



ORDINARY MINUTES

DATE: Tuesday, 23 March 2021

TIME: 4:00pm

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

Cameron Woods
CHIEF EXECUTIVE OFFICER

Resolution numbers: 063/21 to 080/21

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

4.00pm The Presiding Member declared the meeting open.

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

Members Present:

| | |
|------------------|--|
| Cr C Pavlovich | Shire President |
| Cr J Oldfield | Deputy Shire President |
| Cr B Bell | Councillor |
| Cr K Clements | Councillor |
| Cr S Etherington | Councillor |
| Cr L Handasyde | Councillor |
| Cr J Moir | Councillor (left the meeting at 4.50pm and returned at 4.55pm. |
| Cr K Woltering | Councillor |

In Attendance:

| | |
|--------------------|---|
| Mr Cameron Woods | Chief Executive Officer |
| Mr Andrus Budrikis | Executive Manager Strategic Development |
| Mr John Fathers | Executive Manager Corporate Services |
| Mr David Lynch | Executive Manager Works and Services |
| Ms Nolene Wake | Executive Officer |
| Mr Vincent Jenkins | Principal Planning Officer |
| Ms Clare Bonnie | Planning Officer |

Apologies:

Nil

Members of the Public Present:

There were three members of the public present.

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Cameron Woods – Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Woods then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any

such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – MS KATHRYN MACNEIL - CHAIRPERSON, REPRESENTING THE MOUNT BARKER TOURIST BUREAU

Ms MacNeil provided the Council with an update on Mount Barker Tourist Bureau operations and Business development.

4.2 PRESENTATION – MR MIKE THORN, REPRESENTING PORONGURUP PROMOTIONS ASSOCIATION (PPA)

Mr Thorn updated the Council in relation to the outdoor Cinema promotion undertaken by the PPA to coincide with the release of the movie Rams.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995.

Cr J Moir

Item: 9.3.1

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Cattle Farmer – Elders Employee

Cr J Moir

Item: 9.3.4

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Cattle Farmer – Elders Employee

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 APPLICANT: CR M O'DEA

Cr O'Dea requested Leave of Absence from 21 April 2021 to 3 May 2021 Inclusive.

Moved Cr L Handasyde, seconded Cr J Moir:

That Cr M O'Dea be granted Leave of Absence for the period 21 April 2021 to 3 May 2021 inclusive.

CARRIED (9/0)

NO. 063/21

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 March 2021 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 064/21

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President extended a warm welcome to CEO Mr Cameron Woods.

The Shire President also noted the passing of former Shire of Plantagenet CEO, Mr Cyril (Nick) Nicholls.

Moved Cr C Pavlovich, seconded Cr K Clements:

That:

- 1. The Council extend its sincere condolences to the family of Cyril (Nick) Nicholls and note his contribution to the Shire of Plantagenet as Chief Executive Officer from 1985-97.**
- 2. A letter of condolence be sent to his family.**

CARRIED (9/0)

NO. 065/21

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

9.1.1 LOT 101 WOODLANDS ROAD, PORONGURUP – ADDITIONAL BUILDING ENVELOPE

| | |
|-------------------------------|---|
| File Ref: | N54639 |
| Attachment: | <u>Location Plan</u> <u>Building Envelope Plan</u> <u>Deposited Plan 76858</u> <u>DP 76858 Interests and Notifications</u> |
| Responsible Officer: | Andrus Budrikis Executive Manager Strategic Development |
| Author: | Vincent Jenkins Principal Planning Officer |
| Proposed Meeting Date: | 23 March 2021 |
| Applicant: | Wendy MacKinnon |

PURPOSE

The purpose of this report is to consider an application for an additional building envelope at Lot 101 Woodlands Road, Porongurup.

BACKGROUND

Council records show the registered owner of Lot 101 Woodlands Road, Porongurup is WM MacKinnon.

Lot 101 was created by the subdivision of former Lot 14 Woodlands Road into three lot parcels involving a farm lot (lot 101), homestead lot and conservation lot. The three lots (Lot 101, 102 and 103) approved under Western Australian Planning Commission (WAPC) 147938 have been created and Deposited Plan 76858 was endorsed by the WAPC.

Pursuant to the subdivision approval granted by the WAPC and section 129BA of the Transfer of Land Act 1893 the following restrictive covenant was placed on the Certificate of Title for Lot 101 Woodlands Road for benefit to the Shire of Plantagenet:

'No dwelling outside building envelope unless approved by the Shire'

The proponent has submitted an explanation for the request for the additional building envelope. The proponent explains that when she bought the property in November 2018, she was captivated by the stunning views across to the Stirling Ranges and also by the lesser but closer views that look across to the Porongurup Range. The proponent further explains that at the time of purchase, the property involved two existing building envelopes, one at the top and one at the bottom. Neither of these envelopes are ideal for capitalising on the best views that the property offered.

The proponent also submitted a Bushfire Attack Level (BAL) assessment report prepared by the Bio Diverse Solutions (Bushfire Consultants) in support of the proposed additional building envelope from a fire safety perspective. This report contains a BAL assessment of the proposed additional building envelope, a BAL contour map and advice on the best location for future building construction.

The purpose of this application is to establish the additional building envelope to facilitate the construction of a new dwelling that will take advantage of the site's views to the Stirling and Porongurup Ranges.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs) - Schedule 2 - Deemed provisions for local planning schemes.

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) – zoned Rural.

Fire and Emergency Services Act 1998 (as amended) – the FES Commissioner identifies and designates bushfire prone areas. Such areas are identified on the Map of Bush Fire Prone Areas. Designation of an area as being bushfire prone reflects the potential for bushfire to affect that site. The designation acts as a mechanism for initiating further assessment in the planning and building processes. The Bushfire Prone Area Mapping (SLIP 2019) show that Lot 101 Woodlands Road, Porongurup is located within the designated Bushfire Prone Area.

Land Administration Act 1997

Transfer of Land Act 1893

EXTERNAL CONSULTATION

There are no external consultation implications for this report.

FINANCIAL IMPLICATIONS

The development application fee of \$147.00 has been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

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

Lot 101 is located at the north-western slope of the Porongurup Range approximately 1.6km off Porongurup Road on Woodlands Road.

Deposited Plan 76858 show two building envelopes that allows for the construction of a dwelling at the site. Building envelope 1 is 450m² (15m x 30m) in area and is located downslope at the north east corner of the site. Building envelope 2 is 607.5m² in area and is located upslope at the south west corner of the site.

The proponent is seeking to establish a new building envelope to facilitate the construction of a new dwelling that will take advantage of the site's views to the Stirling and Porongurup Ranges. The proposed building envelope location and extent will also allow for integrated development of a dwelling and associated infrastructure such as water tanks, effluent disposal systems and various outbuildings that will be required to carry out farming activities and maintain the property.

The proponent also submitted a BAL assessment report in support of the application. The BAL contour map shows that the proponent will have varying building options within the envelope that will allow the construction of a dwelling to BAL-29 or lower requirements.

The proposed building envelope is 1.6ha (92m x 174m) and will also allow the option to construct a second dwelling for family members should the need arise. The building envelope location is a minimum 225m from the existing house at Lot 102 Woodlands Road and building envelope location for Lot 103 Woodlands Road.

The gradient of the terrain at Lot 101 will mean the height difference at ground level between the top of the building envelope and the bottom of the existing house at Lot 102 and Lot 103 building envelope is a minimum of 20m. The construction of buildings and structures within the proposed building envelope area is not likely to affect direct views from Lots 102 and 103 to the Stirling and Porongurup Ranges.

In accordance with the restrictive covenant shown on Deposited Plan 76858 for Lot 101, the Council has discretion to approve the construction of dwellings outside the two approved building envelope areas.

The proposed additional building envelope will facilitate the construction of dwellings outside the two approved building envelope areas. In this instance, the additional building envelope location and extent is not likely to adversely affect privacy, amenity or bushfire safety of the location. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That in accordance with clause 18 of the Shire of Plantagenet Local Planning Scheme No. 5 and clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the additional building envelope for dwelling construction at Lot 101 Woodlands Road, Porongurup, be approved subject to the plan dated 2 February 2021.

CARRIED (9/0)

NO. 066/21

**9.1.2 LOT 306 LAKE MATILDA ROAD, KENDENUP – RESTAURANT/CAFÉ,
RECEPTION CENTRE, WINE TASTING AND SALES, SHOP AND BED
AND BREAKFAST ACCOMMODATION**

| | |
|-------------------------------|---|
| File Ref: | N54543 |
| Attachment: | <u>Location Plan</u> <u>Site Plan – Lot</u> <u>Site Plan – Buildings</u> <u>Existing House Floor Plan</u> <u>Packing Shed Floor Plan</u> <u>Packing Shed Elevations</u> <u>Summary of Submissions</u> |
| Responsible Officer: | Paul Sheedy Acting Chief Executive Officer |
| Author: | Vincent Jenkins Principal Planning Officer |
| Proposed Meeting Date: | 23 March 2021 |
| Applicant: | Zigmantas and Andrus Budrikis |

THE APPLICANT IS AN EMPLOYEE OF THE SHIRE AND HAS HAD NO INPUT INTO THE PREPARATION OF THE REPORT OR THE RECOMMENDATION.

