



ORDINARY AGENDA

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

DATE: Tuesday, 28 June 2022

TIME: 5.00pm

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

Cameron Woods
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

In certain circumstances, members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

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

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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

The Shire of Plantagenet advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

EMERGENCY EVACUATION PROCEDURES

The Evacuation signal is a siren.

On hearing the siren, please leave the building immediately through either of the front doors. Assembly areas are to your right.

A warden will issue you with further instructions.

Obey the instruction of the warden at all times.

Do not re-enter the building at any time, unless under instruction by the Chief Warden.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	3
3	PUBLIC QUESTION TIME	3
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	3
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	3
5	DISCLOSURE OF INTEREST	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	3
7	CONFIRMATION OF MINUTES.....	4
7.1	ORDINARY MINUTES OF COUNCIL HELD 24 MAY 2022.....	4
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
9.1	DEVELOPMENT SERVICES REPORTS	5
9.1.1	NEW POLICY – USE OF BANNER POLES	5
9.2	WORKS AND SERVICES REPORTS.....	12
9.2.1	HEAVY PLANT REPLACEMENT PROGRAM - AMENDMENT	12
9.2.2	POLICY REVIEW – KEEPING OF DOGS WITHIN TOWNSITES .	15
9.2.3	POLICY REVIEW – LAND RESUMPTION FOR ROADWORKS...	18
9.2.4	POLICY REVIEW – VEHICLE SPECIFICATIONS	21
9.3	CORPORATE SERVICES REPORTS	27
9.3.1	FINANCIAL STATEMENTS – MAY 2022	27
9.3.2	LIST OF ACCOUNTS – MAY 2022	29

9.3.3	WRITE OFF OF OUTSTANDING DEBTS	31
9.4	EXECUTIVE SERVICES REPORTS	33
9.4.1	REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW .	33
9.4.2	WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION 2022 - COUNCILLOR ATTENDANCE	36
9.4.3	CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW	39
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	44
10.1	EMPOWERING PLANTAGENET SENIORS – OPERATING SUBSIDY.....	44
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	47
11.1	MEMORIAL SWIMMING POOL – RETAINING WALL AND PATHWAY DESIGN.....	47
12	CONFIDENTIAL	47
13	CLOSURE OF MEETING	47

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:

Cr L Handasyde has been granted Leave of Absence for the period 1 July 2022 to 31 July 2022 inclusive.

Cr C Pavlovich has been granted Leave of Absence for the period 18 July to 29 July 2022 inclusive.

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 24 MAY 2022

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 24 May 2022.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 May 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

9.1.1 NEW POLICY – USE OF BANNER POLES

File Ref:	N57144
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Laura Adams Economic Development and Projects Officer
Proposed Meeting Date:	28 June 2022

PURPOSE

The purpose of this report is to recommend adoption of the new policy CE/ED/2 - Use of Banner Poles.

BACKGROUND

At an internal workshop held on 22 February 2022, it was agreed that some of the Local Roads and Community Infrastructure Program (Round 2) funding be reallocated to purchasing retrofitted lockable banner raise-and-display mechanisms for Lowood Road, Mount Barker. These were installed in early June 2022.

Lowood Road previously had six fixed banner display sites which required a cherry picker and road closures with traffic management in order to change banners. These new banner-raising systems allow an individual to change over banners easily, creating new opportunities for promoting local events and celebrations. The intention is to allow community groups to access this display space.

Accordingly, this policy has been drafted in order to provide guidelines to determine the community activities that can be promoted on banner poles in public places in the Shire of Plantagenet.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

It is recommended that the Streetscaping Working Group utilise some of its discretionary budget for the fabrication of starter sets of seasonal and generic banners.

POLICY IMPLICATIONS

This report recommends the adoption of a new policy.

LEGAL IMPLICATIONS

The Use of Banner Poles Policy provides recourse to disallow the display of any potentially defamatory or offensive imagery or materials.

ASSET MANAGEMENT IMPLICATIONS

The banner raise-and-display devices and Shire-owned banners will be entered onto the Shire's Asset Register.

STRATEGIC IMPLICATIONS

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

'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.'

'A high standard of amenity for pedestrians and traffic.'

'Encourage development that is consistent with the individual character of towns.'

'Support festivals, events and activities that strengthen our sense of identity and celebrate our history and heritage.'

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

STRATEGIC RISK IMPLICATION

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

The Use of Banner Poles Policy would allow regional organisations to display their banners if they are providing services within the Shire of Plantagenet, and if the other criteria are met.

OFFICER COMMENT

This policy applies to all banner display locations within the Shire of Plantagenet. At the time of writing this report, this consists of 12 banner raise-and-display mechanisms attached to light poles along the median strip of Lowood Road, Mount Barker.

The policy aims to encourage appropriate community group use of the banner display sites. Frequent changeover of the banner displays will provide a vibrant, attractive and cost-effective method of creating a sense of place as well as a visual presence for festivals and events. However, the policy also reserves the right to disallow the display of types of banner that could negatively impact the Shire's reputation, and also retains further discretionary veto powers for situations we can't predict.

The new raise-and-display mechanisms allow banner changeover at ground level by an individual person. This means the cost of changing banners is now negligible to the Shire, and so this service can be offered to community groups for free on the basis that they supply their own banners. Providing strict material and dimension specifications in this policy and the resulting application form will mean that community groups will not run the risk of paying for banner printing only to find that the sizes are incompatible with our display systems.

It is intended that the Shire develop its own sets of seasonal and generic banners to rotate. This design process will report via the Streetscaping Working Group.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the new Council policy CE/ED/2 - Use of Banner Poles as follows:

‘INTRODUCTION

The Council is committed to the promotion of local events and celebrations and the provision of a welcoming and vibrant atmosphere to the Shire of Plantagenet townsites.

The Council has several banner poles along Lowood Road, Mount Barker. Banners displayed on these poles provide a vibrant, attractive and cost-effective method of creating a sense of place as well as a visual presence for festivals and events.

The Council will utilise the banner poles to promote the Shire of Plantagenet and to promote key annual events during the year. There is also an opportunity for community groups who are hosting significant events or activities to utilise the banner poles to promote these activities.

