was designed to stop unnecessary expenditure on under expended budget items, however, this should not stop efforts to complete legitimate projects before the end of a financial year, particularly where grant funded.
- The Rates section of the policy has been amended to include a new part (c) which requires salary and wage increases to be considered along with the others factors when assessing the level of rates to be raised.
- The acronyms CPI and LGCI have been added to clause 3.1(b).

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy F/FM/10 – Budget Preparation as follows:

‘OBJECTIVE:

To provide guidance in relation to preparation of the annual budget and the programming of major works and asset purchases.

POLICY:

Fees and Charges

- 1.1 The objective for setting fees and charges is to adopt a self funding approach as the preferred revenue collection method where a direct recognisable service is provided. A balance is to be achieved between implementing the self funding principle versus discounted pricing to recognise a community service obligation.**
- 1.2 The Council annually, in conjunction with the budget adoption process, review all fees and charges levied for services with the aim of increasing the overall level of fees and charges by the Local Government Cost Index averaged over a three-year period. The review of the fees and charges is to consider:**
 - a) The cost of providing the service.**
 - b) The purpose of the service and in particular whether it is consumed by a discrete part of the community or is general public service.**
 - c) The extent to which a subsidy should apply for reasons of community affordability, comparative pricing to private or neighbouring local government facilities/services or encouragement of greater use of Council facilities, and**
 - d) An appropriate level for infringements which balances a fair cost and a deterrent factor.**

Works Program

- 2.1 The following parameters are recommended for efficient and effective financial management:
- a) Ensure the programming of major works as early as possible after the adoption of the budget.
 - b) Where practical, defer payment of budgeted heavy plant items until after January each year.
 - c) Avoid procurement of fixed assets within the last month of the financial year unless grant funded or other extenuating circumstances exist.

Rates

- 3.1 Rates will be reviewed annually with the following factors being considered:
- a) The range of services and service levels, activities, objectives and plans detailed from time to time in the Council's Strategic Community Plan, Corporate Business Plan and associated documents.
 - b) Levels of the Consumer Price Index (CPI) (All Groups) Perth and the Western Australian Local Government Cost Index.
 - c) Salary and wage increases as per the Enterprise Bargaining Agreement (EBA) for inside and outside workers.
 - d) Sector growth and prevailing economic conditions.
 - e) Comparison with other local governments in the region.
 - f) Minimum rate to be imposed as all ratepayers should contribute equally to basic Council services. Minimum rates should also have a penalty factor levy to encourage development and discourage reduced amenity.
 - g) The setting of rubbish collection and recycling charges should be based on the self funding principle, and
 - h) The Council will set and maintain a ratio upon which the proportion of rates raised between property valuation categories will be based, regardless of re-valuations undertaken by the Valuer General's Office. The primary reason for this is to maintain equity and smooth out timing differences in re-valuations. Notwithstanding this, the Council should satisfy itself that respective rating levels on each category are equitable.'

be endorsed.

9.3.4 POLICY REVIEW - LEGISLATIVE COMPLIANCE

File Ref:	N57876
Attachment:	<u>Policy A/L/1 - Legislative Compliance</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Executive Manager Corporate Services
Proposed Meeting Date:	26 April 2022

PURPOSE

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

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 19 May 2020.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996
Regulation 17 states as follows:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.6:

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

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

OFFICER COMMENT

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

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

It is considered that the current policy is generally sufficient, although references to the Department of Planning have been amended to read Department of Planning, Lands and Heritage.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

'OBJECTIVE

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

1. BACKGROUND

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

2. POLICY STATEMENT

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

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

2.3 Roles and Responsibilities

2.3.1 Councillors and Committee Members

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

2.3.2 Senior Management

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

2.3.3 Employees

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

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

2.3.4 Implementation of Legislation

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

3. LEGISLATIVE COMPLIANCE PROCEDURES

3.1 Identifying Current Legislation

The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at

www.legislation.wa.gov.au. Direct access to this site is provided from the Council's networked computers.

3.2 Identifying New or Amended Legislation

3.2.1 Department of Local Government, Sport and Cultural Industries

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

3.2.2 Department of Planning, Lands and Heritage

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

3.2.3 Western Australian Local Government Association (WALGA)

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

3.3 Obtaining advice on Legislative Provisions

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

3.4 Informing Council of Legislative Change

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

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

3.5 Review of Incidents and Complaints of Non-compliance

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

3.6 Reporting of Non-compliance

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

3.6.2 The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to

the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.'

be endorsed.

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 POLICY REVIEW - MOTOR VEHICLE USE - SHIRE PRESIDENT

File Ref:	N57359
Attachment:	<u>Motor Vehicle Use – Shire President Policy with amendments</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	26 April 2022

PURPOSE

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

BACKGROUND

This Policy was last reviewed at the Council meeting held on 28 January 2020.

