



ORDINARY AGENDA

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

DATE: Tuesday, 2 May 2023

TIME: 5.00pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Cr M O'Dea was granted Leave of Absence for the period 3 to 10 May 2023 inclusive.

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 28 MARCH 2023

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 28 March 2023.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 28 March 2023 as circulated, be taken as read and adopted as a correct record.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 DRAFT LOCAL PLANNING POLICY NO. 3 - OUTBUILDINGS

File Ref:	N60769
Attachment:	<u>Town Planning Policy No.16- Outbuildings</u>
Responsible Officer:	Delma Baesjou- Executive Manager Development Services
Author:	André Pinto Senior Planner
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to further review Town Planning Policy No.16 Outbuildings, and consider Draft Local Planning Policy 3- Outbuildings.

BACKGROUND

The Planning and Development Act 2005 legislates the use and development of land in Western Australia through the planning system. The Shire's Local Planning Scheme No. 5 (LPS5) is a key part of this planning system, controlling the use and form of buildings. This is supported by various local and state planning policies.

Town Planning Policy No.16 Outbuildings (TPP 16) was adopted by the Council at its meeting held on 26 April 2017, accordance with clauses 3, 4, 5 and 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Review is required to bring the policy into conformity with LPS5, current 'model' definitions and community expectations with regards to reduction of 'red-tape' since 2017 when the Policy was first adopted.

Draft LPP3- Outbuildings, aims to accommodate for a reduction in 'red-tape' for outbuilding approvals in the Shire and provide improved guidance on their assessment, where approval is required. The Draft LPP3 aims to more closely align with the Western Australian Planning Commission's (WAPC) Fact Sheet on Outbuildings, in turn being more consistent with current standards for Local Planning Policies on Outbuildings in Western Australia.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report. Formal advertising of the draft Policy is required prior to adoption, in accordance with Schedule 2, clauses 4 and 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

At *Outcome 2.2 Infrastructure* the following Strategy:

Strategy 2.2.2:

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

At *Outcome 4 Performance & Leadership* the following Strategies:

Strategy 4.1.1:

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

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational</i> Staff would deal with applications and enquiries on their merits, without overarching guidance	<i>Likely</i>	<i>Moderate</i>	<i>Moderate</i>	Endorse the review and update of the policy
Opportunity: <i>Ensure consistency with legislation and State Planning Policies and meet contemporary community expectations.</i>				

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The Local Planning Policy revision is part of the Shire's ongoing need to review outdated policies and bring existing policies up to current standards and expectations.

There is a current sentiment that simple development applications such as applications for new outbuildings, should, within certain parameters, be able to avoid needing development approval and are able to avoid the time and costs associated with such applications.

Since the COVID-19 pandemic, the Minister for Planning has pushed for a reduction in 'red-tape' in the planning system throughout the State. By amending this policy, it will allow for landowners to have larger outbuildings without requiring a Development Approval and being able to proceed straight through to a Building Permit, so long as the requirements of the Draft Planning Policy are met, in turn, reducing 'red-tape'.

The Policy sets out parameters that provide allowances for certain wall heights, ridge heights and floor area maximums for proposed outbuildings. The allowances are consistent with requirements around the State. The policy also calls for materials and colours that are complementary and/or in harmony with the surrounding natural environment, where appropriate. By putting in place these parameters, applicants now have the ability to meet these requirements and avoid needing Development Approval, in comparison to the majority of outbuildings requiring Development Approval regardless of their size, zoning and so forth.

Notwithstanding the loss in fees collected by the Shire, the broader community benefit and cutting of 'red-tape' is very positive. Furthermore, the reduction in applications will allow the Senior Planner to focus on more 'big picture' items such as the Local Planning Strategy requiring review and other significant items, rather than 'tick-box' applications such as some outbuilding application; improving efficiency and customer service.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Draft Local Planning Policy 3 – Outbuildings as follows:

1. CITATION

This Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This Policy may be cited as LPP No. 3- Outbuildings.

2. CRITERIA

- a. To protect the amenity of the locality in which the outbuilding is proposed.
- b. To set standards in respect to size (wall height, ridge height, floor area, location), boundary setbacks and use of the outbuildings.
- c. To create consistent and uniform guidelines for the development of outbuildings across the Shire.

3. INTRODUCTION

A consistent set of guidelines for the development of Outbuildings in the Shire is required, which is consistent with *Local Planning Scheme No.5 (LPS5)* and considers local needs, and to provide consistent development of Outbuildings across the Shire.

4. DEFINITIONS

Words and expression used in this policy have the same meaning as they have in the Local Planning Scheme and other relevant legislation.

- **Outbuilding:** has the same meaning as in *State Planning Policy 7.3: Residential Design Codes (R-Codes)*.
- **Cumulative Floor Area:** Cumulative floor area means the total area of all outbuildings & 'lean to-s' on a lot.
- **Garage:** has the same meaning as in *State Planning Policy 7.3: Residential Design Codes (R-Codes)*.
- **Lean-to:** A lean-to is defined as a roofed structure attached to an outbuilding that is completely unenclosed on all sides, except to the extent that it abuts the side or sides of the outbuilding.