OBJECTIVE

The objectives of this policy are:

- To provide guidelines to determine the community activities that can be promoted on banner poles in public places.
- To encourage local organisations and groups to promote their events for appropriate time frames.
- To enhance the Shire’s visual appearance and convey information about approved cultural, community, sporting, recreation and tourism events taking place in the Shire.

SCOPE

- To determine appropriate uses and associated timeframes for community groups and organisations to share the use of the banner poles to promote seasonal messages and upcoming events.
- To establish a priority system for handling conflicts between seasonal messages, promotions and organised events.

STRATEGIC CONTEXT

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

‘Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.’

‘A high standard of amenity for pedestrians and traffic.’

‘Encourage development that is consistent with the individual character of towns.’

‘Support festivals, events and activities that strengthen our sense of identity and celebrate our history and heritage.’

Accordingly, this policy aligns with the Strategic Community Plan.

APPLICATION OF POLICY

This policy is to be applied to the use of all existing and future banner poles installed and maintained by the Shire of Plantagenet.

POLICY REQUIREMENTS

1. PERMITTED USER GROUPS AND ACTIVITIES

Banner poles are to be used primarily for the promotion and marketing of Shire of Plantagenet activities, seasonal messages, and for activities of other organisations which provide a community benefit.

The first priority for use of the poles will be the Shire’s annual calendar of coordinated activities and promotions as determined by the Council.

If no Shire coordinated activities are allocated to a particular time period and/ or there are unused banner poles, then the Shire will consider applications from other community-based activities using the following priority criteria:

- Shire-approved organised events.
- Seasonal short-term displays provided by community groups, e.g. Easter, Australia Day, ANZAC Day, are appropriate to erect for the duration of an event; disruption to scheduled long-term displays is considered appropriate in these cases.
- Upcoming events sponsored by a commercial/ private industry may be considered on a discretionary basis where it is demonstrated that it is in the interest of the public and provides community benefit.
- Display of local artworks/public competition entries that are appropriate to display for a short-term period or for judging purpose.

2. GENERAL PROVISIONS

Applications for use of the banner poles will only be approved for not-for-profit groups or agencies (such as State or Federal Government departments) or institutions (such as schools and community groups) that are providing a service within the Shire of Plantagenet local government area.

As a general rule, the event being promoted must have a strong community focus. If the event is commercially driven, its coordination must be in association with a not-for-profit group.

Acknowledgement of sponsors is permitted as part of the content on banners for community events but will not be allowed as the predominant feature or as a stand-alone advertisement.

Applications must be made using the supplied form, specifying the number of banner poles requested to be used. All applications must be received at least 28 days before the commencement of the requested period of banner display.

Final banner designs are to be submitted to the Shire for approval 14 days prior to their display.

The CEO will have discretion in approving applications for banner display based on this policy.

3. BANNER DESIGNS

To maximise the impact of banners, designs should consider the following points:

- Graphics should be simple and bold;
- Excessive amounts of text such as venue information should be avoided, as it may be difficult to read.

The Council reserves the right to refuse permission to display a banner on any grounds but particularly banners which may:

- Project an offensive message.
- Display an offensive image.
- Utilise offensive language.
- Be of a political nature.
- Incite hatred or aggression of any form.
- Be unlawful under local, State or Federal law.

4. BANNER SPECIFICATIONS

Banners must conform to the specifications provided in Appendix 1.

5. STORAGE AND MAINTENANCE OF BANNERS

The Shire of Plantagenet maintains a set of generic banners to rotate so that when there are no Shire or community event specific banners in place, poles do not have to be left vacant.

The Shire of Plantagenet will store generic and other Shire-owned banners at the administration building, but will not be responsible for storage of banners provided by community groups.

Any banners provided to the Shire of Plantagenet that are in need of repair or replacement will not be displayed.