STATUTORY ENVIRONMENT

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

EXTERNAL CONSULTATION

Nil

FINANCIAL IMPLICATIONS

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

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

The Shire President is required to reimburse the Council for all private use of the motor vehicle.

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

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

The following Policies apply:

Policy No. A/PA/11 – Vehicle Registration Plates PL1 and PL2 Issue

Policy No. CE/CS/1 – Elected Member Expenses to be Reimbursed

Policy No. I/PM/3 – Vehicle Usage and

Policy No. I/FM/2 – Vehicle Specifications.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

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

OFFICER COMMENT

This policy is being reviewed as part of the ongoing policy review process.

Currently the Shire President does not make use of a Council supplied vehicle. However, reimbursement for the use of a private motor vehicle may be provided in accordance with Council Policy CE/CS/1 – Elected Member Expenses to be Reimbursed.

It is suggested that Policy CE/CS/2 Motor Vehicle Use – Shire President remain as the policy clearly defines the Council’s position with regard to the provision of a motor vehicle to the Shire President.

It is also considered that the provision of a motor vehicle to the Shire President should be a Council decision, hence this has been included in the amendments.

Minor grammatical amendments provide clarity to the intent of the policy and relevant vehicle allowance clauses have been updated in accordance with the Local Government Industry Award 2020.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

‘OBJECTIVE:

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

POLICY:

A motor vehicle may be provided to the office of the Shire President for either Business Use or Private Use, at the discretion of Council.

Definitions:

‘Business Use’ is defined as the use required giving effect to all of the Council’s operational needs and services and includes:

- a) Council and Committee meetings held in accordance with the provisions of the Local Government Act.
- b) Any function or meeting as an appointed representative of the Council where specifically authorised by the Council.
- c) Conferences, seminars and training sessions specifically authorised by the Council.
- d) Any official social function organised by, or on behalf of, the Shire of Plantagenet.

Motor Vehicle Usage:

It is acknowledged that the position of Shire President may require the Shire President to use a private motor vehicle for Business Use, as defined above.

In such cases the Council shall reimburse the Shire President at the rate specified in Clause 19.3(c)(i) (Vehicle allowance) of the Local Government Industry Award 2020. However, if a Council vehicle is made available and not used, no vehicle expenses will be reimbursed unless prior arrangement has been made with the CEO.

Note:

Motor Vehicle Use by Councillors is covered by Policy No. CE/CS1 – Elected Member Expenses to be Reimbursed.’

be endorsed.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 ALBANY HIGHWAY MURAL PAINTING/STRUCTURE

At its meeting held on 22 March 2022, Cr B Bell gave notice of his intention to move a motion relating to the Albany Highway Mural Painting/Structure pursuant to Clause 5.3 of Standing Orders:

This notice of motion was discussed behind closed doors and the Council resolved (No. 050/22):

'That the debate be adjourned to enable the CEO to seek further legal and technical advice for consideration by Councillors prior to the Council meeting to be held on 24 May 2022.'

In accordance with Local Government (Administration) Regulations 1996 Part 2 Council and committee meetings:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

When this matter was introduced at the meeting held on 22 March 2022, administration failed to recognise the requirement to revoke the previous Council Resolution no. 047/21 from 23 February 2021, noted below.

'That the Council endorses the proposed location and concept design of the mural wall, viewing platform and visitor parking bay components of the Albany Highway Beautification project as per the drawings:

a) Albany Highway North Entry: proposed location of mural art wall and viewing platform, dated 8 February 2021.

b) Albany Highway North Entry Visitors Bay: site plan dated 8 February 2021.

c) Albany Highway North Entry Mural Art Wall Concept Design: dated 8 February 2021.'

Additionally, advice was given to go behind closed doors, however this was not done for the original session on the 23 February 2021, therefore a decision to revoke must be discussed in an open session.

On this basis, the original Notice of Motion was unlawful and should not have been discussed at the Council meeting, consequently the resolution to Adjourn until the May meeting is invalid.

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

Nil

12 CONFIDENTIAL

12.1 MOUNT BARKER GOLF CLUB INC – APPLICATION FOR SELF SUPPORTING LOAN

File Ref:	N57929
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Senior Finance Officer
Proposed Meeting Date:	26 April 2022

PURPOSE

The purpose of this report is to consider a request by the Mount Barker Golf Club Inc (the Club) for a self-supporting Loan for \$70,000.00. The term of the loan would be seven years, maturing in 2029.

OFFICER RECOMMENDATION

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; and**

13 CLOSURE OF MEETING