PURPOSE

The purpose of this report is to consider an application for a Restaurant/café, Reception Centre, Wine Tasting, Wine Sales, Merchandise and Vegetable Shop and Bed and Breakfast accommodation at Lot 306 Lake Matilda Road, Kendenup.

BACKGROUND

Council records show the registered owners of the property are ZL and AJ Budrikis.

Hawker Ridge Wines is a family partnership between Zigmantas and Andrus Budrikis, currently operating under a wine producer licence Lot 369 Hawker Road, Kendenup. The wine producer licence authorises the trade in wine but excludes the onsite retail sale of wine at Lot 369 Hawker Road, Kendenup.

In 2006, Hawker Ridge Wines applied for planning approval to establish cellar sales and café in the existing rammed earth outbuilding (packing shed) at Lot 306 Lake Matilda Road, Kendenup. The Council, in April 2006, granted planning approval for cellar sales and café at the subject land. This approval was valid for a 24-month period but Hawker Ridge Wines did not act on the approval and it expired on 11 April 2008.

On 18 January 2019, the Council received an Application for Development Approval (DA) for café, cellar sales and vegetable sales at Lot 306 Lake Matilda Road, Kendenup. However, the DA application was incomplete.

The Council, on 29 June 2020, received additional supporting information to the DA application. However, the new supporting information amended the scope of the DA

application to include reception centre, merchandise sales and bed and breakfast accommodation at the subject land.

Lot 306 Lake Matilda Road is located in a Bushfire Prone Area. The bed and breakfast accommodation use is classified as a 'Vulnerable Land Use' pursuant to Western Australian bushfire legislation. The amended DA application did not examine the latest Guidelines for Planning in Bushfire Prone Areas for vulnerable land use and additional supporting information was sought.

On 4 December 2020, the Council received additional supporting information for the bed and breakfast accommodation use in the form of a Bushfire Management Plan (BMP) and two Bushfire Emergency Plans (BEP), one for the packing shed and one for the bed and bedfast accommodation business.

The proposal was advertised for public comment for a period of 42 days ending on 18 February 2021.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs) - Schedule 2 - Deemed provisions for local planning schemes.

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) – zoned Rural.

Division 2 – Land use terms used in the Scheme

Clause 38 of LPS5 state:

'If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows —

bed and breakfast means a dwelling —

(a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and

(b) containing not more than 2 guest bedrooms;'

Bed and breakfast is a discretionary 'A' use under LPS5. This means the use is not permitted unless the Council has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the LPS Regs.

reception centre means premises used for hosted functions on formal or ceremonial occasions;'

Reception centre is a X use under LPS5. This means the use is not permitted by this Scheme.

In addition, clause 67 of the LPS Regs deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located.

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;

Restaurant/café is a discretionary 'D' use under LPS5. This means that the use is not permitted unless the Council has exercised its discretion by granting development approval.

shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;'

Shop is a discretionary 'D' use under LPS5. This means that the use is not permitted unless the Council has exercised its discretion by granting development approval.

The proponents have no intention to hire goods or to provide services of a personal nature such as hairdressing or beauty therapy services. The proponents intend to sell vegetables and other merchandise items. Merchandise sales will include the sale of packaged foods items such as jams, preserves, sauces, honey, olive oil, as well as craft items, giftware, cards, books recorded music, art, furniture and the like.

winery means premises used for the production of viticultural produce and associated sale of the produce;'

Winery is a discretionary 'A' use under LPS5. This means the use is not permitted unless the Council has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the LPS Regs.

The proponents have no intention to carry out winemaking operations at the site. The proponents intend to undertake wine tasting and wine sale operations at the site.

Fire and Emergency Services Act 1998 (as amended) – the FES Commissioner identifies and designates bushfire prone areas. Such areas are identified on the Map of Bush Fire Prone Areas. Designation of an area as being bushfire prone reflects the potential for bushfire to affect that site. The designation acts as a mechanism for initiating further assessment in the planning and building processes. The Bushfire Prone Area Mapping (SLIP 2019) show that the existing approved family residence at Lot 306 Lake Matilda Road, Kendenup is located within a designated Bushfire Prone Area.

Western Australian Planning Commission (WAPC) State Planning Policy 3.7 (Planning in Bushfire Prone Areas) (SPP3.7) - Policy measure 6.6 of SPP 3.7 applies to vulnerable and high-risk land uses. A tourism venture is defined under SPP 3.7 as a 'Vulnerable Land Use'. SPP 3.7 requires assessment of vulnerable land uses against the bushfire protection criteria as well as the creation of a BMP report which also includes an emergency evacuation plan. The intent of this policy is to recognise that such sites require special consideration when located in a Bushfire Prone Area.

The Guidelines for Planning in Bushfire Prone Areas Version 1.3 December 2017 (Bushfire Guidelines 2017) state:

'Where a proposed use will be contained within an existing single residential development or ancillary dwelling or associated outbuilding, and at a scale consistent with that of a typical existing residential dwelling, there may be reason for these to be treated as 'minor development' (refer to the definition in SPP 3.7). These uses may include bed and breakfast, family day care or home business.'

The proposed bed and breakfast use conform to the definition for 'minor development' set in SPP3.7 and the Bushfire Guidelines 2017.

EXTERNAL CONSULTATION

In accordance with Delegation 7.1A, the proposal was advertised for public comment for the minimum 14-day period ending on 3 February 2021. Advertising included letters to three adjoining landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site. No adverse comments were received from adjoining or nearby neighbours.

Further advertising included letters to the Public Transport Authority (PTA) and the Department of Fire and Emergency Services (DFES) for comment and recommendations for the minimum 42-day period ending on 18 February 2021.

The 14-day and 42-day periods are set by the Planning and Development (Local Planning Schemes) Regulations 2015.

Two submissions have been received from government agencies and these are contained in the attached Summary of Submissions. Because of the DFES submissions a number of modifications will need to be undertaken to Bushfire Management Plan and the two Bushfire Evacuation Plans.

FINANCIAL IMPLICATIONS

The development application fee of \$147.00 and a bond of \$500.00 for advertising costs have been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

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

Lot 306 Lake Matilda Road is 6.48ha in area and located in the Rural zone. Existing development at the site consists of a rammed-earth house, one rammed-earth outbuilding referred to by the proponents as the 'packing shed'. Further development includes two outbuildings, two water tanks and two farm dams.

The bed and breakfast accommodation proposal involves the use of one of the three bedrooms in the existing house. The guest bedroom has access to ensuite bathroom facilities. The proposal also involves the provision of breakfast meals for guests. The proposed bed and breakfast accommodation business will be operated by the one of the proponents and his partner meaning there will be onsite supervision at the premises when the short-stay accommodation is in operation.

The proposed restaurant/café, wine tasting, wine, vegetable and merchandise sales uses will be carried out in the packing shed building. The proposal further includes a licensed outdoor area involving verandah and garden areas.

The proposal is to open the business in a staged manner as the Council's development approval and health conditions to operate are met. It is foreseen that stage one will involve opening vegetable sales from the packing shed. Stage two will involve opening the bed and breakfast business and stage three will involve opening wine tasting and wine and merchandise sales from the packing shed. Stage four and five will involve opening the restaurant/café for the provision of low risk food and hot and cold beverages from the packing shed.

For the restaurant/café, wine tasting, wine, vegetable and merchandise sales and bed and breakfast proposal to conform with the Bushfire Guidelines 2017 and SPP3.7 the following modifications will need to be carried out to the BMP and the BEPs.

- Correct the administrative error to remove the reference to 'proposed Sienna Wood Town Activity Centre (TAC)' from the BMP.
- Include additional photographic supporting information of the low threat vegetation area and further justify the vegetation classification and include the Asset Protection Zone in BMP text and mapping for Plot 3.
- Include additional photographic supporting information and include the Asset Protection Zone in BMP text and mapping for Plot 8.
- Include the Asset Protection Zone on the relevant BMP mapping.
- Include minimum 6m wide crossovers for access from Lot 306 to Lake Matilda Road in the BMP.
- Include supporting information to show contact person details, contact telephone numbers, numbers of staff to both BEPs.