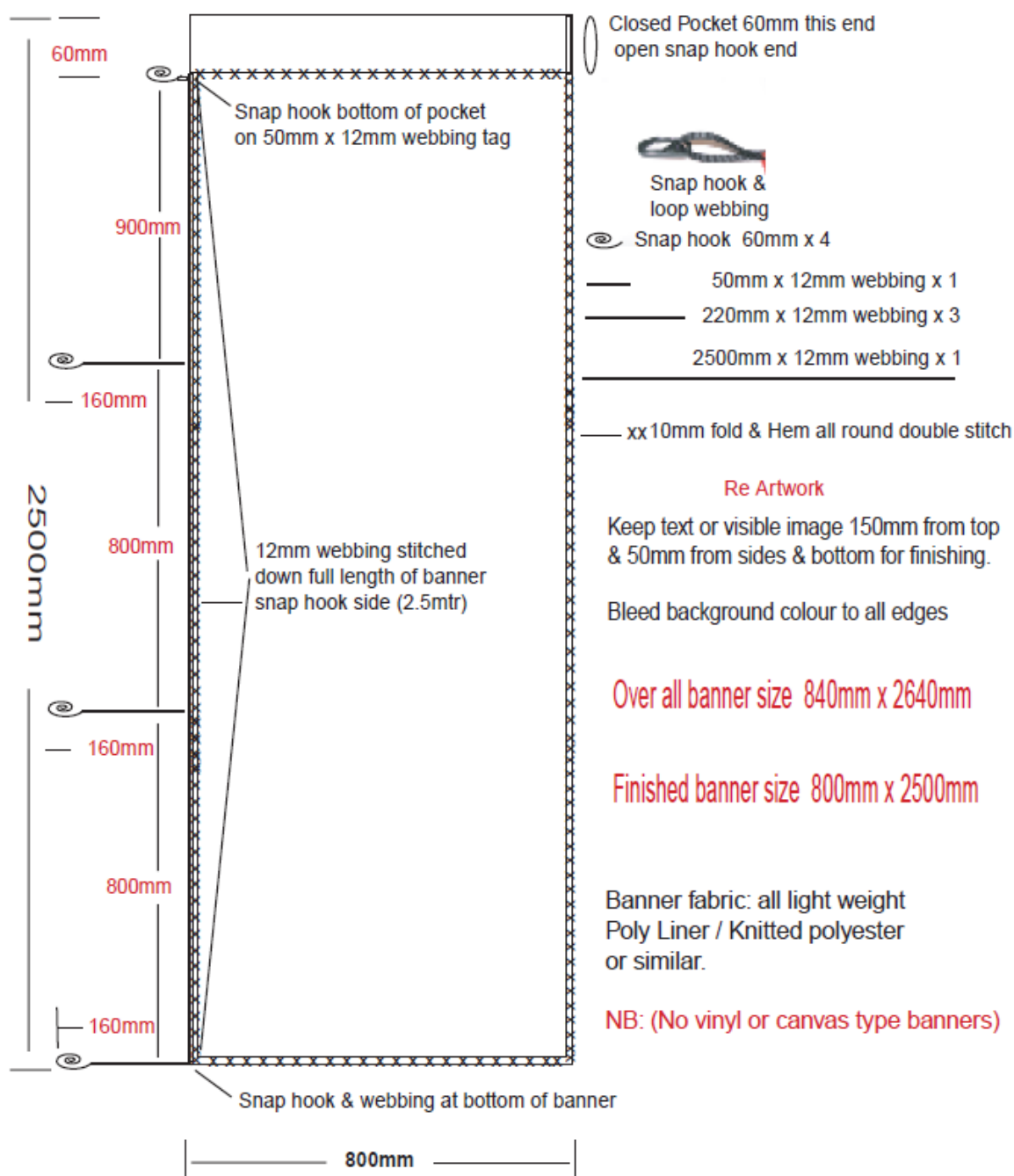
6. FEES & CHARGES

Approved applicants are responsible for the ordering, production and delivery of the banners to the Shire within the agreed timelines. There are no further fees and charges for Shire approved banner display. Erection of the banners will be coordinated at the discretion of the Shire based on existing work schedules.

The Shire may require payment by the applicant for any additional charges incurred that are of a non-standard nature (at cost), resulting from installation or removal of the banners, as required.

APPENDIX A: BANNER SPECIFICATIONS

These specifications will be supplied with the Banner Display Application Form. Banners can be rectangular or full taper shapes.'



be adopted.

9.2 WORKS AND SERVICES REPORTS

9.2.1 HEAVY PLANT REPLACEMENT PROGRAM - AMENDMENT

File Ref:	N58407
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	28 June 2022

PURPOSE

The purpose of this report is to revoke the proposal within the 2021/2022 plant replacement program to sell the Shire's Caterpillar 12M grader (G3). The amended recommendation is now to do a changeover of grader G3 to take place in 2022/2023.

BACKGROUND

The Shire of Plantagenet Heavy Plant Replacement Program (HPRP) details the retention and changeover schedule for the Shire's fleet of heavy plant over a period of 15 years. Amendments to the Replacement Program are made in consultation with the Heavy Plant Review Committee (HPRC) prior to consideration by the Council.

At a workshop presented to the Council on 29 March 2022, the replacement of the Shire's CAT 12M Grader (G3) was included in the draft 15-year Heavy Plant Replacement Program.

At its meeting held on 29 March 2022, the HPRC agreed that the Executive Manager Works and Services (EMWS) investigate the disposal of the Shire's Cat 12M Grader (G3) in the 2022/23 financial year and report to the next meeting.

At the HPRC meeting of 24 May 2022 it was resolved:

That it be a recommendation by the Heavy Plant Review Committee to the Council:

'That:

- 1. Resolution 112/21 made at the Council Meeting of 22 June 2021 that, 'The amended Heavy Plant Replacement Program which identifies the sale of the Caterpillar 12M grader (G3) in 2021/22 and no purchase of a new grader in 2021/22 be adopted' be revoked.*
- 2. Upon adoption of the 2022/2023 budget, tenders be called for the supply and delivery of a 12M or equivalent grader to replace the Caterpillar 12M grader (G3) and that grader be subsequently sold at public auction.'*

STATUTORY ENVIRONMENT

Local Government Act 1995

EXTERNAL CONSULTATION

Suppliers of heavy plant have been contacted for indicative grader prices.

FINANCIAL IMPLICATIONS

At the Council Meeting of 22 June 2021, it was resolved that a base amount be maintained in the Plant Replacement Reserve account of \$500,000.00 which is intended to cover the replacement of up to two heavy items of plant in the event of a catastrophic failure. An annual allocation of \$550,000.00 will be added to the Reserve account to fund plant purchases. At the conclusion of the financial year, the Reserve account will be reviewed and any unspent funds over the \$500,000.00 base fund can be presented to the Council for reallocation.

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 disposal of the Caterpillar 12M grader (G3) involves the replacement of an already existing asset.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following:

Strategy 2.6.1:

'Implement maintenance, servicing and renewal of Council assets in a timely manner that maximises its life and performance, with a focus on infrastructure and core buildings.'

And at Outcome 4.6 (Effective and efficient corporate and administrative services) the following:

Strategy 4.6.1:

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

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Three estimates have been obtained from heavy plant suppliers for the same/similar model of grader to replace G3. These quotes are indicative only and exclude GST.

Caterpillar 140M Grader	\$408,730,00
Komatsu GD555_5 Grader	\$359,000.00
John Deere 620GP Grader	\$445,000.00

A tender document is currently being prepared for the replacement of the grader. The recommendation from this process will be presented to the Council at its August Ordinary Council Meeting.

The WALGA Preferred Supplier Panel will be utilised for the dissemination of the tender.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. **Resolution 112/21 made at the Council Meeting of 22 June 2021 that, *'The amended Heavy Plant Replacement Program which identifies the sale of the Caterpillar 12M grader (G3) in 2021/22 and no purchase of a new grader in 2021/22 be adopted'* be revoked.**
2. **Tenders be called for the supply and delivery of a 12M or equivalent grader to replace the Caterpillar 12M grader (G3) and that grader (G3) be subsequently sold at public auction.**

9.2.2 POLICY REVIEW – KEEPING OF DOGS WITHIN TOWNSITES

File Ref:	N58416
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	28 June 2022

PURPOSE

The purpose of this report is to review Council Policy RS/AC/2 – Keeping of Dogs within Townsites.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 16 June 2020.