5. DEVELOPMENT REQUIREMENTS

- a. The development of Small Outbuildings (as defined under the R-Codes) in the Residential Zone shall be as per *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, Large and Multiple Outbuildings (as defined under the R-Codes) are varied as follows in Table 1:

Table 1

Density Coding	Maximum floor area of all outbuildings and lean-to's combined (m ²)	Maximum wall height of outbuildings and lean-to's (m)	Maximum ridge height of outbuildings and lean-to's (m)	Setbacks
R2- R17.5	150	4.5	6	As per Table 2a of the R-Codes

R20-R25	100	3	4.5	As per Table 2a of the R-Codes
R30 and above	As per the R-Codes	As per the R-Codes	As per the R-Codes	As per the R-Codes

- All other Deemed-To-Comply provisions under *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, that are not varied above, still apply such as Location, Open Space and Outdoor Living Area requirements.
 - If a dual density code applies to the lot, the base code applies unless the higher density can be achieved.
- b. Development of Outbuildings in other zones shall be as per Table 2 below:

Table 2

Zone	Maximum floor area of all outbuildings and lean-to's combined (m ²)	Maximum wall height of outbuildings and lean-to's (m)	Maximum ridge height of outbuildings and lean-to's (m)
Rural Residential	200	4.5	6
Rural Village	200	4.5	6
Tourism	200	4.5	6
Special Use	200	4.5	6
Rural Smallholdings	200	4.5	6
Rural (lots <10ha)	200	4.5	6
Rural (lots >10ha) *	500	5	7

*Compliant Outbuildings proposed in the Rural Zone that are on lots >10ha and approved for *Agriculture- Intensive* or *Agriculture- Extensive* land uses, are generally exempt from these requirements and therefore, do not require Development Approval.

Supplementary Requirements

- a. Outbuildings and lean-to's are to be sited within a building envelope prescribed for any lot.
- b. Outbuildings and lean-to's are generally to be sited wholly behind the primary residence in all zones.
- c. Outbuildings are to be constructed of colours and materials that match or complement the character of the dwelling and/or is in harmony with the surrounding environment and that does not detract from the visual amenity of the area.
- d. The floor area of any approved sea containers will contribute towards the combined maximum floor area of outbuildings contained in this Policy.

- e. Greenhouses used in conjunction with a Residential land use are exempt from requiring a Development Application. Though, greenhouses used for commercial purposes will likely require a Development Application as a Change of Use application.
- f. Development applications for Outbuildings and lean-to's will not be supported in the absence of a Single House on site, except where a Statutory Declaration is provided. The Statutory Declaration is to outline that the proposed Dwelling on site will reach plate height within a 2-year time frame from the date in which the Shire receives the BA7- Notice of Completion for the Outbuilding construction. A condition that the Outbuilding is not permitted for habitable uses will be placed on the approval.
- g. Outbuildings must be consistent with the requirements of Asset Protection Zones/Bushfire Protection Zones and the Shire's *Bushfire Mitigation Notice*.

6. PERMISSIBILITY

Where a development is considered to satisfy the requirements of this Policy and relevant provisions of *Local Planning Scheme No.5*, Development Approval will not be required, unless stated otherwise.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Shire through a Development Application.

Compliance with this policy does not negate the requirement of a Building Permit.

This Local Planning Policy No. 3 supersedes Town Planning Scheme Policy No. 16.3- Outbuildings.

Adopted on2023 in accordance with clauses 3, 4, 5 and Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

be adopted.

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REVIEW - MARCH 2023

File Ref:	N60846
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to review and adjust the adopted 2022/2023 Annual Budget to recognise variations in expenditure associated with a number of roadworks projects.

BACKGROUND

The 2022/2023 annual budget was adopted by the Council on 2 August 2022. This is the third review of the budget, which is appropriate following some changes to budget allocations.

STATUTORY ENVIRONMENT

Local Government Act 1995

There is no specific section of the Act that deals with the reallocation of funds however Section 6.2(1) governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The overall recommended effect on the budget is nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

The Strategic Risk 'Project / Change Management' includes the key control of regular monitoring and reporting of capital works program.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

A Council workshop was held on 28 March 2023 to discuss proposed changes to this year's road construction program. The following proposals were endorsed subject for formal budget amendment.

Chorkerup Road

When the 2022/2023 road construction program was originally presented to the Council, the scope of work for Chorkerup Road was listed as skip re-sheeting and drainage work between SLK 5.02 to 8.61.

Approval is sought to extend the works to SLK 11.98 (intersection of Healy Road) which will include the gravel resheet and the installation of the culvert at SLK 8.92.

Whilst working on this section of road it was noted that the culvert on Chorkerup Road at SLK 8.92 needs replacing as it has failed due to age and heavy traffic.

In addition, works to complete the road upgrade could be carried out. The remainder of the road to SLK 11.98 (intersection with Healy Road) could be resheeted. Gravel is still available at a local pit (within 3km). The works could therefore, be carried out efficiently whilst demonstrating good value for money. A request for quote has been sent out to contractors and a local contractor is able to carry out the work for \$111,000.00 (inc GST) which is within the remaining budget.

Roads to Recovery Projects

Roads to Recovery (R2R) projects are underspent for this financial year. R2R guidelines state that if a local government does not use all its funds in a financial year 'the amount not drawn down may be reallocated to other LGs at the discretion of the Department'. A number of projects are proposed in order to use the remaining funds.