The proposed restaurant/café, wine tasting, wine, vegetable and merchandise sales and bed and breakfast uses are not likely to affect the landscape, rural character or amenity of the area and the uses are not expected to prejudice or displace viable agricultural land or production. The restaurant/café, wine tasting, wine, vegetable and merchandise sales and bed and breakfast proposal is supported subject to appropriate development conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That in respect to the reception centre, restaurant/café, wine tasting, wine sales, vegetable and merchandise shop and bed and breakfast as shown on the plans dated 29 June 2020 at Lot 306 Lake Matilda Road, Kendenup:

- 1. In accordance with clause 18 of the Shire of Plantagenet Local Planning Scheme No. 5 and clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed restaurant/café, bed and breakfast, wine tasting, wine sales, merchandise and vegetable sales be approved subject to:**
 - a. Revised Bushfire Management Plan and Bushfire Evacuation Plans being submitted to the satisfaction Chief Executive Officer showing:**
 - i) The 'proposed Sienna Wood Town Activity Centre (TAC)' wording being deleted from the Bushfire Management Plan text.**
 - ii) Additional photographic supporting information of the low threat vegetation area and further justification of the vegetation classification and inclusion of the Asset Protection Zone in the Bushfire Management Plan text and mapping for Plot 3.**
 - iii) Additional photographic supporting information and inclusion of the Asset Protection Zone in Bushfire Management Plan text and mapping for Plot 8.**
 - iv) The Asset Protection Zone on the relevant Bushfire Management Plan mapping.**
 - v) Minimum 6m wide crossovers on Lake Matilda Road in Bushfire Management Plan text and mapping.**
 - vi) Updated contact person details, contact telephone numbers, numbers of staff for both Bushfire Emergency Plans.**
 - b. The revised Bushfire Management Plan and Bushfire Evacuation Plans being submitted within 30 days of the Council granting Development Approval.**
 - c. The plans dated 29 June 2020 and the revised Bushfire Management Plan and Bushfire Evacuation Plans.**

- d. Crossovers being minimum 6m wide and constructed, drained and sealed to the satisfaction of the Executive Manager Works and Services.
 - e. A Building Permit being issued for reclassification of the dwelling from a Class 1a to a Class 1b building prior to the bed and breakfast accommodation being operated.
 - f. A Building Permit being issued for reclassification of the outbuilding from a Class 10a to a Class 6 building prior to the restaurant/café, wine tasting, wine sales, merchandise and vegetable shop being operated.
 - g. The existing house being retrofitted to BAL 12.5, AS3959 construction requirements prior to the bed and breakfast accommodation being operated.
2. In accordance with clause 18 of the Shire of Plantagenet Local Planning Scheme No. 5 and clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed reception centre be refused.

Advice Note:

- 1. In addition to complying with fire mitigation requirements, it is the land owner who is ultimately responsible for the protection of the property.
- 2. The proponents are to advise visitors that this site is in a Rural area and as such may be subject to rural activities in the locality.

CARRIED (9/0)

NO. 067/21

9.1.3 LOT 355 RED GUM PASS ROAD, KENDENUP – CARAVAN PARK

| | |
|-------------------------------|--|
| File Ref: | N54600 |
| Attachment: | <u>Location Plan</u> <u>Lot 355 Site Plan</u> <u>Caravan Stay Site Plan</u> <u>Summary of Submissions</u> |
| Responsible Officer: | Andrus Budrikis Executive Manager Strategic Development |
| Author: | Vincent Jenkins Principal Planning Officer |
| Proposed Meeting Date: | 23 March 2021 |
| Applicant: | John and Gaye Robinson |

PURPOSE

The purpose of this report is to consider an application for a nature-based caravan park at Lot 355 Red Gum Pass Road, Kendenup.

BACKGROUND

Council records show the registered owners are G and J Robinson.

The vineyard at the subject land was established in 1997 and the first vintage from the vineyard was in 2005, coinciding with the granting of the producer's liquor licence. Arcadia Wines are currently only sold to retail outlets within Western Australia and on site.

The Council, on 17 September 2013, granted planning approval for cellar sales at the subject land. Further planning approval was granted by the Council for gallery, restaurant and bed and breakfast on 16 August 2016.

On 10 November 2020, the Council received an Application for Development Approval (DA) for a nature-based caravan park at Lot 355 Red Gum Pass Road, Kendenup. The DA application however was incomplete and additional supporting information was sought.

The Council, on 20 November 2020, received additional supporting information to the nature-based caravan park proposal.

The proposal was advertised for public comment for a period of 42 days ending on 19 January 2021.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs) - Schedule 2 - Deemed provisions for local planning schemes.

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) – zoned Rural.

Division 2 – Land use terms used in the Scheme

Clause 38 of LPS5 state:

'If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows —

caravan park means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);'

Caravan park is a discretionary 'A' use under LPS5. This means the use is not permitted unless the Council has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the LPS Regs.

Fire and Emergency Services Act 1998 (as amended) – the FES Commissioner identifies and designates bushfire prone areas. Such areas are identified on the Map of Bush Fire Prone Areas. Designation of an area as being bushfire prone reflects the potential for bushfire to affect that site. The designation acts as a mechanism for initiating further assessment in the planning and building processes. The Bushfire Prone Area Mapping (SLIP 2019) show that the proposed nature-based caravan park at Lot 355 Red Gum Pass Road, Kendenup is located within the designated Bushfire Prone Area.

Western Australian Planning Commission (WAPC) State Planning Policy 3.7 (Planning in Bushfire Prone Areas) (SPP3.7) - Policy measure 6.6 of SPP 3.7 applies to vulnerable and high-risk land uses. A tourism venture is defined under SPP 3.7 as a 'Vulnerable Land Use'. SPP 3.7 requires assessment of vulnerable land uses against the bushfire protection criteria as well as the creation of a BMP report which also includes an emergency evacuation plan. The intent of this policy is to recognise that such sites require special consideration when located in a Bushfire Prone Area.

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997 - defines a nature-based park as meaning a facility in an area that:

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500 m or more; and
- (b) has been predominantly formed by nature; and
- (c) has limited or controlled artificial light and noise intrusion.

EXTERNAL CONSULTATION

In accordance with Delegation 7.1A, the proposal was advertised for public comment for the minimum 14-day period ending on 5 January 2021. Advertising included letters to four adjoining landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board, and a sign placed on site.

Further advertising included letters to the Department of Local Government, Sport and Cultural Industries, Department of Health, Department of Fire and Emergency Services (DFES) and the Department of Primary Industries and Regional

Development (DPIRD) for comment and recommendations for the minimum 42-day period ending on 19 January 2021.

The 14-day and 42-day periods are set by the Planning and Development (Local Planning Schemes) Regulations 2015.

Six submissions have been received from adjoining and nearby landowners. Concerns raised by these landowners include vehicle access, visitor pet management, opposition to business competition and minor administrative errors within the BMP.

Two submissions have been received from government agencies and these are contained in the attached Summary of Submissions. As a result of the DFES and DPIRD submissions modifications will need to be undertaken to the Bushfire Management Plan, Bushfire Emergency Evacuation Plan and the Nature-based Parks Management Plan.

FINANCIAL IMPLICATIONS

The development application fee of \$147.00 and a bond of \$500.00 for advertising costs have been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

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 subject land is located approximately 2km east of the Kendenup townsite on Red Gum Pass Road. The 30.8ha property is rectangular in shape and is located in the Rural zone.

Arcadia Vineyard Stay will provide a nature-based rural agricultural viticulture setting for recreational travellers who wish to short-stay on an active producing vineyard. The vineyard stay targets visitors who are self-contained caravan or campervan travellers wishing to enjoy a natural setting. The vineyard stay includes a tree shaded camp area, vineyard setting and open views to the Stirling Ranges.

The proposal involves the provision of 15 campsites demarcated by low vegetation. The sites are orientated to take advantage of the views to the Stirling Ranges and adjacent vineyard. Visitors will be encouraged to experience the vineyard by participating in seasonal activities and learning viticulture from the onsite hosts.

Minimal functions will exist at the sites, encouraging minimal noise and light effect on other campers and the surroundings. These include the following:

- Solar downlight for security
- Greywater outlet port
- Fire extinguisher posts (one per six site)
- Centralised fire hose
- Centralised non-potable water tap
- No building structures will be erected within the camp area.

The necessary short-stay facilities will be provided adjoining the camping area, consisting of structures for ablutions, open kitchen and seasonal fire-pit area.

For the nature-based caravan park proposal to conform with the Bushfire Guidelines 2017 and SPP3.7, the following modifications will need to be carried out to the BMP, BEEP and Nature-based Parks Management Plan:

- Correct the administrative error to show 685m driveway length for the subject land in the Nature-based Park Management Plan.
- Correct the administrative error to show the Kendenup townsite is located west and Moorilup Road is located east of the subject land in the BMP.
- Correct the 'Methodology – vegetation classification map' in the BMP.
- Correct the 'Methodology – responsibilities for implementation and management of bushfire measures' in the BMP.
- Correct the 'Vegetation classification' element in the BMP.
- Correct the 'Vegetation removal to establish the Asset Protection Zone' element in the BMP.
- Correct the 'Location, Siting and Design' element in the BMP.
- Correct the 'Vehicle Access' element in the BMP.
- Correct the 'Water' element in the BMP.
- Correct the BEEP to conform to Guidelines requirements.

The proposed nature-based caravan park use is not likely to affect the landscape, rural character or amenity of the area and the uses are not expected to prejudice or

displace viable agricultural land or production. The nature-based caravan park is supported subject to appropriate development conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr K Woltering:

In accordance with clause 18 of the Shire of Plantagenet Local Planning Scheme No. 5 and clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the caravan park at Lot 355 Red Gum Pass Road, Kendenup be approved subject to:

- 1. Revised Bushfire Management Plan and Bushfire Emergency Evacuation Plan being submitted to the satisfaction of the Executive Manager Strategic Development showing the modifications required by the Department of Fire and Emergency Services in their letter dated 18 January 2021.**
- 2. Revised Nature-based Park Management Plan being submitted to the satisfaction of the Executive Manager Strategic Development showing:
 - a) The 685m length for the driveway at subject land.**
 - b) A detailed Pet Management Plan.****
- 3. The revised Bushfire Management Plan, Bushfire Emergency Evacuation Plan and Nature-based Park Management Plan being submitted within 60 days of the Council granting Development Approval.**
- 4. The crossover being minimum 6m wide and constructed, drained and sealed to the satisfaction of the Executive Manager Works and Services.**
- 5. The internal driveway being minimum 6m wide and constructed, drained and sealed to the satisfaction of the Executive Manager Works and Services.**
- 6. Suitable fence and gates being erected around the caravan park area to keep pets within the caravan park area to the satisfaction of the Executive Manager Strategic Development.**
- 7. Suitable fence being erected around the existing dam adjoining the caravan park area to keep children away from the dam to the satisfaction of the Executive Manager Strategic Development.**
- 8. A minimum 50,000 litre water tank for firefighting purposes and its associated infrastructure being installed to the standards as outlined in the Guidelines for Planning in Bushfire Prone Areas 2017.**
- 9. The caravan park being restricted to self-contained vehicles only.**
- 10. The construction of park homes is not permitted.**
- 11. The caravan park not being open for business prior to the revised Bushfire Management Plan, Bushfire Emergency Evacuation Plan and Nature-based Park Management Plan being approved by the Executive Manager Strategic Development.**

Advice Note:

1. The Department of Primary Industries and Regional Development (DPIRD) recommends that the landowners develop a Biosecurity Plan to address the risks of spreading or introducing new weeds or pathogens to the property. DPIRD further recommends the development of clean down facilities and that a visitor log be maintained. The Biosecurity Plan should also include measures to prevent visitors from trespassing onto neighbouring properties.
2. The proponents are to advise visitors that this site is in a Rural area and as such may be subject to rural activities in the locality.

CARRIED (7/2)

NO. 068/21

Crs Bell and Handasyde voted against the motion.

9.1.4 COMMUNITY SPORTING AND RECREATION FACILITIES FUND - SMALL GRANTS ROUND 2021/2022 - GRANT ENDORSEMENT

File Ref: N54556
Responsible Officer: Andrus Budrikis
Executive Manager Strategic Development
Author: Sonja Parker
Community Development Officer
Proposed Meeting Date: 23 March 2021

PURPOSE

The purpose of this report is to seek support for the submission of an application to the Department of Sport and Recreation's 2021/2022 Community Sporting and Recreation Facilities Fund (CSRFF) – Small Grants Round.

BACKGROUND

The CSRFF grant scheme is managed by the Department of Local Government, Sport and Cultural Industries (DLGSC) and provides grant funding for facility and infrastructure provision/upgrades to sport and recreation clubs and local government. CSRFF is provided in three categories: Small Grants (for projects of a total budget up to \$300,000.00), Annual Grants (for projects of a total project cost of \$300,001.00–\$500,000.00) and Forward Planning Grants (for projects of a total project cost of \$500,001.00 and over).

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost. Applications are required to be submitted to the local government for endorsement and ranking prior to review by the regional DLGSC office, then final consideration by the DLGSC's State Office.

The Shire of Plantagenet has received one CSRFF Small Grant application for consideration from the Kendenup Tennis Club Inc. The Kendenup Tennis Club is seeking funding to replace the existing hit up wall area at the Kendenup Tennis Club.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

External consultation has occurred with Marcus McPharlin (President, Kendenup Tennis Club) and Chris Thompson (Regional Manager, DLGSC).

FINANCIAL IMPLICATIONS

The Kendenup Tennis Club's total cost for a new hit up wall is \$23,711.00. The Club is requesting approximately one third of the total cost through CSRFF (\$7,903.00). A sum of \$7,000.00 (ex GST) is to be provided through the Shire of Plantagenet's Community Grants Program and the Kendenup Tennis Club is contributing \$8,108.00 in cash and in-kind to the total project cost.

BUDGET IMPLICATIONS

The Shire approved the Kendenup Tennis Club's application for a community grant in 2020/2021 and allocated \$7,000.00 (ex GST) towards this project. This allocation will need to be carried forward into 2021/2022.

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

There are no asset management implications for this report. The asset will be managed and maintained by the Kendenup Tennis Club. The hit-up wall would be situated on Council property. The Club has noted that there will be no ongoing costs to manage the asset once it is replaced, however ongoing maintenance will be incorporated in the Club's general maintenance schedule.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the Wellbeing) of the community the following Strategy:

Strategy 1.5.1:

'Maintain and improve sporting and recreation facilities in the District based on catchment needs'; and

Strategy 1.5.2:

'Promote sporting, recreation and leisure facilities and programs in the District'.

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

OFFICER COMMENT

The Kendenup Tennis Club's request is considered by DLGSC as a favourable application for assessment and the Club has demonstrated an equal financial commitment to the project.

The Kendenup Tennis Club is a key sport and recreation community asset in Kendenup, providing a vibrant and friendly place for locals, visitors and people from neighbouring districts to gather and play tennis. The Club is a vital link in the Tennis Association chain of clubs, and one of only two in the region located north of Albany. This provides a large catchment is and key in providing a pathway for juniors in the region to tennis skills development. The programs and activities at the Club are well supported and serviced and this asset upgrade would enable the continued development of juniors in the region.

With only one application to this round of CSRFF it is recommended that the application is supported and no prioritisation is required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That the application by Kendenup Tennis Club submitted to the Community Sports and Recreation Facilities Fund Small Grant Round 2020/2021 be supported as follows:

- Applicant: Kendenup Tennis Club Inc
- Project: Replacement of hit up wall
- Total Cost: \$23,711.00 (GST inclusive)

AMENDMENT

Moved Cr K Clements, seconded Cr L Handasyde:

That an additional dot point included at the end of the motion reads 'Shire contribution not to exceed \$7,000.00 (excl. GST) and is subject to the success of the small grants round application.'

CARRIED (8/1)

NO. 069/21

Cr O'Dea voted against the motion

COUNCIL DECISION

That the application by Kendenup Tennis Club submitted to the Community Sports and Recreation Facilities Fund Small Grant Round 2020/2021 be supported as follows:

- Applicant: Kendenup Tennis Club Inc
- Project: Replacement of hit up wall
- Total Cost: \$23,711.00 (GST inclusive)
- Shire contribution not to exceed \$7,000.00 (excl. GST) and is subject to the success of the small grants round application.

CARRIED (9/0)

NO. 070/21

**9.1.5 RECREATION ADVISORY COMMITTEE - ENDORSEMENT OF
RECOMMENDATION – YOUTH PRECINCT MINOR WORKS BUDGET**

| | |
|-------------------------------|--|
| File Ref: | N54609 |
| Attachments: | <u>RAC Minutes 4 March 2021</u> |
| Responsible Officer: | Andrus Budrikis Executive Manager Strategic Development |
| Author: | Sonja Parker Community Development Officer |
| Proposed Meeting Date: | 23 March 2021 |

PURPOSE

The purpose of this report is to endorse the Recreation Advisory Committee's recommendation to provide a budget allowance in the FY2021-22 annual budget to implement minor works in the Youth Precinct.

BACKGROUND

At the 26 June 2020 Recreation Advisory Committee meeting, the committee discussed developing the Lowood Road Mount Barker Youth Precinct (the site including Wilson Park, Skate Park and surrounds). At the 23 November 2020 Recreation Advisory Committee meeting, the committee recommended that \$20,000.00 be allocated to develop a concept plan in the FY 2021-22 annual budget.

At its meeting held on 1 December 2020, the Council resolved (resolution 302/20):

'That the Council allocates \$20,000.00 in the FY 2021-22 annual budget to develop a professional concept plan for the youth precinct.'

At the 4 March 2021 meeting, the Community Development Officer presented findings of the Youth Precinct Consultation process. As part of this update, it was recommended that to address community consultation feedback in the short term a minor works budget of \$10,000.00 is allocated in the FY 2021-22 annual budget for site improvements.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

External consultation has occurred with residents via a community survey, consultation event and student workshop with Mount Barker Community College.

FINANCIAL IMPLICATIONS

The Recreation Advisory Committee is recommending that \$10,000.00 be allocated to undertake minor site works in the FY 2021-22 annual budget.

BUDGET IMPLICATIONS

There are no immediate budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The allocated funds will be used to implement minor works within the youth precinct site which will be transferable and included in the long term site upgrades.

STRATEGIC IMPLICATIONS

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

Outcome 1.4 Opportunities for development and participation of youth

Strategy 1.4.2:

Provide and promote appropriate and accessible facilities and activities for youth”

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

OFFICER COMMENT

At the 4 March 2021 Recreation Advisory Committee meeting, the Community Development Officer provided a briefing of the results of the youth precinct consultation process.

The consultation process engaged with 170 community members (via a survey, in person event and student workshop). Key findings were that:

- There is strong community support for improvements to the youth precinct site.
- The priority ranking for new infrastructure items the community would like to see are:
 1. Skate ramp extension – for a range of skill and age levels.
 2. Active fitness/parkour/ninja courses.
 3. Skate trail throughout the site.
 4. Lighting and wifi.
 5. Full size basketball court/netball/hitting wall.
 6. Markets events, music zone and community outdoor ping pong table.
 7. Flying fox for all abilities.
 8. Soccer goals/kicking area.
 9. Young children equipment – scooter track/bouncy pillow/traditional play equipment/bike education challenge tracks.
 10. Pump track/Bike track/BMX area.