STATUTORY ENVIRONMENT

Dog Act 1976, Section 26 (3) - 'Limitations as to numbers'

Shire of Plantagenet Dogs Local Law 2008, Section 3.2 – 'Limitation on the number of dogs'

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

There are no fees or charges associated with making an application to the Council to keep more than two dogs at a property within a townsite in the Shire of Plantagenet.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.9 (A safe Plantagenet) the following:

Strategy 1.9.1:

'Provide animal control in accordance with legislative requirements.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The policy was first adopted at the Council Meeting of 20 June 2017. In 2021/22, two applications were made and approved to keep more than two dogs at a property within a townsite.

The policy provides clear guidelines and works well.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy RS/AC/2 – Keeping of Dogs within Townsites as follows:

‘OBJECTIVE

To provide clear criteria against which applications to keep more than two dogs on property within a townsite will be considered.

POLICY**1. Scope**

This policy relates to applications from residents who wish to keep more than two dogs at a property located in the townsites of Mount Barker, Kendenup, Rocky Gully and Narrikup.

2. Legislation

Dog Act 1976

Shire of Plantagenet Dogs Local Law 2008

3. Application of Policy

3.1 The Chief Executive Officer may approve an application for permission to keep more than two dogs at a property within a townsite under the following circumstances:

- a) All dog registration requirements are satisfied
- b) The dogs are not used for breeding purposes
- c) The dogs are not of a restricted breed or declared a dangerous dog
- d) There is no history or current incidence of dog nuisance, wandering or control that is likely to impact on the surrounding community
- e) All abutting neighbours have provided written consent or have no substantiated reasons for refusal.

3.2 Consideration will also be given to:

- a) Fence height and stability
- b) Proximity of neighbours
- c) Location and housing arrangements of dogs
- d) Faecal disposal.

3.3 Approval may be withdrawn at any time if the Shire receives a complaint regarding the dogs at the property, or if any conditions of the permit have been contravened.'

be endorsed.

9.2.3 POLICY REVIEW – LAND RESUMPTION FOR ROADWORKS

File Ref:	N58412
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	28 June 2022

PURPOSE

The purpose of this report is to review Council Policy I/R/2 – Land Resumption for Roadworks.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 16 June 2020.

The policy allows for the Council to resume land for the purposes of roadworks and water/drainage related projects or to address Council assets that have been constructed on private property.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 3, Division 3, Subdivision 6, Section 3.55 – ‘Acquisition of land’

Land Administration Act 1997, Parts 9 and 10

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

A budget item is included in the 2021/22 Council annual budget titled ‘Legal Expenses’ which allows for consultant work related to land resumptions (amongst other things) for \$30,000.00. Expenditure to date in the financial year is \$6,478.00 which is made up of survey and legal fees.

As the land resumption process is a detailed and lengthy one with some individual projects taking up to three years to complete, ensuring funding is available on an ongoing basis is necessary.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

In most cases, a Council asset is not being acquired, rather formalised as it is already existing – e.g., a road reserve being extended to formally recognise the road within.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

‘Maintain and further develop Shire roads, drainage and pathways at appropriate standards and continue to see to maximise grant funding to support this aim.’

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

The procedure for Shire staff undertaking land resumptions is provided in a manual published by Landgate titled *Lands Titles Registration Policy and Procedure Guides*.

The content of this Council policy is relevant and requires no changes at this review.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy I/R/2 Land Resumption for Roadworks as follows:

‘OBJECTIVE

To provide clear guidelines regarding land resumptions and compensation arrangements when required in order for the Council to facilitate the provision of services such as the construction of roads and drainage or to address a Council asset that has been constructed on private property.

POLICY

1. Scope

This policy applies to any resumptions of land required by the Council to undertake its activities.

2. Legislation

Local Government Act 1995, Part 3, Division 3, Section 3.55 – ‘Acquisition of land’

Land Administration Act, Parts 9 and 10

3. Application of Policy

- 3.1 Land resumption will take place when the Council has identified that tenure is required over private land in the following circumstances:**
 - 3.1.1 As part of the design and construction for a roadworks, water or drainage project adopted in the annual budget or forward planning for infrastructure.**
 - 3.1.2 As a result of identification by the owner of private property of a road or Council asset which has been constructed on that private property.**
- 3.2 The Council will ensure the following processes are observed when land resumption is required:**
 - 3.2.1 The proper statutory process is followed.**
 - 3.2.2 Procedural fairness is observed.**
 - 3.2.3 Appropriate compensation is provided to the landowner for the resumption of the land based on an independent valuation.**
- 3.3 Subject to authorisation by the Council, land resumptions will be determined in the following order:**
 - 3.3.1 Land exchange if applicable and appropriate.**
 - 3.3.2 Financial compensation acceptable to the landowner and the Council.**
 - 3.3.3 If negotiations are unsuccessful, compulsory acquisition processes may be implemented.'**

be endorsed.

9.2.4 POLICY REVIEW – VEHICLE SPECIFICATIONS

File Ref:	N57977
Attachment:	<u>Policy with Changes</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	28 June 2022

PURPOSE

The purpose of this report is to review Council Policy I/FM/2 – Vehicle Specifications.

BACKGROUND

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

STATUTORY ENVIRONMENT

The Road Vehicle Standards Act 2018 governs the national standards for new vehicles, including vehicles imported into Australia. The Register of Approved Vehicles (RAV) lists vehicles that have met the requirements of the legislation and have been approved to be provided to the Australian market.

Some employee contractual arrangements have specific requirements for Shire vehicles.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

The policy lists a range of features that must be installed in every new vehicle purchased. The majority of these requirements are standard features in current model vehicles and do not incur additional fees about the purchase price.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current future needs) the following:

Strategy 2.6.1:

‘Implement maintenance, servicing and renewal of Council assets in a timely manner that maximises its life and performance, with a focus on infrastructure and core buildings.’