Horne Road

Horne Road in Kendenup runs east off Craddock Road and services 12 properties along its 1.6km length, of which six blocks have houses. In addition, a number of building applications have recently been submitted and/or approved. The 1.6km of road is minimally constructed and consists of a narrow sandy track. During the winter it becomes flooded in a number of places. During the resheeting works, it is proposed to undertake some vegetation trimming and install a culvert at SLK 0.85 improve trafficability to the sum of \$60,000.00.

Duthie Road

The second proposal is Duthie Road. It runs north to south from Harvey Road for 2.2km. With the harvesting of a large pine plantation to the west coupled with winter storm events, significant wind throw along the verge has occurred. The storm event in June 2021 felled a number of large trees along this road.

As part of the clean-up, the tree debris was pushed on to the verge by adjoining farmers where it remains. Whilst the road is not of major strategic importance it is used by local residents and tree companies alike. Gravel left from the recent works on Harvey Road is located in a paddock adjacent. The remaining gravel is to be removed from the pit. Instead of carting it to the Shire Depot the road could be

resheeted and larger items of vegetation be removed from the road verge. The estimated cost for these works is \$30,000.

View Range Road

The third proposal is View Range Road. The road runs from Red Gum Pass Road north to the intersection of Young Road which is also in the Shire of Plantagenet. The road was resheeted in 2014/2015 from the Red Gum Pass Road intersection to SLK 3.75. The remainder of the road has deteriorated since then and is particularly affected in wet weather. The road is rated up to a Restricted Access Vehicle 7 (RAV 7) and is used by local growers during harvest. Many maintenance requests have been received for the northern section of the road, particularly in the wet months.

It is proposed the road be resheeted from SLK 3.75 to 8.15. A local resident who has property on the road has offered gravel in the past in the hope the road will be improved. It is expected work to resheet and improve drainage will require up to \$70,000.

Siding Road

It should be noted that approximately \$7,800.00 has been spent on Siding Road, Narrikup as part of the Narrikup Road works. Resheeting was carried out by Shire staff and it needs to be adjusted in the R2R program. Siding Road runs for approximately 500m from the end of Narrikup Road south to the City of Albany boundary.

Reallocation

It is recommended that funds be reallocated to the new jobs from the following current R2R projects, which are all significantly underspent.

Project	Job Number	Current Budget	Total Spent to Date	Amount Recommended for reallocation
Narrikup Rd - Gravel SLK 3.65 - 7.3 (R2R)	R2R148B	\$133,859	\$68,707	\$64,800
Pavlovich Rd SLK 0 - 4.75 - Gravel (R2R)	R2R140B	\$203,306	\$138,313	\$63,000
Harvey Rd SLK 1.2 - 4.8 - Gravel (RTR)	R2R060B	\$188,100	\$102,219	\$40,000

This reallocation will likely result in an underspend of approximately \$48,000.00 which can be carried forward into 2023/2024.

Expenditure and income accounts have been amended accordingly.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the 2022/2023 Annual Budget be amended as follows:

1.

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
R2R148B	Narrikup Rd - Gravel SLK 3.65 - 7.3 (R2R)	(\$133,859)	(\$69,059)	\$64,800
R2R140B	Pavlovich Rd SLK 0 - 4.75 - Gravel (R2R)	(\$203,306)	(\$140,306)	\$63,000
R2R060B	Harvey Rd SLK 1.2 - 4.8 - Gravel (RTR)	(\$188,100)	(\$148,100)	\$40,000
R2R345B	Horne Road Resheet SLK 0 - 1.60 (R2R)	\$0	(\$60,000)	(\$60,000)
R2R085B	View Range Road SLK 3.75 to 8.15 (R2R)	\$0	(\$70,000)	(\$70,000)
R2R163B	Duthie Road SLK 0 to 2.20 (R2R)	\$0	(\$30,000)	(\$30,000)
R2R331B	Siding Rd SLK 0.21 to 0.55 (R2R)	\$0	(\$7,800)	(\$7,800)
GIR2R148B	Narrikup Rd - Gravel SLK 3.65 - 7.3 (R2R) - Grant Income	\$133,859	\$69,059	(\$67,800)
GIR2R140B	Pavlovich Rd SLK 0 - 4.75 - Gravel (R2R) - Grant Income	\$203,306	\$140,306	(\$60,000)
GIR2R060B	Harvey Rd SLK 1.2 - 4.8 - Gravel (RTR) - Grant Income	\$188,100	\$148,100	(\$40,000)
GIR2R345B	Horne Road Resheet SLK 0 - 1.60 (R2R) - Grant Income	\$0	\$60,000	\$60,000
GIR2R085B	View Range Road SLK 3.75 to 8.15 (R2R) - Grant Income	\$0	\$70,000	\$70,000
GIR2R163B	Duthie Road SLK 0 to 2.20 (R2R) - Grant Income	\$0	\$30,000	\$30,000
GIR2R331B	Siding Rd SLK 0.21 to 0.55 (R2R) - Grant Income	\$0	\$7,800	\$7,800
TOTAL		\$0	\$0	\$0

2. The scope of works for road construction project RC018B (Chorkerup Road resheet) be amended to include re-sheeting to SLK 11.98 and a culvert replacement at SLK 8.92.