- The majority of issues raised during consultation that represented barriers or challenges for the site were things that can be considered 'quick wins' for improvement. These could be addressed in the very short term for relatively low cost and be repositionable after any longer-term site works and deliver considerable community benefit. They are the addition of items including:
 1. Drink fountains
 2. Lighting
 3. More bins for waste disposal across the site
 4. Wifi and internet connection.

It is these 'quick wins' that are recommended to be addressed through a minor works budget as per the committee's recommendation and this report.

VOTING REQUIREMENTS

Simple Majority

RECREATION ADVISORY COMMITTEE RECOMMENDATION

Moved Cr B Bell, seconded Cr K Woltering:

That the Council allocates \$10,000.00 in the FY 2021-22 annual budget to undertake minor works improvements for the youth precinct.

AMENDMENT

Moved Cr J Oldfield, seconded Cr L Handasyde:

That the word 'allocates' be replaced with the word 'considers'.

CARRIED (7/2)

NO. 071/21

Crs Bell and Woltering voted against the motion

COUNCIL DECISION

That the Council considers \$10,000.00 in the FY 2021-22 annual budget to undertake minor works improvements for the youth precinct.

CARRIED (9/0)

NO. 072/21

9.2 WORKS AND SERVICES REPORTS

9.2.1 PROPOSED ROAD RESERVE CLOSURE AND DEDICATION, LOT 5626 AND LOT 6130 KNIGHT ROAD, PORONGURUP

| | |
|-------------------------------|--|
| File Ref: | N53856 |
| Attachment: | <u>Map One - Road Closures and Dedications, Knight Road, Porongurup</u> |
| Responsible Officer: | David Lynch Executive Manager Works and Services |
| Author: | Nicole Selesnew Administration/Project Officer Works and Services |
| Proposed Meeting Date: | 23 March 2021 |

PURPOSE

The purpose of this report is to:

1. Consider a request from the Department of Planning, Lands and Heritage (DPLH) to permanently close a portion of the Knight Road reserve, amalgamate the closed road reserve into Lot 5626 and to excise a portion of Lot 5626 for dedication as a road; and
2. Progress a permanent closure of a second portion of the Knight Road reserve; amalgamate the closed reserve into Lot 6130 and to excise a portion of Lot 6130 for dedication as a road.

BACKGROUND

A 540m section of Knight Road is constructed outside of the road reserve. This section of road travels through Lot 5626 and Lot 6130 Knight Road. The road reserve is also located in both Lots (please refer to Map One – Road Closures and Dedications, Knight Road, Porongurup - attached).

The owner of Lot 5626 Knight Road approached the DPLH to rectify the road reserve running through his Lot. In order to address the issue, the DPLH must close the unused road reserve, amalgamate the land into Lot 5626 and then excise a portion of land from Lot 5626 to dedicate a new road reserve around the constructed section of Knight Road.

Part of this procedure requires Council approval to close the unconstructed road reserve and to dedicate a new road reserve. Once complete, the alignment of Knight Road will follow the road reserve.

The landowner of Lot 5626 will bear the costs required to correct the road reserve inconsistencies due to their direct approach to the DPLH.

The same inconsistency also exists through Lot 6130, located due south of Lot 5626, where Knight Road has been constructed outside the road reserve. In order to rectify this issue, the Shire has approached the landowner for their agreement to amalgamate the unconstructed road reserve into their lot, in exchange for land to dedicate a road reserve around the existing road (with no compensation involved for the land).

The landowner has agreed to the land exchange. However, the Shire will be responsible for lodging the enquiry with the DPLH and is therefore responsible for the costs associated with the rectification.

STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 58 – ‘Closing roads’

Land Administration Regulations 1998, Regulation 9 – ‘Local government request to close road permanently (Act s.58(2)), requirements for’

Land Administration Act 1997, Section 87 – ‘Sale etc. of Crown land for amalgamation with adjoining land’

‘Local Government Act 1995, section 6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (b) waive or grant concessions in relation to any amount of money.’

EXTERNAL CONSULTATION

Consultation has taken place with the DPLH regarding the procedure for road closures, amalgamations and road dedications.

FINANCIAL IMPLICATIONS

The 2020/2021 Annual Budget – Fees and Charges lists a fee of \$650.00 for permanent road closures. This fee goes towards the cost of survey plans and DPLH fees.

It is recommended this fee be waived for both Knight Road road closures as:

1. The owner of Lot 5626 has borne the cost of surveyed plans and will be charged for all DPLH fees associated with the land amendments directly, due to their approach to DPLH to rectify the problem (rather than approaching the Shire to rectify the issue); and
2. The owner of Lot 6130 has agreed to the road closure and land exchange (without compensation) in order to help rectify the road alignment issues. They have no personal requirement for the work to go ahead and if a \$650.00 fee was applied, they are likely to decline the opportunity to assist resolve the issue.

BUDGET IMPLICATIONS

The 2020/2021 Annual Budget includes line item ‘Outstanding Land Resumptions - 21211.0306’ which has an allocation of \$30,000.00, of which \$27,327.60 is available.

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

The legal implications associated with maintaining a road which has been constructed on freehold land include:

1. Land tenure – the land upon which the road is constructed is owned freehold. Council expenditure maintaining and/or improving the road can be considered inappropriate due to the land ownership belonging to a private entity; and
2. Insurance implications – if an accident were to occur on a road located on freehold land, insurance will be compromised due to the ambiguous ownership and management of the land.

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:

Strategy 2.4.1:

‘Maintain and further develop Shire roads, drainage and pathways at appropriate standards and continue to seek 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

Knight Road deviates from the road reserve through a portion of Lot 5626 and Lot 6130 (as shown on the attached map). In order to correct the road alignment, the existing road reserve needs to be closed, the land amalgamated into the adjoining freehold land and a new road reserve dedicated following the alignment of Knight Road. The new road dedication is possible by excising land from the adjacent freehold property.

The first step in this process is the closure of the existing road reserve. The Shire must advertise the proposed closure in a newspaper circulating in the district and consult with public utility service providers and other agencies to ensure there are no objections to the closure.

The same process of road correction applies, regardless of whether the DPLH or Shire is addressing the issue. While the owner of Lot 5626 has approached the DPLH to rectify the road alignment issue, the Shire is still required to advertise the proposed road closure and seek input from service providers and agencies.

Once these actions have been completed, a further report will be presented to the Council seeking authority to request the Minister for Lands to permanently close the portions of road reserve located in Lots 5626 and 6130 Knight Road, Porongurup.

The dedication of freehold land as a road reserve can be progressed once the Minister for Lands has supported the closure of the existing road reserve. This is a straightforward process for Lot 5626 as it is being managed by DPLH. The DPLH

will require Council confirmation that it supports the dedication of freehold land for the formation of a road reserve and they will address the remaining procedures.

The Shire will need to manage the dedication of a portion of Lot 6130 for a road reserve. This will include survey costs, document preparation and registration fees. However, due to the landowner's cooperation, there will be no fees associated with the purchase of land to create a road reserve.

The Shire has a fee applicable for permanent road closures of \$650.00 per application. The fee is a contribution towards the cost of surveyor plans and DPLH fees. As noted in the Financial Implications section of this report, it is proposed to waive these fees because:

1. The owner of Lot 5626 has borne these fees due to their approach to DPLH to manage the road closure and realignment process on their behalf; and
2. The owner of Lot 6130 was approached by the Shire to address the road realignment and has agreed to a land swap to allow the correction, with no financial compensation. In return the land owner does not want to incur any fees or costs associated with the corrections.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr L Handasyde, seconded Cr M O'Dea:****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 Lot 5626 Knight Road, Porongurup, as shown on Map One - Road Closures and Dedications, Knight Road, Porongurup, dated 8 March 2021.**
- 2. 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 Lot 6130 Knight Road, Porongurup, as shown on Map One - Road Closures and Dedications, Knight Road, Porongurup, dated 8 March 2021.**
- 3. A further report be prepared for the Council's consideration at the conclusion of advertising for both Lot 5626 and Lot 6130, on or before the ordinary meeting of the Council to be held 22 June 2021.**
- 4. The Permanent Road Closure fee of \$650.00, as noted in the 2020/2021 Annual Budget, be waived for the applicants of Lot 5626 and Lot 6130 Knight Road, Porongurup.**

CARRIED (9/0)**NO. 073/21**

9.2.2 SALE OF SURPLUS VEHICLES AND PLANT

| | |
|-------------------------------|---|
| File Ref: | N54590 |
| Responsible Officer: | David Lynch Executive Manager Works and Services |
| Author: | Nicole Selesnew Project Officer Works and Services |
| Proposed Meeting Date: | 23 March 2021 |

PURPOSE

The purpose of this report is to authorise the sale of surplus plant and equipment valued in excess of \$20,000.00.

BACKGROUND

The Shire has several items of plant and equipment, which are surplus to requirements.