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

Some amendments have been made to the policy as follows:

- All terrain tyres are requested when quoting on changeover vehicles as they are more cost efficient.
- Electronic brakes (approved by CEO) are installed for safety purposes on certain utes which are used for towing plant trailers.
- The Community Emergency Services Manager (CESM) vehicle ‘pod’ is to be transferred each vehicle changeover.
- Vehicles are to be white in colour.
- The Minimum Australasian New Car Assessment Program (ANCAP) rating has changed from four to five stars.
- Reference to the Shire President be removed from this policy as Council Policy CE/CS/2 Motor Vehicle Use – Shire President applies.
- The value of the vehicle class applicable to the CEO must now fall below the value of the Luxury Car Tax Threshold; and
- PL plates are to be retained with each item of plant/vehicle. This ensures familiarity with a vehicle and for administration reasons.

Other minor changes include improved formatting of the policy and updating Shire employee positions.

The policy works well and ensures consistent processes are followed when Shire vehicles are changed over.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy I/FM/2 Vehicle Specifications as follows:

‘OBJECTIVE

To provide a balanced light vehicle fleet (as far as practicable) which:

1. Is fit for purpose and addresses the needs of specific roles of the Shire.
2. Minimises vehicle ownership costs.
3. Minimises the impact of the light vehicle fleet on the environment.
4. Enhances the safety of staff and other road users.
5. Addresses the requirements of individual employment contracts.
6. Takes advantage of the ability to tailor vehicle acquisition to attract and retain staff.

POLICY

1. Scope

This policy applies to the purchase of vehicles for use as part of the Shire's light vehicle fleet.

2. Application of Policy

The overriding principle in the selection of vehicles for inclusion in the Shire's light vehicle fleet is 'fit for purpose'.

When selecting vehicles, the following factors should be considered.

a) Cost of Ownership

The cost of ownership is determined through consideration of purchase price and likely disposal price, Fringe Benefit Tax liabilities, running costs (maintenance and fuel) and costs of required accessories. In determining the cost of ownership, consideration should be given to the benefits of standardising a vehicle fleet, in order to permit vehicle rotation and decrease servicing times.

b) Safety

As a minimum, all sedans and wagons within the Shire's light vehicle fleet are to be fitted with:

- (i) Antilock Braking Systems (ABS)
- (ii) Electronic Stability Control (ESC)
- (iii) Dual airbags; and
- (iv) White in colour unless approved by the CEO.

In the case of four-wheel drive utility vehicles, these should be fitted with ABS and dual airbags, with preference for utilities with ESC. All vehicles within the light vehicle fleet should have a minimum Australasian New Car Assessment Program (ANCAP) rating of five (5) stars.

c) Fuel Consumption / Vehicle Ratings

All vehicles purchased are to be diesel unless otherwise approved by the CEO with fuel consumption of no more than 12L/100km.

Consideration may be given to Electric or Plug-in Hybrid Electric Vehicles (PHEV) if practicable and economically feasible.

d) Standardisation of Vehicles

Where possible the purchase of new vehicles should be standardised across the organisation including the general use of base 'mid' range vehicles with similar features in accordance with this policy.

e) Contractual Negotiations

All vehicles/accessories purchased in accordance with contractual negotiations are to be approved by the Chief Executive Officer (CEO).

3. The following items should be standard inclusions for every new vehicle purchased where applicable.

- a) Laminated tinted windscreens**
- b) Window tinting**
- c) Rubber floor mats**
- d) Lockable fuel cap**
- e) Headlight protectors**
- f) Seat covers for all seats**
- g) Current year compliance plates**
- h) Registration expiry of 30 June**
- i) Automatic transmission**
- j) Standard spare tyre**
- k) Steel drop side tray or well body with either a tonneau cover or lockable canopy and tie down lugs**
- l) All terrain tyres.**

The items below may be considered fit for purpose on a case by case basis and should be approved by the CEO:

- a) Manual transmission**
- b) Carpet floor mats**
- c) Cargo barriers**
- d) Bull bar**
- e) Roof rack**
- f) Tipping tray**
- g) Spotlights**

h) **Electronic brakes.**

The following existing items shall be retained at changeover, to be re-fitted into the new vehicle:

- a) **PL registration plates**
 - b) **Dog cages (where practical)**
 - c) **Hoist**
 - d) **Specialised radio communication equipment (VHF sets)**
 - e) **Community Emergency Services Manager (CESM) vehicle 'pod'.**
4. **Vehicles shall have a Shire of Plantagenet logo decal displayed on each front passenger door, with the exception of the CEO and vehicles allocated to contracted staff members where private use of that vehicle is a condition of their contract.**
 5. **The purchasing of vehicles is to occur by quotation in accordance with Council Policy F/FM/17 Purchasing Policy. Only vehicles available at a Government fleet discounted price shall be purchased.**
 6. **Vehicle disposal should occur where the cost of ownership of the vehicle is optimised. Generally, vehicles will be disposed of where the CEO is of the opinion that the time of disposal maximises the financial advantage to the Council, unless vehicles are under other contractual arrangements or purchase/changeover.**
 7. **Vehicle rotation between officers, where the vehicle type is the same, shall be applied where possible when a vehicle is travelling too few or too many kilometres annually to achieve optimal ownership/changeover cost.**
 8. **The administration and management of the Council's light vehicle fleet is assigned as a responsibility of the Council's Executive Manager Works and Services.**
 9. **Vehicle Designation**

Position	Vehicle Class
Chief Executive Officer	Prestige large or medium sedan/wagon with a value that falls below the Luxury Car Tax Threshold
Deputy Chief Executive Officer, Executive Manager Development Services and Executive Manager Works and Services	Medium to large sedan, wagon, utility or SUV in accordance with the respective employee's contract of employment Value not to exceed \$55,000.00 (exc GST)

Works Manager, Principal Works Supervisor, Assistant Works Supervisor, Ranger, Community Emergency Services Manager	Dual cab 4x4 utility outfitted as required
Saleyards Manager	Single or space cab 4x4 utility
Building Maintenance Officer, Parks and Gardens Team and Depot/Traffic Control Team	Single or space cab one tonne 4x4 utility or a dual cab 4x4 utility at the discretion of the CEO
Cleaner	Utility van (panel van)'

be endorsed.

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – MAY 2022

File Ref:	N58324
Attachment:	<u>Financial Statements – May 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	28 June 2022

PURPOSE

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

9.3.2 LIST OF ACCOUNTS – MAY 2022

File Ref: N58317
Attachment: List of Accounts – May 2022
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Hillman
Accounts Officer
Proposed Meeting Date: 28 June 2022

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of May 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 May 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 \$1,316,053.46.