9.3.2 FINANCIAL STATEMENTS – MARCH 2023

File Ref:	N60635
Attachment:	<u>Financial Statements – March 2023</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Senior Finance Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 March 2023.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month, which is to contain the following details:

- a) annual budget estimates.
- b) budget estimates to the end of the month.
- c) actual amount of expenditure and revenue.
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates (i.e.: surplus/(deficit) position).

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets.
- b) explanation of the material variances.
- c) such other information considered relevant by the local government.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	<i>That Council receives the financial activity statements as required by legislation.</i>

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

9.3.3 LIST OF ACCOUNTS – MARCH 2023

File Ref:	N60759
Attachment:	<u>List of Accounts – March 2023</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Faye Smith Finance Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of March 2023.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (28 June 2022). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That Council does not receive the list of payments	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	<i>That Council receives the list of payments as required by legislation.</i>

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 March 2023 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$1,637,377.52; and
2. Municipal Cheques 47243 to 47245 totalling \$495.05

9.3.4 POLICY REVIEW - SELF SUPPORTING LOANS

File Ref:	N60753
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to review Council Policy No. F/FM/1 – Self Supporting Loans.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 25 May 2021.

STATUTORY ENVIRONMENT

The Local Government Act 1995 stipulates the requirements for a local authority when borrowing money. It does not differentiate between normal loans and self supporting loans.

EXTERNAL CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Self supporting loans are taken out in the Council's name, however all repayments relating to self supporting loans are met by the applicant and therefore there is no cost to the Council.

The purpose of this policy is to minimise the Council's exposure to inheriting a self supporting loan, by ensuring all applicants can financially meet the repayments of the loan.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

There are no risk mitigation implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy No. F/FM/1 – Self Supporting Loans:

‘OBJECTIVE: To assist clubs and organisations in improving community based facilities.

POLICY:**1. Eligible Organisations**

1.1 Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

1.2 Organisations are to provide:

- a) Three years audited financial statements.**
- b) A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.**
- c) Their constitution.**
- d) Minute agreeing to borrow funds.**
- e) Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.**
- f) Any other information that the Council requires.**

2. Funding Details

2.1 Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

2.2 Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten years. Loan repayments will be amortised and will generally be six monthly unless the applicant organisation requests otherwise. An additional Government Guarantee Fee will be payable six monthly at rates that may vary during the term of the loan.

3. Approval Process

- 3.1 The Council will consider the approval of the loan on the following basis:**
- a) Demonstrated ability to repay.**
 - b) Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).**
 - c) Stability, sound management, membership base, community accessibility and longevity of applicant organisation.**
 - d) Funds being used for capital improvements.**
 - e) Debenture security over assets (including lease) of organisation if considered appropriate.**
- 3.2 Organisations will be required to:**
- a) Enter into a Deed of Agreement for the period of the loan repayments.**
 - b) Pay all costs associated with the preparation of documents concerning the raising of the loan.**
 - c) Insure and keep insured premises where the premises are security over repayment of a loan.**
- 3.3 Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.**
- 4. Other**
- 4.1 Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.**
- 4.2 The Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans.**
- 4.3 The Council will consider the objectives of Policy No. F/FM/6 – Borrowing Program and Asset Financing in determining applications for self supporting loans.'**

be endorsed.

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 MOUNT BARKER TURF CLUB - REQUEST FOR FEE WAIVER FOR FROST PARK

File Ref:	N60670
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to present a request from the Mount Barker Turf Club for the Council to waive hire fees for use of Frost Park.

BACKGROUND

The Council entered into a licence for the use of portions of Frost Park on 22 July 2019 for a term of five years. The licence fee is \$10.00 per annum.

In the letter the Turf Club states:

'I write on behalf of the Mount Barker Turf Club Inc. We have just received an invoice of \$3000.00 for hire of Frost Park for 6 race meetings. We actually only held 5 race meetings so a credit for one meeting is due.

The greater issue is the lack of consideration by the Shire for the expenditure the race club incurs to maintain a Shire facility. We have an agreement with the Shire to maintain the race track and stables area as part of our Exclusive Right to occupy those areas. It costs us approx. \$50K per year to maintain this Shire asset. The Shire last year contributed \$5K towards that cost. My understanding of Local Government accounting and cost analysis and overheads allocation would indicate that for the Shire to maintain that facility it would be in excess of \$80K. I don't believe any other sporting club in the Shire makes the same level of contribution to its facilities as we do. I therefore think it is most unfair that we are also charged a fee for use of the site.

Can you please put a proposal to the Council that in its budget considerations the Shire waives any fees for the use of Frost park by the turf club. We will be again applying for a grant to assist in the cost of maintaining the race track and stalls area.'

At its meeting held on 6 November 2019, the Council refused a previous request by the Mount Barker Turf Club for relief of hire fees for Frost Park.

STATUTORY ENVIRONMENT

The licence was extended to the Turf Club pursuant to Section 3.58 of the Local Government Act 1995.

EXTERNAL CONSULTATION

N/A

FINANCIAL IMPLICATIONS

The Council's 2022/2023 annual budget provides a fee of \$600.00 to be paid by the Mount Barker Turf Club per meeting. The fees charged have changed from the previous financial year. The fees were previously \$570.00 per meeting.