Delegation 2.4 – Disposal of Plant, Equipment and Property, delegates authority to the Chief Executive Officer to dispose of plant and equipment. Items to be disposed of under this delegation cannot exceed \$20,000.00 in value.

The Council's approval is required to dispose of items valued in excess of \$20,000.00.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.58 (2) states *'Except as stated in this section, a local government can only dispose of property to -*

- '(a) the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.'*

EXTERNAL CONSULTATION

Consultation has occurred with Pickles Auctions Pty Ltd, a national auction house that publicly auctions a range of light vehicles, trucks, earthmoving and mobile plant, trailers and technology equipment. The Shire has disposed of a number of items through the Pickles Auction system, which complies with the requirements of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

The 2020/2021 Annual Budget Plant Replacement Program lists a number of vehicles and one item of heavy plant due for replacement. Several of these items have been purchased and the remainder are on order. The new assets will be received before the end of the financial year and the disposal of the surplus assets will occur on receipt of the new items.

BUDGET IMPLICATIONS

Liaison with a representative from Pickles Auctions has identified that the demand for good quality used vehicles and heavy plant is high and several items may sell for more than was budgeted.

POLICY IMPLICATIONS

Delegation 2.4 – Disposal of Plant, Equipment and Property delegates authority to the Chief Executive Officer to dispose of surplus plant and equipment greater than \$50,000 and not exceeding \$20,000.00 in value, within defined parameters.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The surplus items of plant which are anticipated to exceed \$20,000.00 on disposal include:

1. LV51 – Isuzu D-Max Dual Cab Utility, currently used by the Community Emergency Services Manager;
2. LV38 – VW Passat Passenger Vehicle, currently being used by the Acting Chief Executive Officer;
3. LV36 – Holden Colorado Dual Cab Utility, presently used by the Principal Works Supervisor;
4. LV37 – Holden Colorado Single Cab Utility, currently used by the Works and Services Technical Officer; and
5. L12 – CAT 924G Loader.

Council approval is required to dispose of these assets.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Bell, seconded Cr J Moir:

That approval be granted for the disposal of the following items of surplus plant and equipment, valued in excess of \$20,000.00 (ex GST), through public auction:

1. LV51 – Isuzu D-Max Dual Cab Utility
2. LV38 – VW Passat Passenger Vehicle
3. LV36 – Holden Colorado Dual Cab Utility
4. LV37 – Holden Colorado Single Cab Utility
5. L12 – CAT 924G Loader.

CARRIED (9/0)

NO. 074/21

9.3 CORPORATE SERVICES REPORTS

9.3.1 EXPRESSIONS OF INTEREST - BULK SALE OF MANURE – SALEYARDS

Cr J Moir

Item: 9.3.1

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Cattle Farmer – Elders Employee

4:50pm Cr J Moir left the meeting.

File Ref: N54132
Responsible Officer: Paul Sheedy
Acting Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 23 March 2021

PURPOSE

The purpose of this report is to present the outcome of expressions of interest for bulk sale of manure from the saleyards.

BACKGROUND

The Shire has in the past been able to sell excess manure to Albany based soil-conditioning firms. Recently, the level of interest has dropped off as similar product can be procured by them at a lower cost.

There is a benefit to the Shire in having people available to take manure at the Shire's request as there is only a relatively small concrete bunker and pad available for storage of manure, as required by the Department of Water and Environment Regulation licence over the facility.

At its meeting held on 8 December 2020, the Saleyards Advisory Committee resolved *'that expressions of interest be called for the bulk disposal of manure.'*

STATUTORY ENVIRONMENT

Local Government Act 1995

The Council's annual schedule of fees and charges includes provision for sale of small quantities of manure.

FINANCIAL IMPLICATIONS

The ability to bulk sell manure should result in a substantial increase in income.

BUDGET IMPLICATIONS

The Council's 2020/2021 annual budget provides for income of \$5,100.00 from the sale of manure. Currently, income stands at \$55.00.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.5:

'Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining.'

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

OFFICER COMMENT

The fee in the budget for sale of manure at the saleyards has been established based on a fair value for small quantities, mainly for household use. It is not necessarily appropriate for larger quantities supplied to soil conditioning firms or other potential users, particularly when there is a benefit to the Shire in such persons removing the manure at the Shire's request.

Advertising of the expressions of interest has now been carried out and closed on 4 March 2021. General conditions of the expression of interest were as follows:

- The actual amount taken on each occasion will be agreed between the purchaser and Saleyards Manager.
- The prospective purchaser will be under no obligation to take manure when offered, but if manure is taken it will be at the cost made in this offer.
- The period of validity of the offer is for the period from Council determination (anticipated March 2021) until 30 June 2022.
- The highest or any offer will not necessarily be accepted. Multiple offers may be accepted.

Two submissions were received, as follows:

- Nial Twigger \$5.00 per m³ (incl GST)
- Geoff Mather \$2.00 per m³ (incl GST)

Both submissions indicated that they have the equipment needed to load bulk manure. Neither submission had any other conditions or requirements.

Given that only two submissions were received, but that they are unconditional, it is considered that both expressions of interest be accepted. The higher value submission from Mr Twigger would be given the first option on each occasion. If he is not in a position to take the manure, Mr Mather be given the opportunity.

VOTING REQUIREMENTS

Simple Majority

SALEYARDS ADVISORY COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the following expressions of interest for bulk disposal of manure from the Mount Barker Regional Saleyards, for the period from acceptance until 30 June 2022, be accepted:

1. Nial Twigger \$5.00 per m³ (incl GST).
2. Geoff Mather \$2.00 per m³ (incl GST).

CARRIED (8/0)

NO. 075//21

AMEND ORDER OF ITEMS ON AGENDA

The Shire President agreed to deal with Item 9.3.4 consecutively to Item 9.3.1 to allow Cr J Moir the expediency of only having to leave the meeting once; further to declaring a Financial Interest under Section 5.61 of the Local Government Act for both items.

9.3.2 POLICY ADOPTION – SALEYARDS - ALLOCATION OF LOADING AND SELLING POSITIONS AND OTHER SPACE TO STOCK AGENTS
(formerly Item 9.3.4)

Cr J Moir

Item: 9.3.4

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Cattle Farmer – Elders Employee

File Ref: N54132
Responsible Officer: Paul Sheedy
Acting Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 23 March 2021

PURPOSE

The purpose of this report is to recommend the adoption of new policy relating to the allocation of loading and selling positions and other space to stock agents at the Mount Barker Regional Saleyards.

BACKGROUND

A recent request from AWN Livestock & Property for access to and use of the Mount Barker Regional Saleyards facility for auction sales prompted a request to the Chief Executive Officer to prepare a draft policy position with regard to shared infrastructure and other relevant factors to mitigate occupational health and safety and other operating issues resulting from additional stock agents operating at the Mount Barker Regional Saleyards.

At its meeting held on 23 February 2021, the Council resolved that the debate be adjourned and referred back to the Saleyards Advisory Committee for further industry consultation.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

This report recommends the adoption of a new Council policy.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.5:

'Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining.'

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

OFFICER COMMENT*Selling Positions and Annual Rotation*

The saleyards has been divided into three sections for loading and selling of cattle (one per agent). When the saleyards first opened, it was agreed that every 12 months (On 10 March each year, the anniversary of the opening of the facility) the two major agents (now Elders and Nutrien) would swap from the eastern side to the western side and vice versa. This was for reasons of equity in the use of the facilities. There are benefits in showing animals in the eastern pens as this is the access and congregation area for buyers.

The physical constraints of the saleyards are not conducive to three or more agents rotating. The 'middle' position should continue to be occupied by the agent(s) with the lowest average throughput. This is due to the location of the weighbridges to the selling pens and the logistics of moving cattle from dirt pens to the stacking pens and then to the weighbridges and interference with the other users coming off the opposing weighbridge.

In addition to this, the agents rotate selling positions each week (ie: which agent sells 1st, 2nd and 3rd.) For example, in week 1, the order will be Elders, Nutrien and West Coast Livestock. Week 2 will be Nutrien, West Coast Livestock and Elders. Week 3 will be West Coast Livestock, Elders and Nutrien.

This was introduced for reasons of fairness among agents as there is a benefit to selling earlier rather than later. In the event of a 4th agent, this same approach should apply. All of these things could be formalised in a policy position.

Office Space

There is a need for agents to have an office. The agents are responsible for the following, which requires a networked PC with access to the Shire's version of the LE Saleyards software (LESY):

Day before sale day:

- Agents enter in the NVDs onto LESY.
- Agents do online PIC check and Livestock Protection Assurance (LPA) check.
- Agents to provide NVD's to saleyards staff to scan them into the system.

Sale Day:

- Agents put in pen no's and mark no's into LESY and print penning sheets.
- Agents take buyers bids and enter into LESY.
- Agents liaise with saleyards staff to co-ordinate buyers and transporters among agents.
- Agents liaise with saleyards staff to confirm sale details in LESY are correct (saleyards staff then process the sale).

It is considered unlikely that agents will want to share office space and computers, due to potential access to each other's commercially sensitive information.

The policy position should be that, if office space is not available in the current building, prospective agents will seek approval to provide suitable accommodation with networked PC and access to the Shire's version of the LE Saleyards software, at their cost.

Allocation of receival ramps and pens

The allocation of receiving ramps and lairage/dirt pens are worked out on a throughput basis with figures based on the previous year's throughput (to 9 March), excluding breeder and special sales. Based on last year's figures:

- Nutrien has approximately 65% of the yarding they are allocated 4.5 receival ramps and one complete weighbridge with all stacking pens on that weighbridge.
- Elders with 32% have two receival ramps and share the other weighbridge with:
- WCL who have 3% of the throughput for the last changeover year and have half a receival ramp.

With their low throughput WCL, would be theoretically entitled to less than half a ramp (based on throughput share) but they are provided half at the moment as they need somewhere to unload their cattle. The lack of co-operation between agents has made this difficult and unworkable. From a policy perspective, it is considered that the market share allocation of ramps is appropriate, but that receival ramps (and adjoining drafting pens) not be shared; that is the allocation be rounded down.

Further, it is considered that all agents should have an allocation of a minimum of five lairage/dirt pens. While this gives smaller agents more pens in proportion to their cattle numbers, a minimum number of pens are required due to the variability of cattle sold.

Allocation of selling pens would be based on nominations, as is done currently.

As indicated in the report relating to the AWN application, permitting a fourth agent to operate at the saleyards is not supported by Saleyards staff without significant additional infrastructure.

Nevertheless, the following draft policy points are suggested if the Committee is inclined to recommend approval. It should be noted that the list is minimal as much of the decision making is operational and highly variable depending on particular

circumstances. Further, some of the policy points are already well entrenched procedures.

Original Recommendation

If agreeable, the Committee could make a recommendation to the Council along the following lines.

That it be a recommendation to the Council that the following policy position be adopted with regard to saleyards operations and shared infrastructure to mitigate occupational health and safety and other operating issues resulting from additional stock agents operating at the Mount Barker Regional Saleyards:

1. The saleyards is currently divided into three sections for loading and selling of cattle; Eastern, western and middle. On 10 March each year, the anniversary of the opening of the facility, the two major agents will swap from the eastern side to the western side and vice versa. The middle position will be occupied by the agent(s) with the lowest average throughput.
2. The stock agents will rotate selling positions each week (that is, which agent sells 1st, 2nd and 3rd etc). Whichever agent sells first one week, will sell second in the following week, with other agents moving up the order.
3. The allocation of receiving ramps and lairage/dirt pens will be determined on a throughput basis with figures based on the previous year's throughput (to 9 March), excluding breeder and special sales. Receiving ramps (and adjoining drafting pens) will not be shared; the allocation to be rounded down to the nearest single ramp.
4. Any agent participating in a sale will have a minimum allocation of five lairage/dirt pens.
5. If office space is not available in the current building, prospective agents will seek approval to provide suitable accommodation with networked PC and access to the Shire's version of the LE Saleyards software, at their cost.

During discussion at the Saleyards Advisory Committee meeting held on 8 December 2020, members requested that this item be brought back to the Committee at its next meeting, with the following amendments:

Item 1 – The middle sentence be amended to read:

'On 10 March each year, the anniversary of the opening of the facility, and for the following 12 months, the agent with the highest throughput will operate from the eastern side and the agent with the second highest throughput will operate from the western side.'

Item 5 – In this instance, the policy note that the annual entry fee would not apply.

At the Saleyards Advisory Committee meeting held on 27 January 2021, members agreed to a further change to Clause 3 of the policy recommending that the application of that clause is to be at the discretion of the Saleyards Manager depending on the circumstances on any particular sale day.

At the Council meeting held on 23 February 2021, following a presentation by a representative from Elders, the item was adjourned to enable the Saleyards Advisory Committee to consult with agents about the proposed policy. Elders made the suggestion that the agent that sells first in the weekly roster work from the eastern side; ie: a weekly rotation.

The Saleyards Advisory Committee met with all agents individually at its meeting held on 10 March 2021. Elders continued to advocate for a weekly rotation of agent selling position and that the allocation of ramps on sale days more reflect the daily cattle nominations. Nutrien fully supported the policy as recommended, subject to clarification that 'selling positions' in Clause 2 means 'sale order'. West Coast Livestock fully supported the policy as drafted.

The Saleyards Advisory Committee considered that the suggestion by Elders would create an unacceptable logistical and occupational health and safety issues and resolved to recommend that the policy be adopted, with two changes. Such changes are that the words 'selling positions' in Clause 2 be amended to read 'sale order'. Further, that Clause 2 be amended to incorporate a discretion for the Saleyards Manager to alter such selling order if the circumstances on a sale day warrant it.

A formal amendment to effect the suggested changes would be:

'That the motion be amended in Clause 2 of the Policy by deleting the words 'selling positions' and replacing them with the words 'sale order' and adding the words 'The Saleyards Manager may, at his discretion, alter this arrangement if the circumstances on a sale day warrant it.' at the end of the clause.'

VOTING REQUIREMENTS

Simple Majority

ADJOURNED MOTION

Moved Cr J Oldfield, seconded Cr B Bell:

That new Council Policy TU/S/1 – Saleyards - Allocation of Loading and Selling Positions and Other Space to Stock Agents, as follows:

OBJECTIVE:

To:

1. **Allocate Saleyards infrastructure to stock agents in a fair and operationally efficient manner and to mitigate occupational health and safety risks.**
2. **Determine a position with regard to office allocation in the event of additional stock agents requesting to operate at the facility.**

POLICY:

1. **The saleyards is currently divided into three sections for loading and selling of cattle; Eastern, western and middle. On 10 March each year, the anniversary of the opening of the facility, and for the following 12 months, the agent with the highest throughput will operate from the eastern side and the agent with the second highest throughput will operate from the western side. The middle position will be occupied by the agent(s) with the lowest average throughput.**
2. **The stock agents will rotate selling positions each week (that is, which agent sells 1st, 2nd and 3rd etc). Whichever agent sells first one week,**

will sell second in the following week, with other agents moving up the order.

3. The allocation of receiving ramps and lairage/dirt pens will be determined on a throughput basis with figures based on the previous year's throughput (to 9 March), excluding breeder and special sales. Receiving ramps (and adjoining drafting pens) will not be shared; the allocation to be rounded down to the nearest single ramp. The application of this clause is to be at the discretion of the Saleyards Manager depending on the circumstances on any particular sale day.
4. Any agent participating in a sale will have a minimum allocation of five lairage/dirt pens.
5. If office space is not available in the current building, prospective agents will seek approval to provide suitable accommodation with networked PC and access to the Shire's version of the LE Saleyards software, at their cost. In this instance, the annual entry fee will not apply.'

be adopted.

AMENDMENT

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

That the motion be amended in Clause 2 of the Policy by deleting the words 'selling positions' and replacing them with the words 'sale order' and adding the words 'The Saleyards Manager may, at his discretion, alter this arrangement if the circumstances on a sale day warrant it.' at the end of the clause.

CARRIED (8/0)

NO. 076/21

COUNCIL DECISION

That new Council Policy TU/S/1 – Saleyards - Allocation of Loading and Selling Positions and Other Space to Stock Agents, as follows:

OBJECTIVE:

To:

1. Allocate Saleyards infrastructure to stock agents in a fair and operationally efficient manner and to mitigate occupational health and safety risks.
2. Determine a position with regard to office allocation in the event of additional stock agents requesting to operate at the facility.

POLICY:

1. The saleyards is currently divided into three sections for loading and selling of cattle; Eastern, western and middle. On 10 March each year, the anniversary of the opening of the facility, and for the following 12 months,

the agent with the highest throughput will operate from the eastern side and the agent with the second highest throughput will operate from the western side. The middle position will be occupied by the agent(s) with the lowest average throughput.

2. The stock agents will rotate sale order each week (that is, which agent sells 1st, 2nd and 3rd etc). Whichever agent sells first one week, will sell second in the following week, with other agents moving up the order. The Saleyards Manager may, at his discretion, alter this arrangement if the circumstances on a sale day warrant it.
3. The allocation of receiving ramps and lairage/dirt pens will be determined on a throughput basis with figures based on the previous year's throughput (to 9 March), excluding breeder and special sales. Receiving ramps (and adjoining drafting pens) will not be shared; the allocation to be rounded down to the nearest single ramp. The application of this clause is to be at the discretion of the Saleyards Manager depending on the circumstances on any particular sale day.
4. Any agent participating in a sale will have a minimum allocation of five lairage/dirt pens.
5. If office space is not available in the current building, prospective agents will seek approval to provide suitable accommodation with networked PC and access to the Shire's version of the LE Saleyards software, at their cost. In this instance, the annual entry fee will not apply.'

be adopted.

CARRIED (8/0)

NO. 077/21

4.55pm Cr J Moir returned to the meeting.

9.3.3 FINANCIAL STATEMENTS – FEBRUARY 2021

| | |
|-------------------------------|--|
| File Ref: | N54495 |
| Attachment: | <u>Financial Statements</u> |
| Responsible Officer: | Paul Sheedy Acting Chief Executive Officer |
| Author: | John Fathers Deputy Chief Executive Officer |
| Proposed Meeting Date: | 23 March 2021 |

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 28 February 2021.

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; and
- c) such other information considered relevant by the local government.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the Financial Statements for the period ending 28 February 2021 be received.

CARRIED (9/0)

NO. 078/21

9.3.4 LIST OF ACCOUNTS – FEBRUARY 2021

| | |
|-------------------------------|--|
| File Ref: | N54319 |
| Attachment: | <u>List of Accounts – February 2021</u> |
| Responsible Officer: | John Fathers Deputy Chief Executive Officer |
| Author: | Vanessa Hillman Accounts Officer |
| Proposed Meeting Date: | 23 March 2021 |

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of February 2021.

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 (19 May 2020). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Woltering, seconded Cr L Handasyde:

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 28 February 2021 be received and recorded in the minutes of the Council, the summary of which is as follows:

- 1. Electronic Payments and Direct Debits totalling \$618,885.61.**
- 2. Municipal Cheques 47070 - 47086 totalling \$117,577.37.**

CARRIED (9/0)

NO. 079/21

9.3.5 POLICY AMENDMENT - REGIONAL PRICE PREFERENCE

| | |
|-------------------------------|--|
| File Ref: | N53343 |
| Attachment: | <u>Amendments - Draft Policy</u> |
| Responsible Officer: | Paul Sheedy Acting Chief Executive Officer |
| Author: | John Fathers Deputy Chief Executive Officer |
| Proposed Meeting Date: | 23 March 2021 |

PURPOSE

The purpose of this report is to amend Council Policy F/FM/14 - Regional Price Preference and to renumber the policy.

BACKGROUND

In February 2000, the Local Government (Functions and General) Regulations 1996 were amended to allow non-metropolitan local governments to offer a price preference to regional suppliers when deciding which quotation or tender to accept. A price preference can only be applied if a local government has adopted a regional price preference policy.

At its meeting held on 11 October 2016, the Council resolved to adopt a price preference policy.

At its meeting held on 9 October 2018, the Council amended its policy to include all local government areas within the Great Southern, along with the Shire of Manjimup. At its meeting held on 28 January 2020, the Council amended the Prescribed Area to the *'the local government area of Plantagenet'*.

At its meeting held on 1 December 2020, the Council resolved that amendments to the policy be advertised in accordance with Regulation 24F of the Local Government (Functions and General) Regulations 1996.

Currently, a price preference applies to quotations of \$30,000.00 value or greater and all tenders. The effect of the amendments is that the policy will apply to all quotations (under \$30,000.00) where a price comparison needs to be made between local and non-local businesses.

The proposal was advertised in the Plantagenet News on 16 December 2020, Albany Advertiser on 17 December 2020 and West Australian newspaper on 6 February 2021. No submissions were received.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

Regulation 24E states (in part) as follows:

'(2) A regional price preference policy may be expressed to be —

- (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (b) for different goods or services within a single contract or various contracts;*
-

- (c) *for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D), or for any combination of those factors.*
- (3) *A region specified under this Part —*
- (a) *must be (or include) the entire district of the local government; and*
- (b) *cannot include a part of the metropolitan area.*
- (4) *A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.'*

EXTERNAL CONSULTATION

Changes to a Regional Price Preference policy need to be advertised 'statewide' for public comment prior to adoption. The policy was advertised in the West Australian newspaper on 6 February 2021 and no submissions have been received.

FINANCIAL IMPLICATIONS

Setting a regional price preference may result in higher priced goods or services being sourced than would otherwise be the case.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

This report recommends an amendment to the policy.

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 4.6 (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.

STRATEGIC RISK IMPLICATIONS

The Strategic Risk Register indicates that a key control in supplier and contract management includes having a comprehensive procurement process, purchasing and tendering policy and delegated authority.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The new Purchasing and Tendering Policy adopted by the Council on 1 December 2020 aims to encourage the development of competitive local businesses within the Shire boundary first, and second within the broader region. It also aims to provide opportunities for businesses within the Shire of Plantagenet's boundaries to quote wherever possible.

Under the current Regional Price Preference policy, a price preference will apply to quotations of \$30,000.00 value or greater and all tenders invited by the Shire of Plantagenet, for the supply of goods and services and construction services, unless the Council resolves that this policy not apply to a particular quotation or tender.

When adopting the amended Purchasing Policy, the Council considered it appropriate to initiate amendments to this policy to apply it to any quotation situation, where a price comparison needs to be made between local and non-local businesses. This will apply to regional businesses only (not regional content).

It is suggested that the administration would be able to assess whether a business fits the definition of a 'Local Business/Contractor' and therefore the completion of a preference questionnaire / response form, as is the case with quotations over \$30,000.00 and tenders, would not be required.

There is a concern that having a local price preference is uncompetitive and may also result in unintended consequences including higher prices being paid for the equivalent work. If local contractors are aware of the policy, there is a possibility that they will increase their prices accordingly, knowing they may still be successful.

In terms of typical Works and Services contracts, local contractors are generally cost effective already. The cost of running a business locally is likely to be lower than Albany and they don't have the cost of mobilisation and travel so they should be cheaper anyway.

Having a regional price preference for smaller quotations may also result in Albany based companies not providing prices when they know they are only competing against Plantagenet based companies that get a discount.

Policy number F/FM/14 has also been applied to the Shire's Credit Card policy. It is recommended that the Regional Price Preference Policy be amended as follows with new policy number F/FM/18.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Clements:

That:

1. Amended Regional Price Preference Policy F/FM/18 as follows:

OBJECTIVE:

To encourage the use of competitive local businesses in goods, services and works purchased or contracted on behalf of the Shire of Plantagenet.

POLICY:

1. Policy Statement

1.1 A price preference will apply to quotations and all tenders invited by the Shire of Plantagenet, for the supply of goods and services and construction services, unless the Council resolves that this policy not apply to a particular quotation or tender.

1.2 The level of preference applied under this policy to quotations under a value of \$30,000.00 for the supply of goods and services and construction services will be 10% to businesses located within the Prescribed Area.

1.3 The following levels of preference will be applied under this policy for quotations of \$30,000.00 value or greater and all tenders:

(a) Goods or services up to a maximum price reduction of \$50,000.00:

10% to businesses located within the Prescribed Area.

(b) Construction (building) services up to a maximum price reduction of \$50,000.00:

5% to businesses located within the Prescribed Area.

(c) Goods or Services, including construction (building) services, up to a maximum price reduction of \$500,000.00, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council:

10% to businesses located within the Prescribed Area.

2. The levels of preference outlined in clause 1.2 above will be applied as a regional business preference and the level of preference outlined in clause 1.3 above, will be applied as either a regional business preference or as a regional content preference, as follows:

2.1 Regional Business Preference

(a) This preference enables businesses/contractors within local governments in the Prescribed Area to have a price preference applied for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.

- (b) The price of the bids from the local businesses/contractors will be reduced (for evaluation purposes only), by the amounts set out in clauses 1.2 and 1.3 of this policy.

2.2 Regional Content Preference

- (a) This preference provides an incentive for businesses/contractors outside the Prescribed Area to purchase goods, services and construction from within the Prescribed Area. The preference applies to the value of the goods, materials or services purchased from within the Prescribed Area and used in the Shire of Plantagenet and are referred to as “Regional Content”. The preference percentages are as set out in clause 1.3 of this policy.
- (b) Travel and accommodation costs associated with sending staff or sub-contractors from outside the Prescribed Area to work on a regional contract, are not considered regional content and are not eligible for the “Regional Content Preference”.
- (c) Materials and labour items for which the Regional Content Preference is requested are to be specifically itemised and quantified in the tender / quotation;
- (d) Businesses outside the Prescribed Area, who claim that they will use regional businesses (Regional Content) in the delivery of the contract outcomes, will be required, as part of the contract conditions, to demonstrate that they have actually used them. A penalty for non-compliance will be included in the contract conditions.

2.3 Businesses wishing to claim a price preference under Clause 2 must complete a preference questionnaire/response form for each quotation of \$30,000.00 value or greater and which is also included in tender documentation. Eligible businesses within the Prescribed Area must clearly state their full business location and postal address.

3. Price is only one factor to be considered when assessing quotations and tender submissions. Consideration will also be given to the principles outlined in Council Policy F/FM/7 – Purchasing and Tendering.

4. Definitions

4.1 A “Local Business/Contractor” must meet the following conditions:

- (a) Be locally established and have two years’ prior, direct experience in the business of the subject matter in the tender / quotation;
- (b) Have a permanent office in the Prescribed Area for at least six months prior to bids being sought;
- (c) Have permanent staff based in the Prescribed Area; and
- (d) That bidding and management/delivery of the majority of the contract outcomes will be carried out from the business location in the Prescribed Area.

4.2 Prescribed Area: The local government area of Plantagenet.’

be adopted; and

2. Pursuant to Section 24F of the Local Government (Functions and General) Regulations 1996, statewide public notice be given of the amendment of the amended policy.

CARRIED (9/0)

NO. 080/21

9.4 EXECUTIVE SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

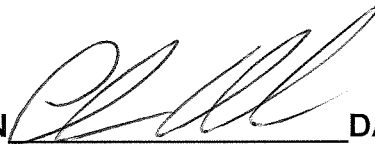
12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

5.03pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON



DATE: 27 / 4 / 21