9.3.3 WRITE OFF OF OUTSTANDING DEBTS

File Ref: N58304
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Hillman
Senior Finance Officer
Proposed Meeting Date: 28 June 2022

PURPOSE

The purpose of this report is to write off debts that have been outstanding and are considered unrecoverable.

BACKGROUND

A schedule of debts proposed to be written off is detailed below. Attempts have been made to recover the amounts however those efforts have been unsuccessful. The standpipe cards have since been cancelled.

Name	Debt Date	Description	Amount
Lorene Sommers	01/12/2020	Standpipe water	\$164.70
Laurie Thomsen	11/02/2020	Standpipe water	\$169.83
			\$334.53

STATUTORY ENVIRONMENT

Section 6.12(1) (c) of the Local Government Act states:

*‘(1) Subject to subsection (2) and any other written law, a local government may –
(c) Write off any amount of money, which is owed to the local government.*

** Absolute majority required.’*

FINANCIAL IMPLICATIONS

Australian Accounting Standards Board (AASB 9) now requires an annual calculation of expected credit loss to form part of the annual financial report. All irrecoverable debts as at 30 June 2022 should be written off as part of this process. A loss allowance of \$2,140.00 was determined as follows for trade receivables as at 30 June 2021.

It is recommended that a total of \$334.53 be written off to provide an accurate reflection of the Council’s receivables.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required. Delegation 2.5 provides authority to the Chief Executive Officer to write off any outstanding debt less than \$20.00.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Significant attempts were made by the Finance Officer to recover the outstanding debts. While many have been successful on other debts, those the subject of this report have been unsuccessful and it is considered impractical to engage a debt collection agency due to the low amount of each individual debt.

In 2017, the Shire registered with the Fines Enforcement Agency to collect outstanding parking fines and bush fire infringements that are not paid within 28 days.

There are additional amounts for debtors where the Shire has done work on land and for bush fire infringements, prior to participation in fines enforcement. Efforts are being made to recover these amounts and it is not recommended that any of those amounts be written off. Recovery from landowners will ultimately occur when the property is sold or through the process of rates debt recovery.

No other sundry debtor amounts are considered to be doubtful debts at this time.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the following sundry debtors totalling \$334.53, be written off:

- 1. Lorene Sommers \$164.70**
- 2. Laurie Thomsen \$169.83**

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW

File Ref:	N58085
Attachment:	<u>Register of Delegation, Sub-delegations, Appointments and Authorisations</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	28 June 2022

PURPOSE

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

BACKGROUND

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

An extensive review of the Register of Delegated Authority was carried out on 20 June 2017 and since then minor amendments have been endorsed by the Council each year.

STATUTORY ENVIRONMENT

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

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

- (i) such other powers or duties as may be prescribed.

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

- under Regulation 18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors;
- under Regulation 18C and 18D which relate to the recruitment and performance management of the CEO; and
- under Regulation 6 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.6:

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

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

Strategy 4.6.1

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

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

OFFICER COMMENT

1. There have been several amendments relating to the Town Planning Scheme No 3 being superseded by the Local Planning Scheme No 5, although no significant changes to the nature of any delegated functions or responsibilities are noted.

The changes include:

- Updates to refer to LPS5, in place of TPS3, including descriptors and land use permissibility categories D, A and I – (Discretionary, Discretionary subject to giving Notice, and Incidental).
- Incorporation of relevant elements and references to Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015.
- Clarity in regard to variations, with separate items for LPS5 variation and R-Codes variations.
- The order of items has been rationalised by grouping development, subdivision, Scheme amendments and compliance.

2. The following new Delegations have been introduced and the subsequent numbering amended as necessary:

- a) 4.1 Environmental Protection Act 1986 – Designation of Authorised Officers. Pursuant to s87 and s88 of the Environmental Protection Act 1986 the Environmental Health Officer is now authorised to undertake duties and functions as an authorised person and inspector in relation to:

s79 – Unreasonable noise emissions on premises (Noise)

- b) 5.2 Approval of Works Orders to Public Utility Service Authorities, pursuant to s3.25(1)(b) and Schedule 3.1 of the Local Government Act 1995.

3. The following minor amendments have also been made, as noted in the attachment:

- Minor formatting and typographical error corrections
- Position title updates to reflect current organisational structure
- Inclusion of Manager Community and Recreation Services and Manager Works as appointees under appropriate sub delegations.
- Legislation amendment updates
- Addition/amendments to any relevant Council Policy updates
- All Review Dates updated.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the attached Shire of Plantagenet Register of Delegations, Sub Delegations, Appointments and Authorisation (Register of Delegated Authority) be accepted, to take effect from 1 July 2022.

**9.4.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION 2022 -
COUNCILLOR ATTENDANCE**

File Ref: N58091
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: Nolene Wake
Executive Officer
Proposed Meeting Date: 28 June 2022

PURPOSE

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) Convention to be held Monday 3 October to Tuesday 4 October 2022 and authorise the attendance of Shire President Cr Chris Pavlovich and Deputy Shire President Cr Jon Oldfield at the WALGA Annual General Meeting on Monday 3 October as Voting Delegates.

BACKGROUND

At the Ordinary Meeting of Council on 25 May 2021, the Council resolved:

'That:

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

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

There was no external consultation conducted for this report.

FINANCIAL IMPLICATIONS

Full delegate convention fees are unknown at this time.

As a guide, I have noted 2021 figures under:

Per person – \$1200.00 / Convention Breakfast \$95.00 / Welcome Reception (partners) \$85.00 / Convention Gala Dinner (partners) - \$165.00.

Partner activities are available.

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

Budget Item 2040104 (Members – Training & Development) has a current budget allocation of \$30,000.00.

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

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

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

REGIONAL IMPLICATIONS

(The Southern Link VROC Strategic Directions 2015-2020 identifies under Governance at Goal Two (*Provide sub regional leadership through the VROC*) the following action:

'Continue to develop and discuss options for reform and best practice in local government.'

OFFICER COMMENT

The 2022 Convention will be held at Crown Perth on Monday 3 – Tuesday 4 October 2022. The Theme for 2022 will be 'Embracing Change'. The Convention will explore changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide and embrace change.