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 Licence between the Turf Club and the Shire is legally enforceable.

ASSET MANAGEMENT IMPLICATIONS

This report relates to revenue derived from Council owned assets.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides at Outcome 1.3 (Health and Wellbeing) the following:

Strategy 1.3.2 – A healthy and active Community.

Action 1.3.2.1 – Provide sporting and recreation facilities, public open space and programs to enable the community to maintain physical and mental health.

Although, the recommended outcome for this report proposes a negative response to the Turf Club it nevertheless aligns with the Corporate Business Plan (CBP), as the licence itself complies with the CBP.

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 issue of fees for the use of Council property not subject to the licence was a point of negotiation and acknowledged by the Turf Club. By letter dated 6 February 2019 to the Turf Club the Council's administration stated:

'In relation to the specific points raised in your meeting notes, I advise as follows:

- 1. In regard to your query on a hire fee for Frost Pavilion, the Council's schedule of fees will continue to apply. This currently incorporates a fee for the Mount Barker Turf Club – 'Per Meeting (Frost Park Facility as well as nearby archery ground for parking). Bond for Frost Pavilion required.' This covers the MCTBs use of all areas of Frost Park on race days.'*

In previous years, responsibility for maintenance was always that of the Council and the Turf Club only hired the facilities for race meetings, notwithstanding that some proprietorial 'ownership' did develop over time.

The licence now provides for the licensee (the Turf Club) to keep the licensed premises maintained. The licensed premises include the race track, track towers, sea container, tote room, stables and mounting area and Skinner pavilion.

All of these areas were previously largely unmaintained by the Council except for the race track itself, which was maintained to a grassland standard in the off-racing season.

The meeting fees paid by the Turf Club include use of the former polocrosse ground for parking, and further provides for the Turf Club to have access to Frost Pavilion and other hired areas the day before and the day after a race day, except for Grapes and Gallops which includes two days before and two days after a race day. The licence fee covers five race meetings this season.

Given that the Turf Club uses the rooms for effectively three days plus Skinner Pavilion the \$500 charge is not unreasonable, noting that the fees and charges are generally based on a user pays philosophy for hire of buildings. The Shire pays for the cost of power and utilities costs from the days of usage.

Given the original negotiations and previous Council decision, it is difficult to understand why a request for fees that have been charged in the past should be waived. It is acknowledged that the licence arrangements do bring some benefits to the Shire but this shouldn't require the Council to give up potentially \$3,000.00 of revenue.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the request by the Mount Barker Turf Club for a waiver of 2022/2023 hire fees for Frost Park be refused.

9.4.2 PLANTAGENET SPORTING CLUB INC – CLUBROOMS LEASE RENEWAL

File Ref:	N60755
Attachments:	<u>Sounness Park – Clubrooms Lease Renewal</u>
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to seek the Council's endorsement of a lease document between the Shire of Plantagenet and the Plantagenet Sporting Club Inc (PSC) relating to the Sounness Park clubrooms.

BACKGROUND

At its meeting held on 21 June 2016, the Council resolved:

'That the Mount Barker Football Club (Inc) be advised that:

- 1. It is the intention of the Council to determine the lease between the Shire of Plantagenet and the Mount Barker Football Club Inc for Part of Lot 150 McDonald Avenue Mount Barker (Sounness Park Clubrooms) on 30 June 2017; and*
- 2. The Council is pleased with the professional running of the Clubrooms by the Football Club during the current lease and that the determination only arises due to the formation of the Plantagenet Sporting Club of which the Football Club is a Foundation Member.*

On 10 June 2016, the Chair of the newly formed PSC requested the CEO provide confirmation of its intention to lease the facility to the PSC commencing July 2017.

At the Ordinary Council Meeting held on 31 January 2017, the Council resolved that:

- 1. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease between the Shire of Plantagenet and Plantagenet Sporting Club Inc for the Sounness Park Clubrooms, changerooms and Adjacent Land.*

The report noted *'...that the Councillors will no doubt be pleased that the PSC has been actively developing its 'product' through the endorsement of a Facility Management Plan (FMP). Representatives of the PSC will present this Plan to Council on 28 February 2017.*

On 22 May 2018, at the request of the PSC, the Council resolved to remove the changerooms from the leased area. The SOP continues to manage the changerooms to this day, whilst the PSC manages the clubrooms under lease.

At the Ordinary Council Meeting held on 20 December 2022, the Chief Executive Officer presented a report seeking the Council's endorsement of a fixed short-term lease renewal between the Shire of Plantagenet and the Plantagenet Sporting Club Inc (PSC) relating to the Sounness Park clubrooms. The recommended lease renewal period was short term to allow a review of the existing lease and the operating model to ensure the optimum community benefit can be realised from the facility.

The Council resolved that:

'That Council authorises the Chief Executive Officer to immediately prepare a lease and action it, under the same terms of the existing lease, with the Plantagenet Sporting Club until 30 June 2027 with an additional five-year option.'

The Shire originally forwarded the new standard lease to the PSC for execution. However, a number of concerns were raised by the PSC in regard to differences between the new format lease and the previous lease.

