



ORDINARY AGENDA

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

DATE: Tuesday, 20 December 2022

TIME: 5.00pm

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

**Cameron Woods
CHIEF EXECUTIVE OFFICER**

DISCLAIMER

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Nil

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

Nil

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

Part 5 Division 6 Local Government Act 1995

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 22 NOVEMBER 2022

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

OFFICER RECOMMENDATION

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

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 POLICY REVIEW – LPP1 – ANCILLARY DWELLINGS

File Ref:	N59640
Attachment:	<u>Existing TPP 14 - Rural Tourist Accommodation & Additional Houses</u>
Responsible Officer:	Delma Baesjou Manager Development Services
Author:	Delma Baesjou Manager Development Services
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to review Town Planning Policy No.14 Rural Tourist Accommodation & Additional Houses.

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.14 Rural Tourist Accommodation & Additional Houses (TPP 14) was adopted by the Council at its meeting held on 12 December 2006, in accordance with clause 7.6 of the former Town Planning Scheme No.3 (TPS3).

Review is required to bring the policy into conformity with LPS5, current 'model' definitions and community expectations.

The priority is to address the shortcomings in the current policy and provide guidance on Ancillary Dwellings in the peri-urban areas and the 2 – 10 ha lots within 'Greater Kendenup'. At the same time, it is appropriate to give consideration to the prospect of allowing Ancillary Dwellings in the various Rural Residential zones. It is proposed to have a separate policy dealing with short-stay and tourist accommodation to bring those activities into conformity with the definitions and guidelines in the recently released WAPC position statement Planning for Tourism.

Ancillary Dwelling is defined in the R-Codes as follows:

'Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.'

Compliant Ancillary Dwellings in R-Coded Residential zones in Mount Barker and the town sites within Plantagenet are generally exempt from requiring development approval. The R-Codes and deemed to comply provisions on the Planning Regulations provide a relevant definition, useful performance standard and adequately address

Ancillary Dwellings within the residential zones. Accordingly, it is no longer necessary to include Residential Land in the new policy.

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

Ancillary Dwellings within the Shire of Plantagenet are regulated by the R-Codes in Residential zones and TPP14 in Rural zones. The policy is silent with regard to other zones. Under TPS3, there was scope for Council to consider Ancillary Dwellings within selected Rural Residential zones as incidental development. There is no equivalent in LPS5.

Over the years, the R-Codes definition and requirements for 'Granny Flats' have been revised. Previously, their use was limited to dependent family members only and this restricted the future use of such buildings once the family members moved on. Contemporary planning rules offer considerable opportunity and flexibility for Ancillary Dwellings on the same lot as a family home. Importantly, private rental of 'Granny Flats' is no longer precluded.

The specific requirements and permissibility criteria for 'Additional Houses' under the current TPP14 policy which are no longer considered necessary/ fit for purpose include:

- Max floor area of 60sqm-90sqm (max 70sqm under the R-Codes)
- Ancillary Accommodation needs to be physically connected to the main dwelling (in accordance with an old version of the R-Codes)
- Rural property needs to be at least 10ha in size
- A requirement for a statutory declaration (in accordance with a former version of the R-Codes).

The rationale for allowing Ancillary Dwellings within the Residential zone is considered to be equally applicable in other zones where a single dwelling is permissible. In Residential zones, where properties are much smaller than in Rural Residential and

Rural zones, owners may build an Ancillary Dwelling if their property is at least 350sqm in size. By comparison, some of the more contentious uses such as 'Abattoir', 'Motor vehicle repair (All classified 'A') are more achievable in Rural zones under LPS5 than Ancillary Dwelling is under the Shire's current policy. A more flexible approach and support for a variety of housing types will assist in meeting community needs and go some way towards addressing the current housing crisis. Parameters to be considered include fire safety, potable water supply, on-site waste-water management and constructed, practical access and proximity to community services and facilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Draft Local Planning Policy 1 – Ancillary Dwellings as follows:

‘1. CITATION

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

This Policy may be cited as LPP No. 1 Ancillary Dwellings.

2. CRITERIA

This policy applies to the peri-urban and rural areas of the municipal district of the Shire of Plantagenet and to all land zoned Commercial, Service Commercial, General Industry, Strategic Industry, Rural, Mixed Use, Tourism, Rural Residential, Rural Smallholdings, Rural Village and Special Use.

Ancillary Dwellings can only be associated with a single house and not any other land use such as a caretaker's house or grouped dwelling. Ancillary Dwellings are not permitted within strata developments such as Special Use zones 7 and 8.

Note: Compliant Ancillary Dwellings in R-Coded Residential zones in Mount Barker and the town sites within Plantagenet may be exempt from requiring Development Approval under clause 61 of the Planning Regulations.

Additional planning and building requirements apply in designated Bushfire Prone Areas.

3. INTRODUCTION

The purpose of this planning policy is to set out the objectives and policy provisions which the 'Council' shall have regard to in the assessment and determination of application for development approval and a building permit.

DEFINITION

Ancillary Dwelling is defined in the R-Codes as follows:

'Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.'

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

DEVELOPMENT REQUIREMENTS

- a) The Ancillary Dwelling is to be compatible with the design and external materials of the single house and complement the character and amenity of the surrounding area, including elements such as bulk and scale of the building/s, materials, siting, visual impact and privacy.
- b) Notwithstanding the minimum setbacks applicable in the zone, new Ancillary Dwellings should generally be setback a minimum of 20 metres from any lot boundary to accommodate a suitable Asset Protection zone within the subject land.
- c) Notwithstanding 5.5.1 C1 ii of the R-Codes, the maximum plot ratio area for an Ancillary Dwelling shall be 90m².
- d) The Ancillary Dwelling and any associated water tank shall be located within close proximity of the single house enable shared use of infrastructure and to minimise the development footprint.
- e) The provision of all services, including upgrading or expansion of existing services necessary as a consequence of any proposed development, will be at no cost to the Council.
- f) The Ancillary Dwelling requires a source of potable water to a capacity of 92,000 litres. Suction fittings will be required on individual domestic potable water supplies for the supply of water to firefighting appliances in the event of a fire.
- g) The applicant must demonstrate that efficient long-term on-site effluent disposal can be achieved without potential impact to public health, water supplies, neighbouring properties or the environment. Conventional effluent disposal area must not be located within 100 metres of any creek, river, dam or spring, however, approved ATU's may allow this distance to be reduced to 50 metres.
- h) One parking bay to be provided, along with unobstructed sight lines provided at vehicle access points to ensure safety and visibility.
- i) The crossover and vehicle access (internal driveway) to the Ancillary Dwelling should be shared with the single house.
- j) It is preferable that Ancillary Dwellings be on a lot serviced by a bitumen sealed road. Applications for Ancillary Dwellings on lots serviced by a gravel road will be considered on their merits. Where the lot is not abutting a constructed public road, the requirements of clause 32 of LPS5 apply and the application may be refused.
- k) The Council may require additional vegetation screening to be planted and established prior to approval of the proposal.
- l) An Ancillary Dwelling proposed in a Bushfire Prone Area may require a Bushfire Attack Level Assessment, Bushfire Management Plan or Statement, and an Emergency Evacuation Plan. A Bushfire Management Plan for such a proposal is to be prepared by accredited practitioner.

- m) An Ancillary Dwelling proposed in a heritage precinct or a heritage structure/s being part of a heritage listed site, will require a heritage assessment under the *Planning and Development Regulations 2015 Schedule 2, Part 3, cl.7*.
- n) Subdivision by way of freehold or strata title arising from the approved Ancillary Dwelling of any given site will not be supported.

4. PERMISSIBILITY

Where an application satisfies the requirements of this policy, conditional development approval may be issued under the relevant delegation.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Council.

This Local Planning Policy No.1 supersedes Town Planning Scheme Policy No. 14.'

be advertised in accordance with the Planning Regulations

9.1.2 LOT 102 MILLS STREET, MOUNT BARKER – OVERSIZE OUTBUILDING WITH REDUCED SIDE SETBACK

File Ref:	N59680
Attachment:	Location Plan Site Plan Outbuilding Layout
Responsible Officer:	Delma Baesjou Manager Development Services
Author:	Cobie MacLean Administration Officer Development Services / Building Surveying Practitioner Technician
Proprietor/Applicant:	Tony and Dorothy St Jack
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to consider an application for an oversize outbuilding with a reduced side boundary setback at Lot 102 Mills Street, Mount Barker.



BACKGROUND

This proposal is for an additional 50m² (5.0m x 10.0m) outbuilding with a wall height of 3.5m and a reduced boundary setback of 1.0m.

Lot 102 is zoned Residential R2.5 under the Shire of Plantagenet Local Planning Scheme No. 5.

Current development on the property consists of a dwelling, a water tank and a number of outbuildings (totalling about 160m²). This new Outbuilding will increase the cumulative floor area to approximately 210m².

Town Planning Scheme Policy No.16.3 Outbuildings allows for outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m² within the Residential zone. The proposed 210m² cumulative floor area exceeds the 100m² set by Council policy.

The reason given by the proponents for the proposed outbuilding is for the storage of a caravan as the existing outbuildings are too low.

The proponent is also applying for a reduced side boundary setback from 7.5m to 1.0m.

The reason given by the proponent for the proposed 1.0m setback is to keep the new outbuilding in line with the existing outbuilding.

EXTERNAL CONSULTATION

Comment on the proposed setback variation and additional/oversize outbuilding was sought and obtained from the four adjoining landholders, including the property to the west which is mostly affected by the proposed development. Written responses, including signed copies of the site plan, were provided confirming Support/No objections to the proposed outbuilding.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (PDLPS Regs)– Schedule 2 deemed provisions for local planning schemes.

Clause 67 of PDLPS Regs states:

‘Consideration of application by local government

(2) *In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

(b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

(g) *any local planning policy for the Scheme area;*

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) –
Clauses 34(1) (2) and (5) of LPS5 state:

‘Variations to site and development requirements

(1) *In this clause —*

additional site and development requirements mean requirements set out in clause 32.

- (2) *The local government may approve an application for a development approval that does not comply with an additional site and development requirements (sic).*
- (5) *The local government may only approve an application for development approval under this clause if the local government is satisfied that —*
 - (a) *approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
 - (b) *the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.'*

State Planning Policy 7.3 - Residential Design Codes (R-Codes).