Further information and the provisional program will be distributed as it becomes available.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. All Councillors be entitled to attend the WALGA Local Government Convention 3 October to 4 October 2022 if they so wish and that the associated costs be charged to account 2040104 (Members – Training and Development) and account 2040109 (Members Travel and Accommodation).**
- 2. The Executive Officer will liaise with all Councillors to confirm attendance and bookings for the WALGA Convention 2022.**

9.4.3 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

File Ref:	N58320
Attachment	<u>CEO 2021/22 Performance Development Review – Confidential Attachment 1</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	28 June 2022

PURPOSE

The purpose of this report is to endorse the CEO Annual Performance Review as per sections 5.39A and 5.39B of The Model Standards for CEO Recruitment Performance and Termination

BACKGROUND

The CEO employment contract required the setting of the CEO KPI's within 90 days after the CEO commencement date. The commencement date was 22 March 2021.

A workshop with Council was held on Tuesday 25 May to establish the CEO KPI's for the 2021/22 financial year and to determine the method of measurement for each KPI.

The KPI's were adopted by Council at the Ordinary Council Meeting held 22 June 2021.

Division 3 of The Model Standards sets out the standards to be observed by the local government in relation to the review of the performance of CEOs.

This report meets the Division 3 Standards clauses 16, 17 18 and 19.

Clause 16 Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and*
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.**
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) The matters referred to in subclause (1) must be set out in a written document.*

Clause 17 Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*

(2) *The local government must —*

- (c) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
- (d) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

Clause 18 Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

Clause 19 CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (e) *the results of the review; and*
- (f) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*

The CEO and Council met on 31 May 2022 and completed the agreed annual performance development review (PDR) process. The PDR process incorporated an assessment of performance against agreed leadership capabilities and the CEO KPIs as adopted on 22 June 2021.

The PDR process also incorporated a review of the CEO development and training needs; a review of the current total reward package (TRP) and setting of the CEO KPIs for the 2022/23 financial year.

The completed and mutually agreed PDR process with assessment and commentary is attached as confidential attachment 1

STATUTORY ENVIRONMENT

Local Government Act 1995, sections 5.39A and 5.39B

Section 5.39A – Model standards for CEO Recruitment, performance and termination

- (1) Regulations must prescribe model standards for local governments in relation to the following –
 - (a) recruitment of CEOs
 - (b) the review of the performance of CEOs
 - (c) the termination of the employment of CEOs

EXTERNAL CONSULTATION

There was no external consultation undertaken.

FINANCIAL IMPLICATIONS

There are no current financial implications relevant to this report.

BUDGET IMPLICATIONS

There are no current budget implications relating to this report as the agreed changes to the CEO Total Reward Package, if adopted, will commence from 29 June 2022.

POLICY IMPLICATIONS

Model Standards for CEO Recruitment, Performance and Termination
Division 3 – Standards for Review of Performance of CEOs

LEGAL IMPLICATIONS

This item is a contractual requirement of the employment contract between the Shire of Plantagenet and CEO Cameron Woods as endorsed by Council on 1 December 2020.

ASSET MANAGEMENT IMPLICATIONS

No assets are being created so there is no asset management implication relevant to this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at:

Outcome 4.1 Effective governance and leadership:

Strategy 4.1.1: *‘Provide effective leadership for the community’*

Strategy 4.1.2 ‘Ensure the corporate structure is aligned with the Shire strategic direction’

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT.

A performance rating system was developed to assess performance against agreed leadership capabilities and achievement of annual key performance indicators.

The rating system is as bellow:

- 1 Unacceptable
- 2 Meets Most Requirements
- 3 Doing the Job
- 4 Doing more than the Job
- 5 Outstanding

The Council and CEO agreed on an overall rating of 3.75 for the Leadership Capabilities and for the performance in achieving the 2021/22 CEO KPIs.

The full commentary and details of the PDR process are provided in Confidential attachment 1, which will be tabled by the CEO at the meeting.

The agreed CEO KPIs for 2022/23 are provided in table 1 below.

Table 1.

KPI 1	Complete the Liveability action plan as per the Regional Australian Institute model and prepare recommendations for Council that aim to improve liveability in the Shire of Plantagenet.
KPI 2	Focus the organisation on the achievements of the Corporate Business Plan (CBP) and develop quarterly reporting to Council and Community against the CBP Actions for 2022/23.
KPI 3	Develop an organisational culture that maximises funding (revenue) opportunities and identifies expenditure savings so that more value can be delivered back to the community
KPI 4	Focus the organisation on the delivery of the capital works program and develop quarterly reporting to Council for all capital projects for 2022/23
KPI 5	Commence the 2022/23 capital works program and target delivery as early as possible. Ensure detailed design, scope of works and costings are prepared accurately and reported to Council.
KPI 6	Progress the Mount Barker Swimming Pool Redevelopment Project Stage 1B to minimise the financial impact on municipal own source revenue whilst delivering the key design elements agreed by Council on the 22 March 2022 (workshop) and keep Council informed and engaged.
KPI 7	Deliver the residential subdivision to the Martin Street site and develop residential subdivision options for Council endorsement for the old Shire Depot site (Menston Street) and seek external funding support from State Government for both.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

- 1. The Chief Executive Officer's 2021/22 Performance Development Review (PDR), incorporating:**
 - a) Sections A, B, C, and D outcomes as per Confidential Attachment 1,**
 - b) The CEO 2022/23 Key Performance Indicators (Section E of the PDR process) in Table 1 of this report****be endorsed;**
- 2. The Shire President be authorised to sign the CEO's PDR as shown in Confidential Attachment 1.**
- 3. The relevant schedules in the CEO's contract of employment be updated accordingly, with a copy of the PDR document to be placed on the CEO's personnel file.**

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 EMPOWERING PLANTAGENET SENIORS – OPERATING SUBSIDY

Cr Handasyde has given notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

‘That Council consider an annual operating subsidy of \$10,000 to the Empowering Plantagenet Seniors (EPS) to assist EPS in meeting a proportion of their operating costs in providing services to seniors in our community.’