Following a meeting with representatives from the PSC, it was proposed that the previous format lease be used, but with some minor amendments, albeit meeting the intention of the Council decision for the lease to be on the same terms.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 relates to a disposition of local government property.

Local Government (Functions and General) Regulations 1996 - Regulations 30 and 31 govern the disposal of land.

Under the regulations, a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if the land is disposed of to a body, whether incorporated or not the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Given the above, the disposal of this land is exempt from the requirements of section 3.58 of the Act.

EXTERNAL CONSULTATION

Consultation has taken place with representatives of the Plantagenet Sporting Club Inc.

FINANCIAL IMPLICATIONS

The draft lease provides for a rental of \$1.00 per annum.

POLICY IMPLICATIONS

Policy A/PA/14 Sporting and Community Organisations Using Council and Vested Land – Rateability. Councillors will recall that this policy refers to the rateability of Council land leased to external organisations and the extent of any waiver of rates.

BUDGET IMPLICATIONS

The 2022/2023 budget includes \$33,000.00 and \$7,500.00 for building operations and maintenance respectively for the Sounness Park buildings. Current expenditure on these items is \$39,378.00.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The clubrooms are no longer a new facility and are over eight years of age. The clubrooms are a very significant Shire asset and will require funding in the next five-year period to address responsibilities assigned to the lessee. As an example, painting and replacement of carpets and equipment are normally replaced at the seven-to-ten-year period for public buildings.

The older style lease establishes the lessee and lessor responsibilities in relation to operating maintenance and structural maintenance and renewal. The newer style lease provides an addendum to provide more clarity in this regard. It is proposed to add the addendum to the lease.

The lessee's obligations in section 3 of the lease are covered in clauses 3.1 to 3.34; the lessee is responsible for all of the operating maintenance of the facility and for repainting the facility at the expiration of the lease.

From a whole of life funding perspective, the accumulated depreciation at the original cost of \$1.77 million, accumulating at 2.5% of the building replacement cost each year over eight years equates to around \$367,000.00. This amount ideally would have been accruing in a reserve fund for the building's eventual renewal.

STRATEGIC IMPLICATIONS

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

At *Outcome 1.1 Children and Youth* the following Strategies:

Strategy 1.1.1 – Provide and promote appropriate and safe spaces and activities for youth to socialise:

'Develop appropriate resources and activities to enable youth programs to be delivered in townsites.'

At *Outcome 1.3 Health and Wellbeing* the following Strategies:

Strategy 1.3.2 – A healthy and active Community:

'Provide sporting and recreation facilities, public open space and programs to enable the community to maintain physical and mental health.'

At *Outcome 1.4 Support for community groups and volunteers* the following Strategies:

Strategy 1.4.3 – Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard:

At *Outcome 2.4 Council Facilities* the following Strategies:

Strategy 2.4.2 – A range of community facilities that cater for all:

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

RISK MITIGATION IMPLICATIONS

There are no risk mitigation implications for this report.

STRATEGIC RISK IMPLICATIONS

A key risk in the Shire's Strategic Risk Register relates to Asset Sustainability Practices. A potential cause is an insufficient budget to maintain or replace assets.

The Shire has leased the clubrooms since 1 April 2014, firstly to the Mount Barker Football Club and then the Plantagenet Sporting Club Inc. The lifecycle of building maintenance costs is likely to be more costly after 7-10 years as parts and materials start to wear out from usage. Depending on what maintenance has been carried out by the lessees since 2014, there is likely to be a degree of deferred and impending maintenance requirements.

There is an increased risk of components failing and the deferral of routine scheduled maintenance may also mean the asset will deteriorate faster, making it harder for the Shire to meet the deferred maintenance costs.

REGIONAL IMPLICATIONS

The Great Southern Development Commission's Regional Blueprint referred to Sounness Park as a 'major upgrade'. On this basis, Sounness Park is considered a regional asset and should be managed as such.

OFFICER COMMENT

The Sounness Park Sporting facility is a significant Council asset with a replacement value of \$15 million. The clubroom facility is a significant asset that has been managed via a lease with the PSC for a period of five years, whilst the remaining changerooms and grounds are managed and maintained by the Shire.

Given the previous decision of the Council to prepare a lease under the same terms of the existing lease, this report is confined to recommending a lease document for endorsement. The changes that have been made to the existing lease with the PSC are as follows:

- Schedule 1 has been amended to correct the Club's P.O. Box address.
- Schedule 2 has been amended to include items that list various building maintenance responsibilities (with the inclusion of cool room repairs under the Lessor). This is a standard inclusion in the new format leases and is useful to add further clarity to maintenance responsibilities.
- Schedule 2 has been amended to include a licence clause to use the areas the subject of Plantagenet Sporting Club's Liquor Licensing approvals but which are not included in the lease, for any events (thereby no maintenance or other obligations will be required by the PSC). This is seen as appropriate in order to rectify an anomaly.
- There has also been some changes to update the list of loose items. Most of the items numbers are the same or similar. There are some minor unders and overs with the PSC having replaced a number of things due to wear and tear. It should be noted that there is no record of a count of items at the point of changeover between the Mount Barker Football Club Inc and PSC.

These are all relatively minor and are considered to be generally within the spirit of the 'same terms' of the previous lease.

The PSC met on 4 April 2023 to discuss the proposed draft lease. The PSC agreed unanimously to the draft version of the lease. The nominated football representatives

were absent from the meeting, but later confirmed in writing that they had reviewed the draft document and had 'no concerns with the latest version'.

The PSC also requested that the following be considered in the draft lease to be presented for Council consideration:

'Page 12 Section 5.1 k(ii) – the essence of the clause is that the PSC has to seek permission from the Landlord in order to change the PSC constitution. It is felt that this clause is deemed irrelevant as the PSC is an independent incorporated body in its own right. The process to change a Constitution is quite onerous already. In moving forward, the PSC feels that this clause would be a hinderance to operations, rather than an enhancement particularly as the Shire has no legislative power to influence the actions on the Constitution of an Incorporated body.'

Page 9 Section 3.31 – that the PSC will provide financials to the Shire upon request as a condition of the lease. The PSC has no concerns in providing financials if there is a significant financial agreement in place, however felt that it was not an appropriate condition as a clause within the lease as no significant monies were being exchanged within the lease document. This would be understandable if the document were a grant or a fee for service type document, however the value of the lease is under \$10.00. It should be acknowledged that financial, personnel and product information are commercial in confidence and it is difficult to understand why this would be a requirement of a lease.'

A clause similar to Clause 5.1 k(ii) is not in the new format standard lease document. The constitution of the PSC was originally guided by the Shire and included several elements designed to protect the Shire's interests, including Council representation. Most of these elements were removed from the constitution in 2022. The impact of the removal of this clause is now somewhat diminished.

The issue with the deletion of Clause 3.31 is mainly due to consistency of application to all other community groups. This clause is in the new format standard lease document; however, it is not generally acted upon. Community groups seeking financial assistance are required to provide such financial statements, which is probably a more relevant situation where the Shire would seek to review an organisation's financial records. It is noted that the PSC has applied for a community grant for the 2023/2024 financial year and provided the necessary financial information (on a confidential basis). If the Council did support this request, it would not prevent the Shire asking for the financials if the need arises.

If the Council agrees to these requests, the following amendment would need to be adopted at the Council meeting:

That Part 1 of the motion be amended by adding the following wording after 'option':

'subject to clauses 5.1 k(ii) and 3.31 being deleted from the lease and the document being renumbering accordingly'.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease agreement (as attached) between Shire of Plantagenet and Plantagenet Sporting Club Inc for the Sounness Park Clubrooms until 30 June 2027 with an additional five-year option.**
2. **For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the community, number of active participants and the not for profit status of the lessee, that a 100% waiver of annual levied rates shall apply.**

9.4.3 POLICY REVIEW - CE/ED/1 - TOURISM

File Ref:	N60695
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to review Council Policy CE/ED/1 Tourism.

BACKGROUND

This Policy was reviewed on 3 November 2020, with significant changes made in line with Council recommendations.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Regular meetings are held with the South Coast Alliance Inc (SCA), the Southern Link VROC and Great Southern Treasures (GST) to progress Regional Economic Development and Tourism.

Regular communication is also maintained with the Great Southern Centre for Outdoor Recreation Excellence Ltd (GSCORE).

FINANCIAL IMPLICATIONS

There are number of financial implications in implementing the policy. The overall operating expenditure for Tourism, Area Promotion and Economic Development alone is in excess of \$400,000.00.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

The Shire of Plantagenet provides office space to the Mount Barker Visitor Centre for 'visitor servicing' without rental charges.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides at Outcome 3.2 (Tourism, Arts & Culture) the following Strategy:

Strategy 3.2.1:

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

and;

Strategy 3.2.3:

‘Tourism that capitalises on our natural assets without exploiting them.’

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There is a recognised need for councils to collaborate with each other on matters that have regional implications.

OFFICER COMMENT

It is considered that this policy remains appropriate and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy CE/ED/1 Tourism as detailed below:

OBJECTIVE

The Council will in relation to tourism in the Shire of Plantagenet:

- a) Recognise tourism as a social and economic force within the diverse economy of the Shire of Plantagenet and the Great Southern.
- b) Foster and create community awareness of the benefits of tourism within the Plantagenet district.
- c) Assist the development of tourism in the Plantagenet district and on a regional level.
- d) Provide the infrastructure sufficient to encourage development.
- e) Ensure that facilities within the Plantagenet area are adequate to cater for visitors.

POLICY

To achieve these objectives the Council will:

1. Recognise the importance of working with our Regional Affiliations as a means to further develop tourism as an economic driver.
2. Assist to foster and create a community awareness of the role and value of tourism within the Great Southern.
3. Assist with the provision of facilities to encourage destination and day trip visitors including infrastructure provision, land use planning, traffic management, environmental protection, recreation and leisure planning.
4. Encourage tourist organisations or events which have the potential to develop tourism in the Plantagenet region.
5. Provide a budget allocation for tourism expenditure (District and Area Promotion).
6. In the formulation and review of its planning instruments, take into consideration policies on tourism and other leisure related issues, and requirements of tourism development.
7. Ensure the welfare of the community when supporting tourism development and the provision of facilities.'

be endorsed.

9.4.4 POLICY REVIEW – RISK MANAGEMENT

File Ref:	N59287
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	2 May 2023

PURPOSE

The purpose of this report is to review Risk Management Policy – CE/RM/1.

BACKGROUND

This policy was adopted by the Council at its meeting held on 21 April 2022, replacing revoked policy C/RM/1.

STATUTORY ENVIRONMENT

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

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

FINANCIAL IMPLICATIONS

There are no specific financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.6.2:

'Develop and maintain Risk Management policies and procedures'.

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational / Financial</i> Not having an appropriate risk management policy and/or framework can result in reputational damage and/or financial loss to the Shire	Likely	Moderate	High	Endorse Officer Recommendation
<i>Opportunity:</i> The Shire adopting contemporary guidance and procedures for risk identification and mitigation.				

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

In 2019, an updated policy, framework and risk register was developed by the Shire. The updated policy was adopted by the Council on 21 April 2020.

It is considered that this policy remains appropriate and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the current Risk Management Policy C/RM/1, as follows:

‘OBJECTIVE

To state the Shire of Plantagenet’s (the Shire’s) intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

POLICY:

1. Policy Statement

-
- 1.1 It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management – Guidelines), in the management of all risks that may affect the Shire meeting its objectives.
 - 1.2 Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations and will form part of the strategic, operational and project responsibilities and be incorporated within the Shire's Integrated Planning Framework.
 - 1.3 This policy applies to Council Members, executive management and all employees and contractors involved in any Shire operations.
2. Policy Aims
 - 2.1 The policy aims to:
 - (a) Align with and assist the implementation of all Shire policies.
 - (b) Optimise the achievement of the Shire's vision, mission, strategies, goals and objectives.
 - (c) Provide transparent and formal oversight of the risk and control environment enabling effective decision making.
 - (d) Enhance risk versus return within the Shire's risk appetite.
 - (e) Embed appropriate and effective controls to mitigate risk.
 - (f) Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
 - (g) Enhance organisational resilience.
 - (h) Identify and provide for the continuity of critical operations.
3. Key Policy Definitions
 - 3.1 Risk - Effect of uncertainty on objectives.

Note:

 - (a) An effect is a deviation from the expected – positive or negative.
 - (b) Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).
 - 3.2 Risk Management - Coordinated activities to direct and control an organisation with regard to risk.
 - 3.3 Risk Management Process - Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.
4. Roles and Responsibilities
 - 4.1 The CEO is responsible for the:
 - (a) Implementation of this policy.
 - (b) Reporting on the performance of risk management.
-

(c) Review and improvement of this policy and the Shire's Risk Management Framework at least biennially, or in response to a material event or change in circumstances.

4.2 The Shire's Risk Management Framework outlines in detail all roles and responsibilities associated with managing risks within the Shire.

5. Risk Assessment and Acceptance Criteria

5.1 The Shire quantified its broad risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this policy.

5.2 All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.

6. Monitor and Review

6.1 The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

6.2 This policy will be kept under review by the Shire's Management Team. It will be formally reviewed biennially.

7. Risk Assessment and Acceptance Criteria

7.1 Measures of Consequence

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project
Insignificant (1)	Near miss. Minor first aid injuries	Less than \$20,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response	Small variation to cost, timelines, scope or quality of objectives and required outcomes
Minor (2)	Medical type injuries	\$20,001 - \$100,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	5-10% increase in time or cost or variation to scope or objective requiring managers approval
Moderate (3)	Lost time injury <30 days	\$100,001 - \$500,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	10 -20 % increase in time or cost or variation to scope or objective requiring Senior Management approval
Major (4)	Lost time injury >30 days	\$500,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal and external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	20 — 50 % increase in time or cost or significant variation to scope or objective requiring restructure of project and Executive Management or Council approval

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project
Catastrophic (5)	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment and building	Uncontained, irreversible impact	>50% increase in cost or timeline, or inability to meet project objectives requiring the project to be abandoned or redeveloped

7.2 Measures of Likelihood

Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

7.3 Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

7.4 Risk Acceptance Criteria

Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager / CEO
EXTREME	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

7.5 Existing Control Ratings

Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	Processes (controls) operating as intended and aligned to policies / procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	Processes (controls) generally operating as intended, however inadequacies exist. Nil or limited monitoring. Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	Processes (controls) not operating as intended. Processes (controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.'

be endorsed.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING****12 CONFIDENTIAL****12.1.1 SALE OF LOT 2072 JUTLAND ROAD KENDENUP**

File Ref: N60752
Responsible Officer: Gary Clark
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 2 May 2023

PURPOSE

The purpose of this report is to reconsider the sale of Lot 2072 Jutland Road, Kendenup, due to an adverse possession claim.

OFFICER RECOMMENDATION

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

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

12.1.2 TENDER CO8-2223 - PLANTAGENET PANEL OF PRE-QUALIFIED SUPPLIERS – VEGETATION WORKS

File Ref: N60776
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Senior Administration Works and Services
Proposed Meeting Date: 2 May 2023

PURPOSE

The purpose of this report is to consider submissions received for Tender CO8-2223 Panel of Pre-Qualified Suppliers – Vegetation Works.

OFFICER RECOMMENDATION

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

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

13 CLOSURE OF MEETING