As set out in clause 2.5.2 of the R-Codes discretion exists for the Council to vary standards as follows:

'In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:

- a) any relevant purpose, objectives and provisions of the scheme;*
- b) any relevant objectives and provisions of the R-Codes;*
- c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- d) orderly and proper planning.'*

The variation sought in this proposal relates to 2.5.2(b) and (c) above as outbuilding requirements are in part 5 of the R-Codes and Town Planning Scheme Policy No. 16.3 Outbuildings.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.3 Outbuildings limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m² for Residential zones. The cumulative floor area for the existing and new outbuildings total approximately 210m². The proposed outbuilding wall height is 3.5m. The Council must have regard to the Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

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 Environment* the following Strategy:

Strategy 2.2.2:

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

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> Manage landowner and community expectation if the application is not approved.	Unlikely	Moderate	Low	Issue conditional Development Approval
Opportunity: <i>Conditional approval for this Outbuilding will meet the proprietors needs.</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

Lot 102 is 4,100m² in area and is zoned Residential (R2.5).

The proposal is for an additional 50m² (5.0m x 10.0m) Colorbond® steel frame outbuilding which will bring the cumulative outbuilding floor area to approximately 210m². The proposed outbuilding is a gable roof structure with a front opening to allow for a caravan to be parked inside. The construction materials comprise zincalume roof, walls, roller doors, flashings, gutter, ridges and trimmings. in Paperbark® sheeting and White down pipes.

The following table outlines the boundary setbacks, height, floor area for the proposed outbuilding:

Proposed Boundary Setbacks/Height/Floor Area			
R-Codes Boundary Setback Requirement	Proposed Boundary Setbacks	Height	Floor Area
Primary St – 15.0m	34.0m	Wall – 3.5m	50m ²
Rear (north) – 7.5m	16.0m	Pitch – 10°	
Side (west) – 7.5m	1.0m		
Side (south) – 7.5m	61.0m		

The proposed additional outbuilding is not likely to cause overshadowing or privacy issues and satisfies other relevant provisions including 80% open space. The structure is consistent with other outbuildings in the vicinity and is not considered to have any significant adverse effect on the amenity of the locality or neighbouring properties. The proposal is considered to achieve the relevant Scheme objectives and the variations are supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Development Approval be granted for the proposed 5 x 10m Outbuilding with a reduced side boundary setback of 1m at Lot 102 Mills Street, Mount Barker, subject to

- 1. The development being in accordance with the approved plans Shire date stamped 29 November 2021.**
- 2. All stormwater runoff from the new structures to be adequately controlled on-site. Any connection to the district drainage system is to be to the satisfaction of the Shire of Plantagenet.**

Advice Notes

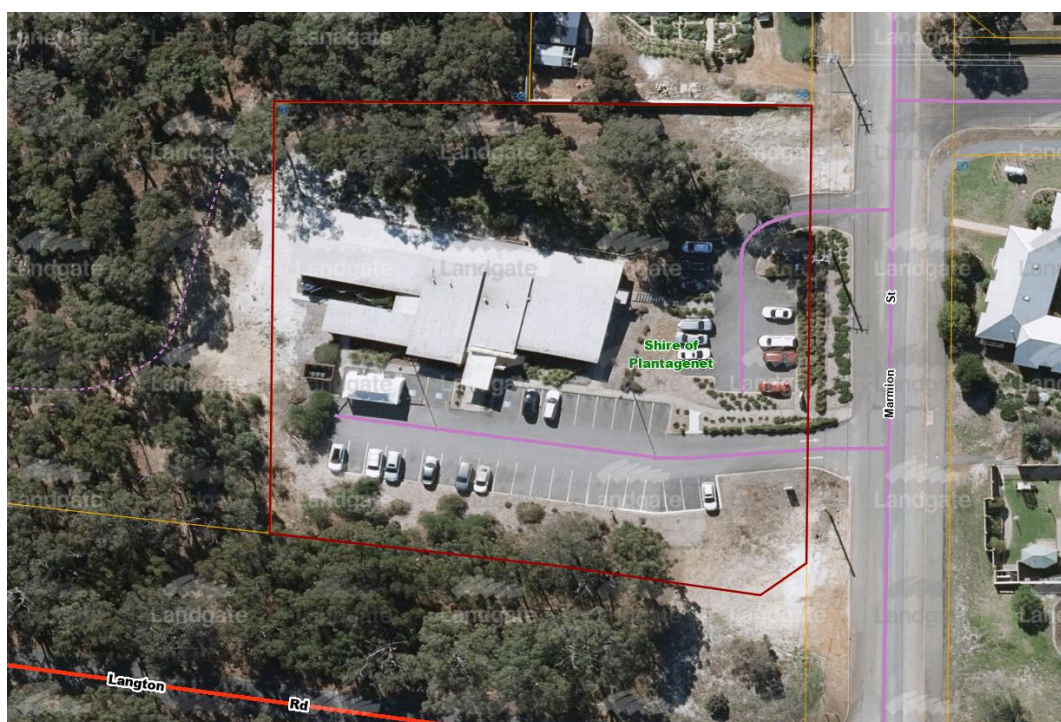
- Any alterations or upgrading of the crossover to be in accordance with the Shire of Plantagenet specifications and requirements.
- Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.
- This Development Approval does not constitute a Building Permit.
- Future use and development is to comply with the Building Code of Australia and relevant Health and Environmental statutes.

9.1.3 LOT 530 (70) MARMION STREET, MOUNT BARKER– LICENCE FOR PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE

File Ref: N59768
Attachments: Telecommunication Plans
Responsible Officer: Delma Baesjou
Manager Development Services
Author: Delma Baesjou
Manager Development Services
Applicant: Pivotel
Proposed Meeting Date: 20 December 2022

PURPOSE

The purpose of this report is to consider a request from Pivotel Mobile Pty Limited to install a 2m roof mount 11Ghz (licenced) Microwave dish on the roof of the Plantagenet Medical Centre on the corner of Marmion Street and Langton Road, Mount Barker.



BACKGROUND

The subject land is Lot 530, Reserve 49690 (70) Marmion Street, Mount Barker.

The purpose of Reserve 49690 is Medical Centre. Under the conditional Management Order reference K603527, registered 22 May 2008, the Shire of Plantagenet has Power to Lease or Licence for up to 21 years, subject to the consent of the Minister for Lands.

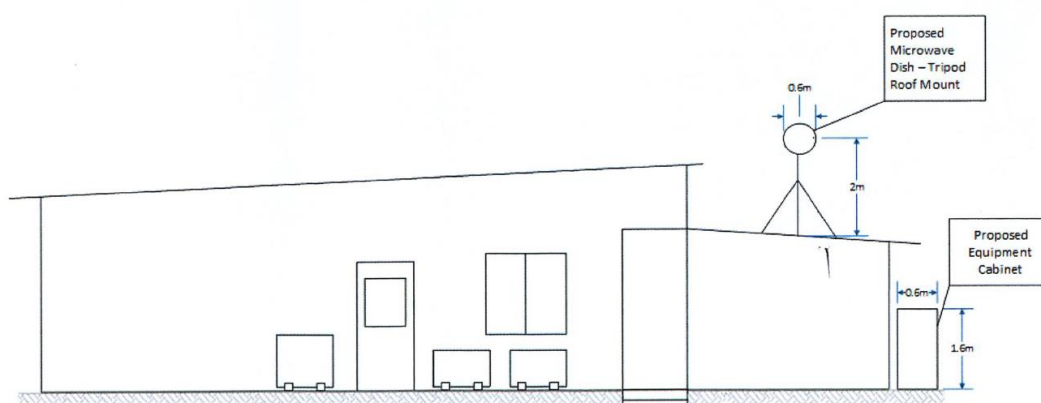
Lot 530 is designated as local reserve - Public Purpose under the Shire of Plantagenet Local Planning Scheme No.5.

This proposal is for a small Telecommunications microwave dish on the roof of the building and associated equipment cabinet. The proposed low-impact Telecommunications facility will supplement the existing 'ecoSphere solution' network and significantly improve digital connectivity. The proposed upgrade involves a new 'high stability hop' link between the townsite and Mount Barrow. The existing network supports the Stirling to Coast Farmers group 'Smart Farming Hubs' project and was part of the WA Department of Primary Industries and Regional Development digital farms initiative.



View of Medical Centre showing proposed position of new dish (adjacent to existing aerial)

Proposed Equipment Layout



Proposed 11GHz Microwave Link
Plantagenet Medical Centre to Mt Barrow

The proponent advises "Pivotel is requesting Council support to provide a reliable and robust broadband link from Mt Barker town to the Mt Barrow site, to provide enhanced

services across the Pivotel/Stirling to Coast regional farmer network. The existing radio link from Mt Barrow to Mt Melville has not proven to be stable for a wide variety of reasons, including 42km hop distance between sites. The proposed radio link is 6.4 km distance."

This proposed upgrade will directly benefit the Medical Centre and nearby Hospice, as well as the Stirling to Coast Farmers group 'Smart Farming Hubs' project. There is also potential to provide improved broadband to Shire of Plantagenet facilities.

The proponent has provided the following additional comment:

Pivotel would be pleased to work with the Council, to determine how to implement a community wide Public managed WiFi network from Plantagenet Medical Centre to the Aged Care Facility adjacent (to the Hospital), across to the Library/CRC building and onto the recreation Hall, and potentially the pool areas, or other facilities identified by the Council where coverage can be practically provided.

The Shire of Plantagenet has granted Development approval to Pivotel for a number of towers within the Shire. The applicant has constructed a network of Towers in the region and has installed other associated low impact telecommunication equipment, including on Mount Barrow, as part of a Stirling to Coast Farmers Project.

EXTERNAL CONSULTATION

There has been ongoing conferral with the applicant.

Preliminary discussions have taken place with the representatives from Plantagenet Medical Centre (as the Tenant) to advise the possibility of the Shire (as the Landlord) making relatively minor alteration and additions to the premises. The prospect of improved WiFi network at the Medical Centre has been well received.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Planning and Development Act 2005

Shire of Plantagenet Local Planning Scheme No. 5

Telecommunications Act 1997

Telecommunications (Low-impact Facilities) Determination 2018.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Rental received from Pivotel is suggested to be \$10.00 per annum (excluding GST).

Pivotel will be responsible for all outgoings, and all maintenance on the Telecommunications Infrastructure.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

The land and premises are leased to Plantagenet Medical Group Unit Trust, trading as the Plantagenet Medical Centre.

Clause 8.2 of the lease allows the Shire, as landlord, to make alteration or additions to the premises provided that the alterations are reasonable, in the sole discretion of the Shire.

Clause 8.2(b) notes that the Shire of Plantagenet may consult with the Tenant in respect of an alteration or addition. It is recommended that Plantagenet Medical is provided with reasonable notice that the works are to be carried out and when.

It is proposed that a suitable Licence be prepared between the Shire of Plantagenet and Pivotal for the installation of a microwave dish for communication between Mount Barker and the Mt Barrow Telecommunication tower for a minimum three-year term with a three-year option. A licence agreement is being drafted based on a template utilised previously by the proponent.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

At *Outcome 3 Economy* the following Strategies:

Strategy 3.1.1 – Develop and implement policies and initiatives to attract inward migration and investment:

‘Provide infrastructure that supports sustainable economic development.’

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That the Council risks being seen as hindering real economic growth.	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Endorse the licence agreement</i>
Opportunity: To improve telecommunication within the Shire of Plantagenet, support the ‘Smart Farming Hub’ for the Stirling to Coast Farmers group and assist in redressing telecommunications black spots.				

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

The opportunity to provide improved broadband telecommunications services to the Stirling to Coast Farmers group is considered to be a project of regional significance, with State government project funding.

OFFICER COMMENT

The proposal fits within the scope of *Telecommunications (Low-impact Facilities) Determination 2018*, so is itself exempt from requiring Development Approval. None-the-less the proposed improvements to the existing network have been evaluated against WAPC State Planning Policy 5.2 Telecommunications Infrastructure. The upgrade is considered to be consistent with the Policy which recognizes that adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State's economy to creating and maintaining connected and cohesive social networks. Such contact increasingly relies on the telecommunications networks. The relevant Policy Objective is to facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs.

In addition to upgrading the Smart Farming Hubs and improving services at the Medical Centre, there is an opportunity to install a Public WiFi access point to provide internet access to nearby Community Hospice using a high-power wireless access point. There is also scope to provide enhanced NBN Wireless Connectivity solutions for the Shire facilities including the recreation centre, depot and pool sites as these all have poor internet speeds. The details are being negotiated and it is noted this would provide immediate community benefit.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. The proposed Telecommunications Infrastructure (Low-impact microwave dish) installation at the Plantagenet Medical Centre at Lot 530 (70) Marmion Street, Mount Barker, be supported.**
- 2. Authority be granted to the Shire President and the Chief Executive Officer to finalise the documentation and affix the Common Seal of the Council to the licence agreement between Shire of Plantagenet and Pivotel for Reserve 60494, being Lot 530 (70) Marmion Street, Mount Barker.**

9.1.4 PROPOSED CHILD CARE PREMISES – LOT 4 (21) LOWOOD ROAD, MOUNT BARKER

File Ref: N59745
Attachment: Summary of Submissions
Responsible Officer: Delma Baesjou
Manager Development Services
Author: Delma Baesjou
Manager Development Services
Property Owner: A McFarlane
Applicant: J Talmage
Proposed Meeting Date: 20 December 2022

PURPOSE

The purpose of this report is to consider submissions received during the advertising of an application for child care premises at Lot 4 (21) Lowood Road, Mount Barker.



BACKGROUND

Lot 4 Lowood Road is located on the corner of Lowood Road and Short Street, Mount Barker. The building has previously operated as a bank and substantial refurbishment will be required to convert the buildings to child care premises.

The proposal is for a 24-place long day care and early childhood education centre.

Lot 4 Lowood Road is zoned Commercial under the Shire of Plantagenet Local Planning Scheme No 5 (LPS5). Child care premises in an 'A' use in the commercial zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

A report on this matter was considered by the Council at its meeting held 25 October 2022. The following Resolution No. 170/22 was adopted:

‘That:

- 1. The proponents of the proposed Child Care Premises at Lot 4 (21) Lowood Road, Mount Barker be advised that, as an alternative to providing on-site parking, the Council is prepared to accept:*
 - a. A cash payment in lieu of providing four parking spaces, in accordance with Clause 32.(6) of Local Planning Scheme No. 5 and based on the payment of \$4,500.00 per parking bay set out in the Shire of Plantagenet 2022/2023 Schedule of Fees and Charges; and*
 - b. Provision of six formed, clearly marked parking spaces at the rear of Lots 1 and 3 (23) Lowood Road, subject to the proprietor entering into a formalised lease agreement to ensure the parking spaces are compliant and available for staff and clients of the Child Care premises and marked reserved for such.*
- 2. The proposed Child Care Premises at Lot 4 (21) Lowood Road, Mount Barker be advertised for public comment for a period of 28 days in accordance with Clause 64 of the Planning and Development (Local Scheme) Regulations 2015.*
- 3. A further report on this matter be presented to the Council at the 20 December 2022 Ordinary Council Meeting.’*

EXTERNAL CONSULTATION

The proposal was advertised for comment to landholders (within a 200m radius of the subject property boundaries) for a 28-day period closing on 25 November 2022.

A notice was placed on site and the advertisement was also posted on the Shire of Plantagenet website and Facebook page.

At the close of the consultation period the Shire had received eight submissions. The responses and officer comments are in the Summary of Submissions attached to this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Local Planning Scheme No. 5

The Child Care Premises and services will need to comply with the following regulations:

- *Education and Care Services National Law (WA) Act 2012*
- *Education and Care Services National Regulations 2012*

The Centre is to be licensed by the Education and Care Regulatory Unit. This registration and approvals process is additional and subsequent to Council approval.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

An application fee of \$320.00 was paid, along with a \$500.00 bond for advertising.

In accordance with part 1. a. of Resolution No. 170/22 a cash payment in lieu of providing four parking spaces, based on the *2022/2023 Schedule of Fees and Charges is to be made*. Payment of \$18,000.00 will be required prior to the child care premises commencing operations.

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 1 Community* the following Strategy:

Strategy 1.1.2:

‘Advocate for family support services.’

At *Outcome 3 Economy* the following Strategy:

Strategy 3.1.2:

‘Businesses are encouraged and supported.’

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> Managing landowner and community expectation if application is not supported	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	Issue Approval subject to conditions
<i>Opportunity:</i> To facilitate provision of additional child care services to meet a need in Plantagenet				

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

As set out in the WAPC draft *Position Statement: Child Care Premises*, Child care is recognised as an essential community service and with the rising demand for child care premises and changing community needs, it is imperative to achieve the right balance, to ensure that the development of child care premises occurs in appropriate locations.

Key elements of the draft document that are relevant to this proposal include:

- Considering options for co-locating child care premises on government reserves and mixed commercial type zones, allowing for more flexible hours of operation to cater to the increasing number of families who have irregular or out-of-ordinary work hours.
- Ensuring that proponents adequately demonstrate that their development will not create unsafe conditions for the children and families, or pedestrians, cyclists and vehicles using the roads near child care premises.
- Prioritising children's health and safety by reference to the Act and Regulations that apply guidance and standards for existing and future child care premises.

The proposal to use the former bank building and surrounds for the purpose of Child Care Premises is considered to be consistent with the objectives and principles of the Commission's Position Statement.

The applicant is proposing the use of the existing on street parking bays and loading zone in Short Street for customer parking/drop off. A review of the loading bay designation may be warranted. Staff carparking is to be provided at the rear of Lots 1 and 3 (23) Lowood Road. The six bays are accessible via Lord Street. The Council has resolved to accept a cash payment in lieu of the balance of four parking spaces for the proposed development.

There are no substantial planning objections and no valid reasons for refusal of this proposal.

The application was assessed against the provisions set out in clause 32 of LPS5, and the relevant matters listed in clause 67, Part 9 Schedule 2 of Planning and Development (Local Planning Schemes) Regulations 2015. The proposed development is considered to be consistent with the Scheme Provisions and Objectives for the Commercial zone without any significant adverse impacts. Conditional approval is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the proposed Child Care Premises at Lot 4 (21) Lowood Road, Mount Barker be supported subject to:

- 1. The applicant making a cash payment to the Shire of Plantagenet in lieu of providing four parking spaces, in accordance with clause 32.(6) of Local Planning Scheme No. 5 and based on the payment of \$4,500.00 per parking bay set out in the Shire of Plantagenet 2022/2023 Schedule of Fees and Charges.**
- 2. Provision of six formed, clearly marked parking spaces at the rear of Lots 1 and 3 (23) Lowood Road, subject to the proprietor entering into a formalised lease agreement to ensure the parking spaces are compliant and available for staff and clients of the Child Care premises and marked reserved for such.**
- 3. All internal and external renovation and upgrades being completed prior to the Child Care Centre commencing operation.**
- 4. All relevant registrations under Education and Care Services National Law (WA) Act 2012 and Education and Care Services National Regulations 2012.**

Advice notes:

1. Any proposed modification to the existing crossover or works within the road verge require prior approval and shall be in accordance with Shire of Plantagenet specifications and requirements.
2. As a pre-requisite to preparing and serving food, the Child Care premises shall be registered as a food premises with the Shire of Plantagenet.
3. The Premises is to comply with the Education and Care Services National Regulations 2012 made under the Education and Care Services National Law (WA) Act 2012, as amended and licensed by the Education and Care Regulatory unit.
4. This Development Approval does not constitute a building permit.
5. Future use, works and development is to comply with the Building Code of Australia.
6. An application for the reclassification of the building will be required to be submitted prior to operating the child care facility.

9.2 WORKS AND SERVICES REPORTS

9.2.1 DRIVER REVIVER PROGRAM - REVIEW

File Ref:	N59579
Attachment:	<u>Attachment One – Driver Reviver Statistics</u> <u>Attachment Two – Map showing crashes in GS Region</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Officer, Works and Services
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to review the need and effectiveness of the current Driver Reviver (DR) program before committing to further DRs.

BACKGROUND

Driver Revivers (organised by the Plantagenet RoadWise Committee) commenced in 2013, following the receipt of funding in 2011 from the Road Safety Community Grants Program for the 'Targeting Fatigued and Distracted Drivers in the Great Southern' project.

The project's objectives were to:

1. Increase the number of vehicles using headlights in daylight hours.
2. Increase community awareness of fatigue.
3. Decrease the number of people using mobile phones whilst driving.

The \$8,100.00 funding included the production and installation of three signs on Albany Highway between Tunney Roadhouse and Settlement Road. A number of resources were developed and used during the project, including a bi-annual Driver Reviver (DR) and various promotional activities. Also, some items were purchased to use at DRs.

The inaugural DR, organised by the RoadWise Committee in 2013, was held at the Tunney pull-in bay on Albany Highway over two days from Friday afternoon to 12 noon Saturday. After a couple of DRs, the time frame was reduced from two days to one taking place on the Friday afternoon/evening of a long weekend. In the last five years, the event has started earlier in the day in response to travel behaviour.

Over the years, site locations have been at various pull-in bays on Albany Highway. These have included Tunney, the Sturdee Road intersection, north of the Cranbrook/Frankland Road intersection and most recently at the Tenterden Store (shuts at midday so available for use). It should be noted, that during the last seven years all sites have been located within the Shire of Cranbrook as it was felt locations within Plantagenet were too close to the destinations of Albany and Denmark and motorists would not stop as they were 'nearly there'.

Shire Works and Services staff organise the event and the recruitment of volunteers is currently carried out by a RoadWise Committee Member. The preparation and advertising of the event is organised by administration staff, whilst depot staff help prepare and install specific DR signage, traffic management signage and collect any equipment required. The week of the DR the depot staff pick up and return items used at the event. Administration staff can spend up to 23 hours pre and post preparation, whilst depot staff anywhere between 10 and 15 hours.

Assistance is usually received from Shire of Cranbrook staff who loan and then deliver Variable Message Boards (VMB) to the site. The VMBs have been deemed to be necessary as part of advance advertising to motorists of the site – the message highlights free tea/coffee and a toilet as well as forming part of the Traffic Management Plan (TMP). Additional signage is placed on the road verge to highlight free coffee.

Traffic management has evolved over time to now include an approved TMP. The TMP is necessary due to the location of the DR site and the volunteer presence. Only qualified operators are permitted to install TM signs which means only Shire staff can put the signs out. The TMP directs motorists to slow down in a specified area around the DR site in the hope that drivers will pull in and stop for a break. Additional DR icon signage (cups of coffee) highlight what is available in conjunction with the flashing message on the VMBs.

Initially, the DR site was maintained by RoadWise Committee members made up of representatives from the Shire, Main Roads, Department of Transport staff, Mount Barker Community College students and community volunteers. In the last couple of years, site volunteers have evolved into predominantly individuals from the Plantagenet St John Ambulance and Mount Barker Volunteer Fire Service, as well as some Shire Councillors. Shire staff set up the site (with help from volunteers) and then return to work. If their schedule permits, local police may drop in to show support.

Volunteers maintain the site, communicate and serve tea/coffee to motorists and pack away equipment at the end of the night. Packing away involves collecting the TM signs from the road, towing items (VMBs, toilet, light tower and Shire trailer) to the Shires of Cranbrook Depot/location in Plantagenet and most recently, leaving all items stored behind the Tenterden Store ready for Shire staff to pick up the following week.

Prior to a RoadWise Committee Member taking on the task of recruiting volunteers, requests were sent out to Plantagenet community groups for volunteers, as well as advertising the event to members of the public. After minimal interest was shown from local groups and the public, and to reduce the workload for Shire staff, it was decided that a RoadWise Committee Member would carry out this recruitment.

The table at Attachment One shows the use of DRs by motorists. Statistics are broken up into the number of vehicles stopping, people taking tea/coffee and use of the hired toilet.

The two DRs scheduled for 2022 were both cancelled; the March event due to the large cases of COVID-19 in Western Australia; and the September event because of the day of mourning for Queen Elizabeth's death. This spread the tourism traffic over a two-day period so reducing traffic congestion.

At the Plantagenet RoadWise Committee Meeting held on 13 October 2021 it was resolved:

‘That in order to continue to run Driver Reviver, it be a recommendation to the Council that the Plantagenet RoadWise Committee review the current Driver Reviver program with a focus on the following:

- 1. Shire and volunteer task allocation;*
- 2. Possibility of alternative locations both within and outside the Shire of Plantagenet; and/or*
- 3. Consider joining with the Cranbrook RoadWise Committee to share the preparation and set up costs of Driver Reviver events.’*

A report was presented at the Council Meeting of 22 November 2022 where it was resolved:

‘That the debate be adjourned to allow for further consultation with the Cranbrook RoadWise Committee and the report be brought back to the Ordinary Meeting of Council scheduled for 20 December 2022.’

EXTERNAL CONSULTATION

Consultation has taken place with staff members of the Shires of Cranbrook, Williams and Katanning, the WALGA Regional Road Safety Advisor and volunteers.

It should be noted that both Katanning and Williams do not have a Council RoadWise Committee.

Also, WALGA RoadWise state the DR program is a *‘community initiative operated nationally by volunteers.’*

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 5.6 ‘Establishment of committees’

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

It is estimated that currently the cost to the Shire to organise, set up and pack away a DR can be anywhere between \$2,500.00 to \$3,500.00. This amount includes Shire Depot and administration staff time, plant use and hire of equipment.

Costs to run the event can differ each time depending on the location and the availability of equipment. The costs to run the most recent DR in September 2021, which was held at the Tenterden Store, were higher than usual. Shire staff had to source, collect and return a Variable Message Board (VMB) from Albany as Cranbrook’s two VMBs were declared unavailable at the last minute. At this event, the spare tyre of the hired VMB was stolen which the Shire had to replace at a cost of \$200.00.

The most recently scheduled DR for Friday 23 September 2022 potentially had the extra task of collecting a light tower from Albany, delivering it to the Tenterden site and then returning it. In previous Driver Revivers, Main Roads has supplied a light tower and delivered and collected this item from the site (and provide instruction on how to use). For the September event, Main Roads was unable to supply a light tower but

were happy to cover the cost of the hire. Unfortunately, this DR was cancelled due to lack of available Shire staff and Queen Elizabeth's day of mourning public holiday.

Normally, a public toilet is hired from a local supplier and is usually delivered to the site by a volunteer. If a volunteer is unavailable to collect the toilet, delivery is required and so the cost would increase.

Another direct cost to run the site is the preparation of a TMP which can range in cost from \$350.00 to \$600.00.

BUDGET IMPLICATIONS

The Council's 2022/2023 budget has no funding for Roadwise activities.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

No assets are being managed.

STRATEGIC IMPLICATIONS

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

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

Strategy 1.4.1

'Encourage and support the retention and attraction of volunteers.'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational <i>Cease an activity without consultation with participants</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Assess viability of the Driver Reviver program</i>
Opportunity: <i>Rationalising support for the Driver Reviver program.</i>				

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

Collaboration with the Cranbrook RoadWise Committee to run a DR would indicate a good cooperative relationship.

OFFICER COMMENT

Discussion took place at the Plantagenet RoadWise Committee Meeting held on 13 October 2022 following a report on the Agenda highlighting the financial (and time) costs to the Shire and the need for a review.

Committee members felt the DR was good publicity for the Shire and that the event was an opportunity to demonstrate care and concern for road safety. The volunteer coordinator, Mrs Elsa Drage, felt that there was a core group of volunteers (drawn from the Mount Barker St John Ambulance and the Mount Barker Volunteer Fire and Rescue Service) willing to operate the site and if volunteers were lost, it would be hard to get them back again. Committee members suggested involvement with the Cranbrook RoadWise Committee to run DRs together.

It was suggested that the section of Albany Highway between Cranbrook and Mount Barker was a “hot zone” for accidents. The attached map showing crashes in the Great Southern between 2017 and 2021 does not support this (see Attachment Two).

As part of research into other local governments and DR operation, discussion occurred with staff from the Shires of Williams, Katanning and Cranbrook who host or intend to host DRs and the following commonalities were noted:

1. The site is within or located close to the relevant townsite

- Williams holds DRs at the playground (Lions Park) on the west side of Albany Highway in the middle of town.
- The DR site in Katanning is at the recently upgraded ‘huge’ playground.
- The newly re-formed Cranbrook RoadWise Committee plan to hold their first DR at the truck pull-in bay on the corner of Albany Highway and Great Southern Highway about 2km from town. Shire staff confirmed they would be happy to run a DR together. However, they would not consider any other site.

2. The site has facilities

- In Williams, the site is sealed, has a playground, seating, BBQs, lighting and public toilets. The Shire of Williams were successful with two grants which resulted in some support of the running of the DR. A grant was obtained for a VMB which is used to advertise the DR and a second Federal grant was successful in having the overflow car park sealed using the premise that it was a DR site.

The Great Southern’s Regional Road Safety Advisor has discussed the availability of grants with WALGA and the Road Safety Commission and the advice is that similar grants for equipment and DR sites are not currently available.

- The Katanning site is similar to Williams.
- In Cranbrook the truck bay has all the above (except playground) as well as showers!

3. Traffic control is not required

As the sites mentioned are within townsites in the three Shires the environment is low speed. A TMP is not required which significantly reduces the set up and pack up costs to the Shire as staff are not needed to prepare and install the TM signs.

4. Volunteers run the event

- In Katanning the Rotary Club operates the event.

- In Williams, the Shire coordinates the event and volunteers place their names on a roster to operate the site. If there are no volunteers there is no event.
- Cranbrook intends to run the DR with the RoadWise Committee and the Cranbrook Town Volunteer Bush Fire Brigade.

5. A caravan/trailer is supplied by the Shire

- Katanning has a newly purpose-built van (funded) which can be used for DRs as well as by food vendors. The group running the DR collect and return the caravan from the Shire Depot where it is stored.
- Williams has a dedicated caravan which is delivered to the site by the Shire and collected the following week.
- Cranbrook is the exception and does not have a van.

Following further discussion with the volunteer coordinator and as a way of reducing Shire costs and continuing the DRs, it is proposed that a site be trialled in the townsite of Mount Barker at the pull-in bay opposite the caravan park. The following reasons make it a good option:

- The DR program can continue. If proven over time to be a suitable site, consideration could perhaps be given to establishing this site as a permanent DR location.
- Shire involvement is reduced. MR has confirmed a TMP is not required at this site as it is within a low-speed environment and the pull-in bay is sufficient in size. Shire staff would not be required to travel a significant distance or to prepare and install TM signs.
- The site is sealed and has marked car bays. Public toilets are not available; however, one could be hired from the local supplier who could deliver and collect.
- Motorists already pull into this site.
- The presence of the new mural may encourage visitors to stop and use the DR facility.
- Volunteers can contribute more to the operation of the event including preparation, site set up and pack away of equipment. Items could be collected from the Shire Depot by the volunteers and returned to a suitable location after.
- Two streetlights are positioned at the site which provide some light. The equipment purchased under the original grant includes two high strength portable lights as well as some smaller 'guide' type lights.
- The number of local volunteers may increase as the site is very local.

If, after a couple of dates, this site is not successful, then a second option to be trialled could be the pull-in bay at the Visitor Centre. This site has the added benefit of having a public toilet, however, would require discussion with Visitor Centre staff before being considered.

Consideration should also be given to Plantagenet RoadWise Committee members working with the Cranbrook RoadWise Committee and organising a DR together. Cranbrook were very firm, however, on holding a DR only at the truck bay on the corner of Albany and Great Southern Highway and weren't open to other locations.

Alternatively, Plantagenet volunteers keen to help more in this space could attend the Cranbrook site of their own volition or if they wished, organise, prepare and run a DR as a group of their own accord.

As noted in the Background of this report, this item was adjourned at the Ordinary Meeting of Council held on 22 November 2022 for further consultation. At the Roadwise Committee meeting held on 8 December 2022, no further Committee Recommendation was noted, although an alternative motion suggested under is worded according to consensus taken from that meeting.

ALTERNATIVE RECOMMENDATION

That the Plantagenet Driver Reviver Program continue to be run with the following conditions:

1. The site of the Driver Reviver at the Tenterden Store, be trialled for one year, alternating with the Cranbrook DR as required.
2. Volunteers are responsible for the operation of the event, including collection of equipment, set up and pack away of the site and return of equipment and would need to undertake any required safety directions.
3. A further review of the Driver Reviver program be provided to the Council in December 2023.

VOTING REQUIREMENTS

Simple Majority

ADJOURNED DEBATE

ORDINARY COUNCIL MEETING 22 NOVEMBER 2022 – ITEM 9.2.2 DRIVER REVIVER PROGRAM – REVIEW

Moved Cr Bell, seconded Cr K Woltering:

That the debate be adjourned to allow for further consultation with the Cranbrook RoadWise Committee and the report be brought back to the Ordinary Meeting of Council scheduled for 20 December 2022.

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr L Handasyde;

That the Plantagenet Driver Reviver Program continue to be run with the following conditions:

1. The site be located within the townsite of Mount Barker to take place on suitable weekends agreed to by the Executive Manager Works and Services and subject to Shire staff availability.
2. Shire administration staff coordinate the event, including advertising.
3. Volunteers are responsible for the operation of the event, including collection of equipment, set up and pack away of the site and return of equipment and would need to undertake any required safety directions.
4. A further review of the Driver Reviver program be provided to the Council in December 2023.

9.2.2 POLICY REVIEW – PLANT – GENERAL POLICY

File Ref:	N59783
Attachment:	<u>Policy with changes</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Works and Services
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to review Council Policy I/PM/1 Plant – General.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 3 November 2020.

EXTERNAL CONSULTATION

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Provision of good policy background for plant purchases, disposal and retention is a core tenet of good asset management.

STRATEGIC IMPLICATIONS

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

At Outcome 2 Environment (Natural and Built) the following:

Strategy 2.1.1

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

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial <i>Excessive plant reserve fluctuations can tie up funds unnecessarily.</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt the policy</i>
Financial <i>Retention of aged machinery leads to excessive maintenance costs and downtime.</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt the policy</i>
Financial <i>Overtly early purchases not good value for ratepayers</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt the policy</i>

STRATEGIC RISK IMPLICATIONS

The Strategic Risk Register (Asset Sustainability Practices) incorporates a key control for the Asset Management Plan (AMP). The control is rated as inadequate and that the AMP requires 'overhaul and rigour'. Current actions include an updated and improved AMP to guide asset renewal and maintenance.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The policy provides guidance to Shire staff when developing and reviewing the Heavy Plant Replacement Program.

Point 2 has been modified as the manual referred to is out of date.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy No I/PM/1 Plant – General, as follows

‘OBJECTIVE

To provide clear guidelines relating to the replacement period for the Council's heavy plant.

POLICY

1. This policy applies to the Council's plant, which includes:
 - a) Trucks (over 4.5 tonnes); and

- b) Vehicular plant, including (but not limited to) loaders, graders, and backhoes.
2. Plant purchases are to be structured around a replacement program intended to maintain consistent annual expenditure avoiding excessive or insufficient levels in the Plant Reserve.
 3. Plant disposal should occur where the cost of ownership of the vehicle is optimised. Generally, plant will be disposed of where the time of disposal maximises the financial advantage to the Council, as outlined in the following table.

Type	Years	Hours/km
Grader	5 - 9 years	10,000hrs to 15,000hrs
Heavy Loader	7 - 9 years	10,000hrs to 13,000hrs
Backhoe/Loader	10 - 15 years	8,000hrs to 10,000hrs
Heavy Truck 6x4	5 - 7 years	250,000km to 500,000km
Medium Truck 4x2	7 - 12 years	300,000km
Light Truck	7 - 12 years	300,000km
Roller	7 - 12 years	7,000hrs to 9,000hrs
Tractor	4 - 8 years	3,000hrs to 6,000hrs
Heavy Trailer	10 - 25 years	N/A

4. Plant may be kept past the suggested optimum hours/kms if considered to be providing ongoing value to the Council and will therefore fall outside the purview of this Policy.'

be endorsed.

9.2.3 POLICY REVIEW – PLAYGROUND EQUIPMENT MAINTENANCE AND IMPROVEMENT

File Ref:	N59786
Attachment:	<u>Policy with changes</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Works and Services
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to review Council Policy I/PRP/1 Playground Equipment Maintenance and Improvement.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 3 November 2020.

EXTERNAL CONSULTATION

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

STATUTORY ENVIRONMENT

The following standards apply to playgrounds.

Australian Standard AS 4685 – Playground Equipment

Australian and New Zealand Standard AS 4422:2016 – Playground Surfacing

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

The 2022/2023 Council budget has an allocation of \$14,500 for playground maintenance. \$12,850 of this has been allocated as at 6 December 2022.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Playgrounds are an asset to the Shire and its residents and so require routine inspection and maintenance.

STRATEGIC IMPLICATIONS

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

At Outcome 2.2 Infrastructure the following:

Strategy 2.1.2

‘Develop and maintain flexible public open space for all to enjoy.’

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Health/Reputational <i>Injury whilst using equipment</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Regular inspection of equipment</i>
Compliance <i>Equipment doesn't meet Australian Standards</i>	<i>Possible</i>	<i>Low</i>	<i>Low</i>	<i>Regular inspection of equipment</i>

STRATEGIC RISK IMPLICATIONS

The Strategic Risk Register (Asset Sustainability Practices) incorporates a key control – Routine Maintenance Schedule: Other infrastructure (parks, reserves and play equipment). The control is preventative and is rated as inadequate. Current actions involve a budget to improve these areas.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Maintenance by Shire staff was carried out to the Nature Play/Bush Park playground in the Kendenup railway reserve earlier this year. Previously managed by the Kendenup Community Development Association, the playground was handed over to the Shire to manage in 2021. Following a playground inspection, some equipment was removed from the site. A section of the swing frame and two swings were replaced as well as the woodchips underneath. Two items are planned to be replaced in 2023/24 in keeping with the bush playground theme.

The last pieces of play equipment were removed from the playground at Apex Park (adjacent to the swimming pool). Apex Park has been removed from the policy.

Job titles have been updated and some grammatical changes made to improve the flow of the policy's wording.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy No I/PRP1 Playground Equipment Maintenance and Improvement, as follows

‘OBJECTIVE

To ensure the safety and serviceability of all public playground equipment throughout the Shire of Plantagenet is maintained to a high standard.

POLICY**1. Scope**

This policy applies to playgrounds located within the Shire of Plantagenet as follows:

- a) Narrikup Hall**
- b) Rocky Gully**
- c) Kendenup Hall**
- d) Nature Play, Kendenup**
- e) Bonnyup Park**
- f) Sounness Park**
- g) Wilson Park.**

2. Legislation/Standards

Australian Standards AS 4685 – Playground Equipment and Surfacing
Australian and NZ Standard AS 4422 – Playground Surfacing

3. Application of Policy

- 3.1 A suitably qualified person shall carry out a safety inspection of all public playground equipment. The inspection will take place annually, to ensure compliance with relevant Australian Standards for playground equipment and surfacing.**
- 3.2 A register shall be maintained of each playground inspection. Any maintenance required shall be promptly attended to by a suitably qualified person.**
- 3.3 If any item of equipment is found to be dangerous, it shall be deemed unsafe and made inoperative until repairs can be carried out. If it cannot be repaired in sufficient time, it shall be removed.’**

be endorsed.

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – NOVEMBER 2022

File Ref:	N59685
Attachment:	<u>Financial Statements – November 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Senior Finance Officer
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 November 2022.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

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 30 November 2022 be received.

9.3.2 LIST OF ACCOUNTS – NOVEMBER 2022

File Ref:	N59829
Attachment:	<u>List of Accounts - November 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Faye Smith Finance Officer
Proposed Meeting Date:	20 December 2022

PURPOSE

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

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

1. Electronic Payments and Direct Debits totalling \$1,621,437.87.

9.3.3 POLICY REVIEW - PURCHASING AND TENDERING

File Ref:	N59701
Attachments:	<u>Current Policy – F/FM/17</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to review Council Policy Purchasing and Tendering - F/FM/17.

BACKGROUND

This policy was subject to a major review by the Council on 1 December 2020.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Section 3.57(1) of the Act states that:

'A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.'

Section 5.43 of the Act states that:

'A local government cannot delegate to a CEO any of the following powers or duties:

- (a) ...*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.'*

Part 4 of the Local Government (Functions and General) Regulations 1996 regulates and provides the procedures for local government tenders for providing goods or services.

BUDGET IMPLICATIONS

There are no budget implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

The Shire's strategic risk register includes failure to fulfil compliance requirements as a major risk category. One of the key controls for this risk is having a comprehensive procurement process, purchasing and tendering policy and delegated authority.

OFFICER COMMENT

The current policy was adopted by the Council on 1 December 2020. In line with the philosophy of developing more concise policy statements, it was based on a shortened version of the WALGA model policy.

Since then, a number of issues have arisen that have resulted in some significant proposed changes to the policy.

The Policy Scope has been deleted. There is no scope in the WALGA model policy and the scope is not entirely accurate as the policy should apply to all purchasing undertaken by the Shire.

The wording throughout the policy relating to emergency purchases has been brought more into line with the WALGA model. This clarifies the definition of an emergency and provides more detail on how purchasing would operate in those situations.

It is recommended that the \$1,000.00 - \$3,000.00 purchasing threshold (which is to seek at least one verbal or written quotation) be amended to \$1,000.00 - \$5,000.00, which is in line with the WALGA model. The requirement to seek two quotations for items between \$3,001.00 and \$5,000.00 captures an inordinate amount of purchases and is considered inefficient in terms of the cost benefits it achieves.

As recommended in the recent Financial Management Review (FMR), the policy now clarifies that the Chief Executive Officer may override the policy threshold requirements relating to the number of quotations to be sought where circumstances dictate.

The FMR also recommended that the policy be amended to specify requirements for the issuing of contract variations and extensions for contracts not awarded by public tender. Consideration has also been given to circumstances where the contract value increases over a policy threshold level, due to the variation or extension.

The WALGA model includes a section on situations where expressions of interest are called as a prerequisite to a tender process. That section has been included in this policy, to clarify that this option may be used in appropriate circumstances.

When considering a report on the annual review of progress of the Shire of Plantagenet Bushfire Mitigation Works 2021/2022, it was noted that the Purchasing and Tendering Policy should incorporate the detail necessary to implement panels of pre-qualified suppliers. The key parts of the WALGA model outlining the operation of pre-qualified suppliers have therefore been included, albeit somewhat simplified.

Otherwise, it is considered that the policy is sufficient and can be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Purchasing Policy F/FM/17, as follows:

‘1. PURPOSE

The Shire of Plantagenet is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire’s strategic and operational objectives.

2. OBJECTIVES

The Shire of Plantagenet’s purchasing activities will achieve:

- a) The attainment of best value for money.
- b) Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment.
- c) Consistent, efficient and accountable processes and decision-making.
- d) Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently.
- e) Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest.
- f) Compliance with the Local Government Act 1995, Local Government (Functions and General) Regulations 1996, as well as any relevant legislation, Codes of Practice, Standards and the Shire of Plantagenet’s Policies and procedures.
- g) Risks identified and managed within the Shire of Plantagenet’s Risk Management framework.
- h) Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire of Plantagenet’s Record Keeping Plan.
- i) Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

3. ETHICS AND INTEGRITY

- A. The Shire of Plantagenet’s Code of Conduct applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.
- B. When advertising a tender, the Shire of Plantagenet’s advertisement details must include the following wording ‘Canvassing of Councillors by tenderers will automatically disqualify the tenderer’.

4. VALUE FOR MONEY

- A. Value for money is achieved through the critical assessment of price, risk, timeliness, environmental, social, local economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire of Plantagenet achieving its strategic and operational objectives.

- B. The Shire of Plantagenet will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.**

4.1 Assessing value for money

Assessment of value for money will consider:

- a) All relevant Total Costs of Ownership and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal.**
- b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.**
- c) Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).**
- d) A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy.**
- e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance.**
- f) The environmental, local economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire of Plantagenet Policy.**
- g) Providing opportunities for businesses within the Shire of Plantagenet's boundaries to quote wherever possible.**

5. PURCHASING THRESHOLDS

- A. Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:**

Amount of Purchase	Policy
Up to \$1,000.00	No quotation required for minor / incidental expenses.
\$1,001.00 - \$5,000.00	Seek at least one verbal or written quotation.
\$5,001.00 - \$10,000.00	Seek at least two written quotations.
\$10,001.00 - \$50,000.00	Seek at least three written quotations.

\$50,001.00 – Tender threshold as specified by Local Government (Function and General) Regulation 11	Seek at least three written quotations, containing price and specification of goods and services (with procurement decision based on all value for money considerations).
Above tender threshold as specified by Local Government (Function and General) Regulation 11	Conduct a public tender process.
Emergency Purchases (Within Budget) Refer to Clause 6	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>Where due to the urgency of the situation, a contracted or tender exempt supplier is unable to provide the emergency supply or compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply.</p> <p>However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value for money.</p>
Emergency Purchases (No budget allocation available) Refer for Clause 6	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the Local Government Act 1995, the Shire President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>

- B. The CEO may override the policy threshold requirements relating to the number of quotations to be sought where circumstances dictate.**

- C. Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the tender threshold (excluding GST). If a decision to seek public tenders for Contracts of less than the tender threshold, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.
- D. To satisfy the thresholds in clause 5A, quotations may be sought from a mix of sources, including:
 - a) from a pre-qualified panel of suppliers which may include WALGA Preferred Supplier Contracts. or
 - b) via WALGA's eQuotes web based procurement system, or
 - c) other suppliers that are accessible under another tender exempt arrangement, or
 - d) other suppliers in the open market.
- E. The Shire uses a number of suppliers/contractors such as mechanical parts suppliers, plumbers and electricians who have developed a good awareness of the Shire's facilities and infrastructure over a period of years. It is acknowledged that day to day expenditures may be made through such suppliers without invoking the need to obtain quotations.

6. EMERGENCY PURCHASES

Emergency purchases are defined as the supply of goods or services associated with:

- a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a); OR
- c) A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.
- d) Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

7. EXPRESSIONS OF INTEREST

- A. Expressions of Interest (EOI) will be considered as a prerequisite to a tender process where the required supply involves one or more of the following criteria:
 - (a) Inability to sufficiently scope or specify the requirement.
 - (b) There is significant variability for how the requirement may be met.
 - (c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered.
 - (d) Subject to a creative element, or
 - (e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.
 - B. All EOI processes will be based upon qualitative and other non-price information only.
8. PANELS OF PRE-QUALIFIED SUPPLIERS
- A. The Shire will consider creating a Panel of Pre-qualified Suppliers ('Panel') when a range of similar goods and services are required to be purchased on a continuing and regular basis.
 - B. Part of the consideration of establishing a panel includes:
 - (a) There are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money'.
 - (b) The Panel will streamline and will improve procurement processes, and
 - (c) The Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel.
 - C. Should the Shire determine that it is beneficial to create a Panel, it must do so in accordance with Part 4, Division 3 of the Local Government (Functions and General) Regulations 1996. This ensures that clear and consistent information is communicated to all suppliers, including selection criteria, conditions of contract, specifications and price schedules (as required).
 - D. Pre-Qualified Suppliers will be appointed to the Panel based on value of money principles, their suitability to provide the goods and/or services as per the weighted evaluation criteria. The number of suppliers appointed to a Panel will be dependent on the requirements.
 - E. Panel members will be engaged based on various factors such as value for money, suitability, availability, familiarity with a particular project and/or specialist requirements.

- F. The Shire may engage non-Panel members as required, subject to normal quotation and tendering requirements in accordance with the Regulations.

9. EXEMPTIONS

Regulation 11(2) of the Local Government (Functions and General) Regulations 1996 outlines the situations which are exempt from the requirement to publicly invite tenders.

10. SOLE SOURCE OF SUPPLY (MONOPOLY SUPPLIERS)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources should be made.

11. CONTRACT RENEWALS, EXTENSIONS AND VARIATIONS

- A. Where a contract has been entered into as the result of a publicly invited tender process, then Functions and General Regulation 21A applies.
- B. For any other contract, the contract must not be varied unless:
 - (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
 - (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.
 - (c) The CEO will make a determination on how to deal with circumstances where the contract value increases over a policy threshold level, due to a variation or extension.
- C. Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

12. ANTI-AVOIDANCE

The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of the tender threshold amount thereby avoiding the need to publicly tender.

13. SUSTAINABLE PROCUREMENT

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).

14. LOCAL ECONOMIC BENEFIT

- A. The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region.
- B. The Shire has adopted a Regional Price Preference Policy, which will be applied when undertaking all purchasing activities over \$30,000.00.'

be endorsed.

9.3.4 POLICY REVIEW - PUBLIC ELECTRONIC NOTICE BOARD MESSAGES

File Ref: N59517
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 22 November 2022

PURPOSE

The purpose of this report is to review Council Policy OP/CS/1 - Public Electronic Notice Board – Messages.

BACKGROUND

The policy was last reviewed by the Council at its meeting held on 1 December 2020.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

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 process.

The Chief Executive Officer has been authorised to determine applications for signage on the Council's electronic notice board under Delegation 1.11 Signage, Banners – Directional, Service and Tourism.

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 4.3 (Innovative and accessible customer services and information system) the following Strategy:

Strategy 4.3.4:

‘Increase use of new technology to engage with the public and keep them informed’

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

RISK MITIGATION IMPLICATIONS

There are no risk mitigation 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

Since its installation six years ago, the message facility has worked very well and has become increasingly popular. The board is now used more for community group messaging than Shire notifications.

The increasing number of requests has sometimes necessitated some restrictions on the amount of time before an event that messages can be shown.

No issues have arisen with the operation of the board since then. It is considered that the policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy OP/CS/1 ‘Public Electronic Notice Board – Messages, as follows:

‘OBJECTIVE

The objective of this Policy is to provide clear guidelines for the messages which can be displayed on the Shire’s public electronic notice board.

POLICY

The Council will allow messages to be displayed on the Shire’s public electronic notice board, which relate to:

- a) Shire events, meetings and ceremonies.**
 - b) Shire originated community advice.**
 - c) Local government electoral notifications.**
 - d) Facility opening and closing times.**
 - e) Shire service delivery notifications.**
 - f) Community based or not-for-profit festivals, events and meetings.**
-

- g) Emergency warnings and advice.**
 - h) Time and temperature.**
 - i) Notifications and reminders about Shire surveys and nominations for awards.**
 - j) High impact roadworks and road closures.'**
- be endorsed.**

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS AND CORPORATE BUSINESS PLAN PROGRESS REVIEW

File Ref:	N59854
Attachment:	<u>Separate Attachment 1 (Confidential) -CEO KPI Progress Report November 2022</u> <u>Attachment 2 - Corporate Business Plan Progress Report – November 2022</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to provide a progress report as at 30 November for the 2022/23 adopted CEO Key Performance Indicators (KPI's) and the Corporate Business Plan.

BACKGROUND

The model standards for recruitment, performance and termination of local government CEOs is an important function of the elected member body. Elected members are responsible for the employment of the CEO and have a duty of care to manage this employee / employer relationship as per workplace legislation and the model standards.

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

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

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

Clause 17 Carrying out a performance review

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

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

Clause 18 Endorsement of performance review by local government

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

Clause 19 CEO to be notified of results of performance review

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

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

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

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

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

Table 1.

KPI 1	Complete the Livability action plan as per the Regional Australian Institute model and prepare recommendations for Council that aim to improve livability in the Shire of Plantagenet.
KPI 2	Focus the organisation on the achievements of the Corporate Business Plan (CBP) and develop quarterly reporting to Council and Community against the CBP Actions for 2022/23.
KPI 3	Develop an organisational culture that maximises funding (revenue) opportunities and identifies expenditure savings so that more value can be delivered back to the community
KPI 4	Focus the organisation on the delivery of the capital works program and develop quarterly reporting to Council for all capital projects for 2022/23

KPI 5	Commence the 2022/23 capital works program and target delivery as early as possible. Ensure detailed design, scope of works and costings are prepared accurately and reported to Council.
KPI 6	Progress the Mount Barker Swimming Pool Redevelopment Project Stage 1B to minimise the financial impact on municipal revenue whilst delivering the key design elements agreed by Council on the 22 March 2022 (workshop) and keep Council informed and engaged.
KPI 7	Deliver the residential subdivision to the Martin Street site and develop residential subdivision options for Council endorsement for the old Shire Depot site (Menston Street) and seek external funding support from State Government for both.

The KPIs, whilst the responsibility of the CEO, will require adequate resourcing and a whole of organisation approach if they are to be achieved.

On 22 November 2022, the Council were provided with a CEO KPI progress report as at 1 November 2022. This progress reporting exceeds the model standards as the model standards refer to an annual review process.

Division 3 Clause 16 and 17 of the Model Standards outlines the process and how to carry out the performance review.

STATUTORY ENVIRONMENT

Local Government Act 1995, sections 5.39A and 5.39B

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

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

EXTERNAL CONSULTATION

There was no external consultation undertaken.

FINANCIAL IMPLICATIONS

There are no current financial implications relevant to this report.

BUDGET IMPLICATIONS

There are no current budget implications relating to this report.

If Council determines to reinstate the Liveability Action Plan rather than endorse the Officer Recommendation to delay or remove the KPI, an external consultant will be required to deliver the plan and a figure of \$30,000 is nominated as a forecast figure.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

Strategy 4.1: *Shire Governance*

Strategy 4.1.4:

‘Continuous improvement in service delivery.’

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

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Attachment 1 – Confidential KPI Review - indicates that five of the seven KPIs are on track.

KPI 2 *Focus the organisation on the achievements of the Corporate Business Plan (CBP) and develop quarterly reporting to Council and Community against the CBP Actions for 2022/23* was listed as monitor.

The Council workshopped and reviewed the Corporate Business Plan targets. The revised Corporate Business Plan Progress Report is provided as Attachment 2.

KPI 1 *Complete the Livability Action Plan as per the Regional Australian Institute model and prepare recommendations for Council that aim to improve livability in the Shire of Plantagenet* was presented as Intervene.

Council were asked to delete or delay this KPI. Council requested the CEO prepare a report in December to formalise and update the CEO KPIs for 2022/23 as a result of the workshop.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Council adopt the revised CEO KPIs for 2022/23, noting that KPI 1 is no longer a 2022/23 CEO KPI.

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

2. Council endorse the Corporate Business Plan Progress Report (Attachment 2).

9.4.2 RENEWAL OF LICENCE AGREEMENT – MOUNT BARKER COMMUNITY RECREATION CENTRE

File Ref: N59653
Attachment: Licence Agreement
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: Donna Fawcett
Human Resources Coordinator
Proposed Meeting Date: 20 December 2022

PURPOSE

The purpose of this report is to seek approval for the Common Seal of the Council to be applied to the Licence Agreement between the Minister for Education and the Shire of Plantagenet for the Mount Barker Community Recreation Centre.

BACKGROUND

In 1997, the Shire of Plantagenet entered into a licence agreement with the Minister for Education to set out recitals and the operation of the Mount Barker Community Recreation Centre.

The plans for the building were prepared in March 1997 and the build was officially completed in January 1999. The licence agreement commenced on 1 June 1998 for a period of 21 years and expired in 2018.

In order for construction to occur, the licence agreement set out that the Minister for Education was to contribute \$1.3M to the project, whilst the Shire's contribution was set at \$1.2M. A set of fees were also negotiated resulting that the Minister would reimburse the Shire 40% of the costs and expenses reasonably incurred by the Shire. This was amended in a lease variation on 20 August 2014 to 50% and continues today.

Council minutes from 23 June 1998 indicate the Shire's final contribution was \$1,418,052.00, made up from the following sources;

- General Reserve Fund \$343,458.00
- Municipal Fund \$177,094.00
- Loan Funds \$ 97,500.00

Accompanied with:

- Sport and Recreation Funding \$600,000.00
- Lotteries Commission Funding \$200,000.00

Other costs at the time the agreement was signed included utilities (40% Minister and 60% Shire), telephone (100% Shire), garden maintenance (100% Minister) and rubbish removal (100% Shire).

In November 2022, the Senior Property Coordinator at the Department of Education provided confirmation that the Minister will arrange painting of the external aspects of the building, including all structural steel at no cost to the Shire, and contribute 50% of

the costs to install a new ablution block at the front of the building for use by patrons of the gymnasium.

The licence has continued to operate in the interim whilst a new Agreement was being finalised.

EXTERNAL CONSULTATION

Consultation has occurred with Michael Nutini, Senior Property Coordinator – Property and Contracts for the Department of Education.

STATUTORY ENVIRONMENT

There are no statutory 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.

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 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 1.3 (Health and Wellbeing) the following Strategy:

Strategy 1.3.2:

‘A healthy and active Community’

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That the Council risks being seen not to be providing sporting and recreation facilities.	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Endorse the renewal of the licence agreement</i>

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

A review of the agreement has resulted in the inclusion of the following key changes to the new licence agreement.

Clause 1 Definition and Interpretation.

A much clearer definition of Shire Facilities and Shared Facilities has been included at the request of the Shire. It is now very clear which areas each party has responsibility for within the facility.

Clause 9.7 Termination and Decommission

Discussions were unable to reduce the Shire's liability in its entirety, however, the clause now limits the exposure to a maximum of \$200,000 rather than the 50% of all costs if decommissioning was required under the Licence

Schedule Item 7 Authorised Time of Use

The new licence reduces the school usage from 8.30am - 4.30pm to 8.30am – 3.00pm Monday to Friday during school term. This will allow after-school activities to be programmed, including after school care.

Schedule Item 9 Cost Sharing and Operating Costs

Negotiations have enabled a 50% cost share of cleaning on school days and an increase in the cleaning rates so that the Centre can recover the actual cost of cleaning wages and consumables. An update to the cleaning schedule was also agreed and the weekly reimbursement has risen from \$126 per week to \$213 per week under the new agreement.

The proposed new licence agreement for the Mount Barker Community Recreation Centre will be for another 21-year term and it is anticipated that both parties will continue with the efficient joint management of the facility.

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the new Licence Agreement (as attached) between the Minister for Education and the Shire of Plantagenet for the Mount Barker Community Recreation Centre.

9.4.3 PLANTAGENET SPORTING CLUB INC - LEASE RENEWAL

File Ref:	N59850
Responsible Officer:	David Johnson Manager Community Recreation Services
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to seek 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 is short term to allow a review of the existing lease and the operating model to ensure the optimum community benefit can be realised from this significant regional sporting facility.

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.

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

On 13 June 2022, the Manager of Community and Recreation Services met with the PSC executive to discuss the lease renewal process and requested feedback as to the appropriateness of the current lease.

On 25 August 2022, the PSC provided feedback which included a request for changes to the lease. In response to this feedback, correspondence was sent confirming the following:

- The Shire was exercising section 5.9 of the expired lease in that the lease agreement now sits in the Holding Over Period.
- The Shire rejects the PSC's request to remove section 3.5(1) which states All closed-circuit television cameras and equipment (if installed) must be kept fully operational at all times and shall be maintained and/or repaired at the Lessees expense.
- A briefing and draft lease were being prepared for Council to be heard on 25 October 2022.

A confidential Council briefing was held on 25 October 2022. The review explored the following:

- The objectives and the intent of the original lease, specifically why was the facility leased to the PSC?
- A review of the performance of the PSC against the stated objectives of the original lease and the approved facility management plan. This included statistical booking and usage data; synergised correspondence and financial data relating to Council expenditure.
- Presented options and guidance as to next steps in the lease review process.

At the request of the PSC, further feedback was provided to them in relation to the definition of the community hub concept and demonstration of the performance measures used at the confidential briefing which indicated the PSC had not met the standards as outlined in the facility management plan.

The correspondence also outlined the process going forward, including the Council's intention to conduct an external review in early 2023 and to provide an extension to the lessee until the completion of the 2023 winter sporting season.

As part of the review process a preliminary survey was distributed (3/12/2022) to the four foundation club members to inform the external review in the new year, noting that gathering this information was likely to save time and cost if managed internally before the end of the 2022 calendar year.

On the 6 October, the PSC called a meeting to discuss the review process further with councillors and requested the following:

1. An immediate extension until 30 January 2024; and
2. A commitment that the proposed external review process involved the PSC and the member clubs in developing the reviews scope of works.

FINANCIAL IMPLICATIONS

The draft lease provides for a peppercorn rental.

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 \$29,464.00.

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 two-year period to address responsibilities assigned to the lessee.

The lease is very clear on the lessee and lessor responsibilities in relation to operating maintenance and structural maintenance and renewal.

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.

The lessee has requested that it no longer be responsible for item 3.5 under the existing lease. This requires the lessee to maintain the CCTV system and retain up to 7 days of recorded vision. This equipment serves to protect the Council and PSC assets. This equipment has not been maintained for a period of at least four years according to the local police and exposes both parties to ongoing vandalism and theft.

The facility is over eight years of age and repainting, and replacement of carpets and equipment are normally replaced at the seven-to-ten-year period for public buildings.

Whilst the lease is clear on the responsibilities of the lessee and lessor, it is silent on calculating the annual funds that should be preserved for upcoming maintenance by the lessee. The lease is also silent on the procedure for the lessee to distribute a percentage of the maintenance reserve funds to the Shire should they exit the lease before undertaking the periodic maintenance required.

The ability of the lessee to adequately fund these obligations as and when they fall due is a financial implication / risk for the Shire and needs to be addressed as part of the proposed independent review.

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational / Financial / or Operational</i> That a review of the existing lease and management model is not undertaken whilst the existing lease has expired.	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Comments</i> Adopt the Officer Recommendation
<i>Opportunity:</i> To ensure the review addresses asset management concerns and the facility can continue to provide community benefit.				

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 \$18.4 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 value and importance of the asset to the community, it is the responsibility of Council to ensure the facility is well managed from an operating and asset management point of view, whilst delivering community benefit to sporting clubs and the broader community.

Millions of dollars of external funding were leveraged on the business case which articulated to funding bodies that the Shire had the capacity to manage the facility sustainably whilst delivering sporting and community outcomes to the Shire and the region.

The proposed external review will address the following:

- I. Is the current management model and lease able to adequately address the asset management concerns raised in this report?
- II. Is the current management model able to deliver the sustainability outcomes whilst being consistent and equitable with other community managed assets?
- III. Does the current management model / lease provide the best option to continue to manage both the clubroom and associated sporting facilities i.e., should the booking and management functions be split or combined in a future model?
- IV. Do the facilities and the current management model and lease meet the needs of the foundation clubs?
- V. Is the facility providing community benefit from external hire and what, if any, changes can be made to increase community usage?
- VI. Is the Council's objective of the club being able to deliver on the community hub concept a realistic expectation and if so, is the current management model / lease conducive to delivering this objective?

The proposed process moving forward is to develop the external review scope of works with the PSC and foundation clubs and to bring this back for Council endorsement by March 2023. External funding support is being explored as part of this process.

It is proposed that a minimal fixed-term extension be provided to the lessee to 30 September 2023 to enable winter sporting fixtures to be conducted whilst the external review is undertaken.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. **Council authorises the Chief Executive Officer to prepare a lease extension, under the same terms, with the Plantagenet Sporting Club until 30 September 2023 and bring back the lease to the 21 February 2023 meeting of Council for endorsement.**
2. **Council endorses the external review process and authorise the Chief Executive Officer to work with the Plantagenet Sporting Club and the foundation clubs to prepare an agreed scope of works for endorsement on or before 28 March 2023.**

9.4.4 REQUEST FOR FUNDING – THE STARS DESCEND PROJECT

File Ref:	N59736
Attachment:	<u>Funding Support request letter for The Stars Descend</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proprietor/Applicant:	Annette Carmichael Projects and Friends of the Porongurup Range.
Proposed Meeting Date:	20 December 2022

PURPOSE

The purpose of this report is to seek a council decision in relation to the attached request for funding.

BACKGROUND

Council Policy CF/DG/2 Financial Assistance (Operating) Grants is the policy which guides funding for projects such as the request outlined in the attached funding request.

Community Financial Assistance Grants (CFAG) are considered annually in May and funding is made available to successful applicants in July when the budget is adopted.

Any request for funding outside of this process as per the Policy, “may be considered by the Council and assessed on their merits”. The CEO has delegation under the policy for donations to a maximum of \$200 and these can be received anytime throughout the year

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

Not relevant to this report.

POLICY IMPLICATIONS

Policy No: CF/DG/2 Financial Assistance (Operating) to Incorporated Organisations and Clubs Policy.

FINANCIAL IMPLICATIONS

The unbudgeted funding request is for direct cash support of \$4,670 and in-kind support of \$670 for tip passes; waiver of event fees and promotional support.

BUDGET IMPLICATIONS

The budget implication is \$4670.

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

Insert relevant implications in format similar as under:

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

At Outcome 3 Economy the following Strategies:

Strategy 3.2.1:

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

Strategy 3.2.2:

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

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

RISK MITIGATION IMPLICATIONS

There are no risk mitigation 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 project is a worthy project and aligns with many of the strategic priorities of the Community Strategic Plan 2022/2023 – 2032/2033.

This event has been in the planning stage for many months and is an event that stretches from Margaret River to Kalgoorlie. The project has an online community fundraising target of \$50,000 which it has exceeded.

Further the project has eight official funding partners, including Minderoo Foundation and several regional arts organisations.

On this basis, the Officer Recommendation is to support the organisation with in-kind support of only up to \$1,000.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. Council acknowledges the funding request and thank the project organiser and the Porongurup Friends for hosting this event in the Shire of Plantagenet.**
- 2. Decline the offer to provide cash funding of \$4,670.**
- 3. Authorise the Chief Executive Officer to provide in-kind support up to \$1000 to support the hosting of the event and support the promotion of the event via its in-house communication resources.**

9.4.5 SALE OF PROPERTIES SURPLUS TO REQUIREMENTS - AUCTION RESULTS ON SIX PROPERTIES

File Ref: N59683
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 20 December 2022

PURPOSE

The purpose of this report is to consider auction results for sale of a number of surplus land holdings. This report relates to six properties which have not been subject to legal tenure and other issues. A separate confidential report will deal with the remaining three properties.

BACKGROUND

Two Council workshops have been held this year to progress the sale of surplus land holdings.

At its meeting held on 27 September 2022, the Council resolved that:

1. *Pursuant to Section 3.58 of the Local Government Act 1995, the following properties be offered for sale, with the auction results being submitted to the Council for a final decision on acceptance or otherwise of the offers:*
 - a) *Lot 100 Woogenellup Road, Kendenup.*
 - b) *Lot 2038 Martagallup Road, Kendenup.*
 - c) *Lot 324 (54) Hassell Street, Mount Barker.*
 - d) *Lot 311 (89) Second Avenue, Kendenup.*
 - e) *Lot 100 Pearce Road, Kendenup.*
 - f) *Lot 50 Jutland Road, Kendenup.*
 - g) *Lot 2072 Jutland Road, Kendenup.*
 - h) *Lot 2008 Beverley Road, Kendenup.*
 - i) *Lot 2003 Chauvel Road Kendenup.*
2. *Elders Real Estate be appointed to conduct the auctions in Clause 1 above, using the 'Market Buy' auction platform.*
3. *Selling costs be capped at a maximum of \$33,500.00.*

STATUTORY ENVIRONMENT

Section 3.58 (Disposing of property) of the Local Government Act 1995 applies, as follows:

- '(2) 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.'*

Clause 30 (2a) of the Local Government (Functions and General) Regulations 1996 (as follows) is also relevant, as this determines that if a property is passed in, the council can negotiate with other persons for a sale at an acceptable price, without undertaking a further auction, or tender process or advertising the sale.

'A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been — (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;'

FINANCIAL IMPLICATIONS

Agreed costs for the sale are a success fee of \$3,500.00 per property, plus marketing / online auction fees of \$2,000.00 per property. If a property does not sell, then the cost to the Shire would be the marketing / online auction fees.

BUDGET IMPLICATIONS

The 2022/2023 budget includes the following:

- Expenditure of \$65,000.00 for land selling costs in budget item 2140252 (ADMIN – Consultants).
- Income of \$480,000.00 from the sale of properties in budget item 5140250 (ADMIN - Proceeds on Disposal of Assets).
- Transfer to reserve of \$430,000.00 in budget item 4140281 (ADMIN - Transfers to Reserve).

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 Shire has followed up with Landgate on the legal title and sale requirements and everything is considered to be in order for the properties to be sold.

ASSET MANAGEMENT IMPLICATIONS

The course of action recommended will remove several properties from the Council's control.

STRATEGIC IMPLICATIONS

There are no specific strategic implications for this report.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial – By not selling the blocks, there will be a financial cost of raising equivalent capital for future capital works projects.</i>	<i>Likely</i>	<i>Major</i>	<i>Major</i>	<i>Attempt the sale of identified properties</i>
<i>Opportunity: Timing is favourable given the current demand for property. Further, there will be rates payable on the properties when sold</i>				

OFFICER COMMENT

The lots were advertised and put up for auction under the 'Market Buy' auction platform in late October 2022. The auctions closed between 10 and 13 December 2022. The results are as follows:

Description	Highest Bidder	Highest Bid	Offer Conditions
Lot 100 Woogenellup Road, Kendenup	C	\$32,000	Nil
Lot 324 (54) Hassell Street, Mount Barker	A	\$14,000\$	Nil
Lot 311 (89) Second Avenue, Kendenup	A	\$16,000	Nil
Lot 100 Pearce Road, Kendenup	D	\$71,000	Nil
Lot 50 Jutland Road, Kendenup	C	\$65,000	Nil
Lot 2003 Chauvel Road Kendenup	G	\$63,000	Nil

The offers on Lot 100 Woogenellup Road and Lot 324 Hassell Street, Mount Barker are well below the assessed value, and it is recommended that they be passed in.

The offer on Lot 311 (89) Second Avenue, Kendenup is considered to be within an adequate range of the assessed value, and it is recommended that this block be sold to the highest bidder.

The offer for Lot 100 Pearce Road, Kendenup is considered to be within an adequate range of the assessed value, and it is recommended that this block be sold to the highest bidder.

The offer on Lot 50 Jutland Road, Kendenup is considered to be within an adequate range of the assessed value, and it is recommended that this block be sold to the highest bidder.

While the offer on Lot 2003 Chauvel Road Kendenup is somewhat below valuation, there were several offers at a similar level from two main auction bidders. On the one hand it is possible that the value has been over assessed and the highest bid represents the market value.

Alternatively, it is possible that the Council could achieve a better return by further negotiating with bidders or by placing the property on the market with a view to selling as a standalone property. There would be additional fees associated with these options. On balance it is recommended that the highest bid received now be accepted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Pursuant to Section 3.58 of the Local Government Act 1995, the following properties be sold to the highest bidders received in the 'Market Buy' auction platform, for the sale prices noted:
 - a) Lot 311 (89) Second Avenue, Kendenup \$16,000.
 - b) Lot 100 Pearce Road, Kendenup \$71,000.
 - c) Lot 50 Jutland Road, Kendenup \$65,000.
 - d) Lot 2003 Chauvel Road Kendenup \$63,000.
2. Authority be granted to the Shire President and the Chief Executive Officer to execute and, if necessary, affix the Common Seal of the Council to any documentation required to finalise the property sales in Clause 1 above.
3. The sale of:
 - a) Lot 324 (54) Hassell Street, Mount Barker, and
 - b) Lot 100 Woogenellup Road, Kendenup;be passed in having not achieved an adequate price.
4. In accordance with Section 30(2a) of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to return the properties in Clause 3 above to market with a view to achieving offers above a reserve price, with such offers being presented to the Council for endorsement.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 MOUNT BARKER SWIMMING POOL – LEVELS OF POOL BUILDING

Cr B Bell gives notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

‘That:

- 1. The Chief Executive Officer prepare a confidential report to be presented to Council at the Ordinary Meeting of Council 21 February 2023, relating to the setting of the datum levels for the build of the new building at the Shire of Plantagenet Swimming Pool.**
- 2. Those enquiries are made to establish who set the datum level.**
- 3. Why were they set at that level?**
- 4. Why weren't they set to a level that had been indicated to staff and Councillors showing the floor level and the road level were on a similar plane?**
- 5. If the levels had been set at the level indicated on all the drawings did the builder work on the set levels?**
- 6. If it is found that there is an error in the setting of levels or levels were not identified by the builder, is there any recourse that Council can initiate to recover costs due to additional costs to remedy the levels that we now have in relation to the road and the entry point to the new building.**

Councillor Comment

1. It is obvious that the level of the building is not what was shown or indicated to Council at the start of this project.
2. That we now have a substandard finish in front of the new building.
3. Council will have additional costs in the future to remedy the level of the road.

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

12 CONFIDENTIAL

13 CLOSURE OF MEETING