COUNCILLOR COMMENT

The reason this is being requested is because the success of Empowering Plantagenet Seniors (EPS) has been significant. EPS has been far more successful than anyone, including the EPS management committee, could have envisaged.

To get the Hall up to a condition they could initially use, approximately \$30,000 was donated by the community along with really hard work by a great group of volunteers.

EPS has paid approximately \$25,000 for fixtures to the hall and has contributed approximately \$30,000 in fittings including fridges, freezers, microwaves, air fryers, urns, plus other kitchen requirements. This also includes Craft Room and Lounge Room set up.

EPS has also paid for repairs to the dishwasher, hot water systems and had to upgrade the switch board for the new steam oven.

It is therefore, fair to say that EPS has made significant contributions to the up keep of the Lesser Town Hall as well as to the wellbeing of the seniors in our community. As per our Community Strategic Plan, support for our seniors within our Shire is paramount and EPS are assisting the elderly in any way they can especially with many of the service providers already at capacity.

Since EPS opened, they have served 4,339 meals and 1,717 morning teas, held exercise mornings, expos, Christmas and Melbourne Cup functions and hosted guest speakers as well as funerals and wakes.

A minimum of 64 litres of filtered water, each week, is brought in by volunteers. This helps with cold water, tea and coffee and protects urns and coffee machines from scaling but they need a quality water filtration system to protect the dishwasher, steam oven and the two hot water services.

The kitchen, is large enough but does not have enough preparation area. They could serve, at least 80 sit down meals in a sitting but can only do 40 now. Years ago, with HACCP, 80/90 meals were served at a sitting.

Regulations have changed, preparations can only be done on stainless steel. Kitchen benches now, are not suitable.

The EPS management committee would like to start advertising for new members but until they can accommodate more for meals, there is hesitation as nobody wants to turn a member away due to the inability to prepare enough meals.

Currently, EPS is renovating a room to allow visiting medical specialists/Allied Health professionals to use at a minimal cost in order to provide much needed services to the seniors. These specialists no longer come to Mt Barker due to the room costs at the medical center or are currently looking at stopping services.

It has been agreed by the Council that the Town Hall and Lesser Town Hall are priority buildings that the Shire should be looking after. Therefore, in order to give this group some much needed assistance in looking after our seniors, an addendum to help with some of the maintenance would be a large benefit to this community group. It is fair to say that EPS has value added to a Shire owned building as well as paid for maintenance work.

CEO COMMENT

This Notice of Motion has been provided with sufficient time to prepare the below commentary which in turn satisfies the requirements of the policy for Officers to prepare a comment to assist Council in debating and determining a response to the Notice of Motion.

On the 16th of June 2020 Council resolved That:

The Shire President and the Chief Executive Officer be authorised to affix the Common Seal of the Shire of Plantagenet to the Lease Agreement (as attached) between the Shire of Plantagenet and Empowering Plantagenet Seniors Inc. for Part of Lot 250 Memorial Road, Mount Barker (Lesser Hall) for the purposes of providing information, supplementary care, advocacy and support for seniors in Plantagenet.

For the purposes of interpreting Council Policy, A/PA/14 'Sporting and Community Organisations using Council and Vested Land – Rateability' it is determined that a 100% waiver of annual levied rates shall apply.

At the time this lease was negotiated it was on the basis that the Council did not warrant the premises necessarily being fit for purpose.

Further at the time of granting the lease EPS was an unproven entity and no operating funding was provided as per the agreed standard leasing template. The lessee as per our leasing template is responsible for all operating costs (excluding water) and all repairs and maintenance. The Shire as the lessor is responsible for all structural repairs and maintenance.

Two years have passed since the original granting of the lease and EPS has grown in both membership numbers and in the delivery of services and the value it adds to the seniors in the community.

Whilst the administration continues to work toward equity in managing its leases and considers the current lease terms and conditions appropriate, the administration values the benefit that EPS provides to the community.

The Shire has recognized the need for similar funding to support proven community service providers in the past and is currently contributing an annual operating subsidy to the Mount Barker Historical Society (\$20,000 pa) and Mount Barker Tourism Inc (28,000 pa).

The Shire also removes the obligation of the Lessee to maintain buildings that form part of the Register of Heritage Places administered by the Heritage Council of Western Australia such as Mitchell House, The Visitor Centre and the former Police Station and Goal.

Whilst the Lesser Town Hall is not on the register of Heritage places it is an integral part of the historic District Town Hall both of which have been rated as priority one assets on the Shires asset register.

The administration considers the Notice of Motion has merit and there is precedence in considering an annual operating contribution. There is currently no policy to guide Council or the administration and to date each request has been assessed on its merits.

This NOM is therefore an opportunity for Council to consider policy development to guide future council decisions and to provide clarity to community groups whom may wish to seek funding or alterations to lease terms and conditions.

Should Council wish to consider policy development in this area the following guiding principles could be a useful starting point.

- The entity to prove themselves as being a well patronized service and being sustainable.
- Deliver community benefits valued by community which can be linked back to the Community Strategic Plan.
- Operate out of Shire buildings which are ranked as level 1 and 2 building assets.
- Funding is reviewed annually and the entity would submit annual financials and a brief report on membership numbers and services to inform annual funding allocations.

If an annual funding allocation from Council is approved consideration should be given to the manner in which the funding is allocated.

There are two options worthy of consideration.

Option 1

An annual subsidy direct to the entity with limited conditions other than the entity will use the funding to assist in the operating objectives of the entity and provide the financials on an annual basis.

Option 2

Is to prepare an addendum to the existing lease.

The addendum would clearly identify that the subsidy could be used for any of the following expenses:

- Pre-approved repairs and maintenance to the building (non structural)
- Pest control, electrical tagging and fire safety

On this basis the administration would hold the funds and approve and pay for repairs and maintenance and organize and pay for scheduled pest control, electrical tagging and fire safety monitoring until the annual subsidy was exhausted.

If the NOM is supported and option 2 is the preferred method of allocating the funds the administration could prepare the addendum to the lease and prepare the report for the August OCM on the 2nd of August.

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

11.1 MEMORIAL SWIMMING POOL – RETAINING WALL AND PATHWAY DESIGN

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING