



Shire of
Plantagenet

Mount Barker • Kendenup • Narrikup
Porongurup • Rocky Gully

ORDINARY AGENDA

**An Ordinary Meeting of Council will be held at the
Shire of Plantagenet Council Chambers, Mount Barker
at 5:00pm on Tuesday 23 June 2026**

Julian Murphy
CHIEF EXECUTIVE OFFICER



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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

The Presiding Member will declare the meeting open.

Welcome to this Ordinary Meeting of Council, of Tuesday the 23 June 2026, commencing at 5:00pm. This meeting is being audio-recorded, in accordance with Regulation 14I of the Local Government (Administration) Regulations 1996.

I also point you to the Disclaimer and Emergency Procedures on the lead in pages of this document for this building.

The Shire of Plantagenet acknowledges the traditional custodians of our area and their continuing connection to the land and community. We pay our respects to all members of the Menang Noongar community and their culture; and to Elders past and present.

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:

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1.1 NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL P902 - REHABILITATION FACILITY IN KENDENUP

The following residents of Kendenup attending the Council meeting held on 26 May 2026, asked the following questions of Council in relation to the above. All questions were taken on notice, and written responses have been sent to everyone accordingly.

Questions (Q) and Responses (R) are noted under:

Mr David Williams

- Q. *Cyrenian House have said around 50% don't complete their program. Cyrenian house have made it clear they take no responsibility for client's behaviour when they exit the program. When considering P902, the Drug and alcohol rehab in Kendenup, will the Shire put strict restrictions on how early leavers and evicted residents depart so they don't hang around Kendenup or Mt Barker?*
- R. The Shire cannot use planning powers to control where a person lives, travels or remains after leaving a facility. Those matters are generally outside the Shire's statutory authority and may fall to WA Police or health services if an incident occurs. The applicant's Operational Management Plan states that residents leaving the program will require a clear return-home plan.
- Q. *Could Council make a condition that they be taken home directly by the service provider?*
- R. Council may only impose conditions that have a proper planning purpose, relate to the development and are reasonable. A condition requiring compliance with an approved Operational Management Plan, including an exit/transport process, could be considered. However, the Shire cannot lawfully dictate where a person must live or go once they have left the service.

Ms Deris Ford

- Q. *What are the benefits to the local Kendenup community?*
- R. Community benefits is not an aspect the Shire can comment on through a Development (Planning) Application. Instead, reference is made to the applicant's documentation. The stated benefits include local employment, local purchasing of goods and services, increased support for regional alcohol and drug treatment, and addressing an identified service gap in the Great Southern. The applicant estimates \$2.5-\$3 million annually may flow to local residents and businesses.

Ms Cindy North

- Q. *Why was the Planning Application document not uploaded initially with the operational Management Plan to the Shire's website on the 28 April 2026?*
- R. Assuming this question refers to the applicant's 'Planning Report', if so, this was uploaded once it was requested.

Ms Christina Farrington

- Q. *Has independent planning and legal advice been sought regarding the non-conforming land use aspect?*
- R. The application is being assessed under Local Planning Scheme No. 5 and the Planning and Development (Local Planning Schemes) Regulations 2015. Independent planning and legal advice may be sought where required, but the final officer assessment and recommendation will be provided to Council through the Council report for final determination.

Ms Sue Andersson

- Q. *What engagement has the Shire of Plantagenet had with emergency services (i.e. police/ambulance/fire) to manage and mitigate emergency situations at the facility?*
- R. Emergency service engagement will be considered through the assessment where deemed required. The applicant's material states SAC/Cyrenian House intend to engage with WA Police and have arrangements for health-related emergencies. Police, ambulance and fire response operations remain matters for the relevant agencies, not within the Shire's statutory authority in a Development (Planning) Application

Mr Paul Gerrard

- Q. *What assessment has been done regarding emergency service capacity for this type of facility in a rural location?*
- R. The application material addresses service capacity at a general level, including 24/7 staffing, a nurse on site, first aid requirements, health-provider networks and access to Mount Barker/Albany services. The Shire's role is to assess planning impacts through a Development (Planning) Application, the Shire does not determine clinical service capacity nor have the statutory authority to dictate what State emergency services do

Ms Elizabeth Van Zeyl

- Q. *Has Council considered the long-term implications if the operator later changes their business model, ownership or funding source?*
- R. A Development (planning) approval runs with the land and is limited to the approved use and conditions. A change in owner or funding source does not automatically change the approval. If the use, intensity or operational model materially changes, further approval or amended approval may be required.

Mr Ben Furber

- Q. *At what point did the preliminary discussions between proponent and the Shire commence?*
- R. Preliminary discussions between Planning Solutions and the Shire about the appropriate planning pathway before lodgement occurred initially October

2025, discussions after that were sporadic and pertained to the lodgement process and potential planning pathway.

Ms Sanjilin Furber

- Q. *Does the Council consider the timing of the public notification provided to residents was adequate and allowed the opportunity to understand the proposal before commercial commitments were made?*
- R. Yes the Shire considers the advertising period provided was more than sufficient. That statutory requirement is a minimum of 14 days. Most applications are advertised for 14 or 21 days, yet the Shire provided 28 days in this case.

Ms Kylee Bennett

- Q. *What mechanism/s is Council going to use to monitor ongoing compliance for a drug and alcohol rehabilitation centre?*
- R. If approved, compliance would be monitored through the conditions of approval, the approved plans and any approved management plan. The Shire may investigate complaints and take planning enforcement action where there is a breach. Matters outside planning control, such as criminal behaviour or medical emergencies, should be referred to the appropriate state agency.

Ms Jill Anderson

- Q. *If the original proposal evolves over time does the current approval pathway adequately protect the community?*
- R. Any approval would be limited to the proposal as approved with the relative conditions of approval. A material change to the use, scale, intensity or operation may require a further development application or amendment. Conditions can also be used to require ongoing compliance with approved operational arrangements.

Mr Craig Shand

- Q. *Where are the missing documents i.e. Risk Management and Bushfire Management Plan?*
- R. The Bushfire Management Plan and Risk Management Plan are technical assessment documents used by the Shire to determine whether the proposal appropriately addresses bushfire, safety and operational risks. They are not documents requiring public endorsement, nor are their technical conclusions determined through public submissions.

Residents may still raise general concerns regarding bushfire risk, emergency access, evacuation, safety, security, supervision and operational management during the advertising process, and those matters will be

considered as part of the assessment. However, whether these documents are acceptable, require modification, or do not satisfy the relevant requirements is a matter for the Shire to determine, including through any required referral or technical assessment process. It is also noted that risk management documents may contain sensitive operational or security information that is not appropriate for broad public release.

Ms Donna Ahern

- Q. *How are the Shire going to ensure the safety of the ratepayer living in and around the drug rehab centre when the rehab centre themselves are having to erect a security fence because of the expected problem of people breaking into the centre?*
- R. The Shire does not have the statutory authority to guarantee personal safety, that is the role of Police. In a Development (Planning) Application, the Shire can assess amenity, land use impacts and proposed management measures. The applicant states fencing is proposed to clearly define site boundaries, residents will be screened, and the facility will be staffed 24/7.
- Q. *How do the neighbours around this centre feel safe when police are 1 hour away?*
- R. Police resourcing and emergency response times are State Government/WA Police matters. The Shire can consider whether the proposed use and management arrangements are acceptable from a planning perspective, but it cannot control police response times or operational policing decisions.

Mr Greg Croston

- Q. *Does Mt Barker have the facilities to handle a patient with drug induced psychosis?*
- R. This is a clinical and health-service question, not a planning matter for the Shire to determine. The applicant's material states people with severe mental illness would not be suitable unless stable and able to participate in the program. Any acute incident would be managed through health and emergency services, of which the Shire has no statutory authority to dictate their operations.

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 26 MAY 2026**

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 26 May 2026.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 May 2026, be confirmed as a true and accurate record.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT & REGULATORY SERVICES REPORTS

9.1.1 DEVELOPMENT APPLICATION P902- CHANGE OF NON-CONFORMING USE TO COMMUNITY PURPOSE (REHABILITATION CENTRE), LOTS 843 AND 844, 217 MOORILUP ROAD, KENDENUP

Synergy Ref:	N68249
Attachment:	1. <u>Application Package containing:</u> <ul style="list-style-type: none">a. <u>Planning Report;</u>b. <u>Site and Floor Plans;</u>c. <u>Operational Management Plan;</u>d. <u>Bushfire Management Plan / BAL Assessment;</u>
	2. <u>Schedule of Submissions;</u>
	3. <u>Letter of Support from Shire of Nannup</u>
Responsible Officer:	André Pinto, Executive Manager Development & Regulatory Services
Author:	André Pinto, Executive Manager Development & Regulatory Services
Proprietor/Applicant:	Proprietor: TRMM Willow Pty Ltd Applicant: Planning Solutions on behalf of Southern Aboriginal Corporation
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is for Council to determine Development Application P902 for a change of non-conforming use at Lots 843 and 844, 217 Moorilup Road, Kendenup. The application seeks approval to change the existing non-conforming use rights associated with the Kendenup Cottages and Lodge site to a Community Purpose (Rehabilitation Centre) land use, being the Great Southern Drug and Alcohol Rehabilitation Centre.

BACKGROUND

Development Application P902 was received on 11 March 2026 and accepted for assessment on 14 April 2026. The application has been lodged by Planning Solutions on behalf of Southern Aboriginal Corporation, with TRMM Willow Pty Ltd identified as the proprietor of the land.

The subject land comprises Lot 843 and Lot 844, 217 Moorilup Road, Kendenup. The land is zoned Rural under the Shire of Plantagenet *Local Planning Scheme No. 5* (LPS5) and has a combined area of approximately 15.7474 hectares.

Lot	Plan	Volume/Folio	Address	Area
843	4694	2115/745	217 Moorilup Road, Kendenup	8.0634ha
844	4694	2115/746	No street address	7.684ha
Total	-	-	-	15.7474ha

The site is located within the Kendenup rural locality and is approximately 4.4 kilometres from the Kendenup townsite. It is bounded by Wandoo Road to the north and Moorilup Road to the west and south, and adjoins rural-residential and rural landholdings generally ranging from approximately 9 hectares to just over 10 hectares. Surrounding land uses include rural-residential properties, rural land uses such as farming etc. and tourism accommodation businesses.

The site is developed and has historically operated as Kendenup Cottages and Lodge. Existing improvements include four self-contained cottages, a manager's residence or homestead, a lodge/function centre containing guest rooms, function areas, bar/restaurant facilities, commercial kitchen areas, workshop/laundry areas, outdoor cooking and recreation areas, internal driveways, water storage infrastructure, dams and associated infrastructure. A substantial amount of native vegetation remains on the site, with some accommodation buildings located among surrounding vegetation.

The historical approval record available to the Shire identifies the following key approvals and records:

Date	Approval / record	Summary
26 May 1998	P4161	Council approved a residence and up to three chalets on Lot 843.
9 November 2004	N206	Council approved a conference facility and accommodation, including accommodation for up to 24 guests and a commercial kitchen.
28 April 2005	Building licence	Licence for construction of a lodging house associated with the 2004 planning approval.
July 2011	Building licence	Expansion of the lodging house, including an additional food premises and dining areas.
11 October 2010	O22406	Planning consent for a manager's residence associated with Kendenup Lodge and Cottages.

The current application proposes to repurpose the existing facility for use as the Great Southern Drug and Alcohol Rehabilitation Centre. The proposed service would be delivered by Southern Aboriginal Corporation as lead agency in partnership with Cyrenian House, subject to separate funding, service delivery and operational arrangements.

The proposal provides for a maximum of twenty (20) adult residents of mixed gender, including Aboriginal and non-Aboriginal residents. The facility comprises

a 16-bed residential rehabilitation program and a 4-bed low-medical withdrawal unit. The applicant's material indicates that the residential rehabilitation program would generally accommodate residents for approximately 6 months, with stays of up to 12 months, while the low-medical withdrawal unit would generally provide care for up to 14 days before resident's transition into the residential rehabilitation program where appropriate.

Element	Proposal summary
Resident capacity	Maximum of 20 adult residents at any time, comprising 16 residential rehabilitation beds and 4 low-medical withdrawal beds.
Staffing	Up to 7 staff on day shift and at least 2 staff during evening and night shifts, with the facility staffed at all times when residents are accommodated.
Residents' vehicles	Residents are not proposed to have private vehicles on site.
Visitors	Visitor attendance is proposed to be scheduled and limited.
Buildings	Existing lodge/function centre, motel style wing, homestead, cottages, workshop/laundry and outdoor areas are proposed to be used for residential, treatment, staff, administration, dining, meeting and support functions.

The proposal is to use the existing buildings on the site. No new buildings or substantial external alterations are proposed as part of this application, although internal modifications and separate building, health, water, wastewater, fire safety, accessibility and other statutory approvals may be required before the use commences.

Although the application has been described in some correspondence as a transfer of non-conforming use rights, the statutory pathway is more accurately described as an application for development approval to change an existing non-conforming use to another use that is not permitted by the Scheme. Council is required to determine the application under the relevant provisions of *Local Planning Scheme No. 5* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

EXTERNAL CONSULTATION

The application was advertised in accordance with clause 23(2) of *Local Planning Scheme No. 5*, which requires an application to change a non-conforming use to be advertised in accordance with clause 64 of the deemed provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising was undertaken by direct referral to surrounding landowners and occupiers within a minimum 200 metre radius of the subject site, publication of the proposal on the Shire's website, promotion through the Shire's social media channels, and the placement of public notice signage on the subject site. Public notice was first published on 30 April 2026, with submissions closing on 26 May 2026, providing a 26-day advertising period after publication. This exceeded the minimum 14-day advertising period required for applications advertised under clause 64(4), and all submissions received during the advertising period have been considered in the assessment of the application. The advertised

material included the application material, planning report and Operational Management Plan.

A total of 88 submissions were received prior to the close of the advertising period, including a group submission involving eight submitters. The submissions and officer responses are included in the Schedule of Submissions.

The proposal generated significant community interest. The key themes raised through submissions and public questions included:

- the validity of the non-conforming use pathway and the relationship between the previous conference/function use and the proposed Community Purpose use;
- whether the community was provided with sufficient information during the advertising process;
- safety and security, including intake screening, early leavers, discharged residents and persons who may leave the program before completion;
- potential impacts on police, ambulance, health and emergency service capacity;
- bushfire management, risk management and incident response arrangements for a vulnerable land use;
- ongoing compliance monitoring and whether future changes to the operator, service model or intensity of use would require further approval;
- traffic, access, parking, outpatient services, visitor management and rural amenity impacts;
- water supply, effluent disposal, waste management and servicing capacity; and
- potential community and regional benefits associated with a Great Southern alcohol and other drug rehabilitation service.

The matters raised have been considered as part of the assessment of the application. The Shire's planning role is to assess the land use, built form, amenity, traffic, access, environmental, bushfire, servicing, operational management and other planning-related impacts of the proposal. Matters relating to clinical service delivery, policing decisions, health service funding, treatment outcomes or where a person may lawfully live or travel after leaving a service are outside the Shire's statutory planning authority. However, where those matters have a land use or amenity dimension, they can be addressed through appropriate planning conditions, particularly through the requirement for an approved Operational Management Plan, Parking and Access Plan and Emergency Evacuation and Risk Management Plan.

STATUTORY ENVIRONMENT

The following statutory provisions are relevant to this report:

- *Planning and Development Act 2005*;

- *Planning and Development (Local Planning Schemes) Regulations 2015, including the deemed provisions at Schedule 2;*
- *Shire of Plantagenet Local Planning Scheme No. 5;*
- *Shire of Plantagenet Town Planning Scheme No. 3, to the extent relevant to understanding the historical approval and use of the site;*
- *Environmental Protection (Noise) Regulations 1997;*
- *Bush Fires Act 1954 and Bush Fires Regulations 1954; and*
- *Building Act 2011, Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, Food Act 2008 and other operational legislation to the extent that separate approvals, licences or compliance obligations may apply.*

Local Planning Scheme No. 5 zones the subject land Rural. The Rural zone objectives include maintaining local rural character, protecting agricultural activities, maintaining environmental qualities, limiting inappropriate sensitive land uses and providing for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

Under clause 17 and Table 3 of *Local Planning Scheme No. 5*, Community Purpose and Reception Centre are both class X uses in the Rural zone. Clause 18(2) provides that class X means 'the use is not permitted by the Scheme'. Clause 18(6) provides a limited exception where the development approval application relates to land that is being used for a non-conforming use and the local government considers that the proposed use would be less detrimental than the non-conforming use.

Reception Centre is defined as 'premises used for hosted functions on formal or ceremonial occasions. The historical conference facility/function component of the Kendenup Cottages and Lodge approval is most appropriately understood as a Reception Centre component under the current Scheme framework. To the extent that this component was lawfully used immediately before the commencement of *Local Planning Scheme No. 5*, it is properly treated as a non-conforming use.

Community Purpose is defined as 'premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit'. The proposed Rehabilitation Facility is considered to fall within this land use classification because it is to be operated by community service providers and provides organised social, support and rehabilitation services for community benefit.

This position is supported by the State Administrative Tribunal's reasoning in *West Australian Shalom Group Inc and City of Swan [2018] WASAT 36*, which considered the land use classification of a live-in rehabilitation facility for persons with serious drug and other addictions and determined that the use was properly characterised as Community Purpose. The classification was also later treated as relevant in *West Australian Shalom Group Inc and City of Joondalup [2023]*

WASAT 63, where a similar live-in rehabilitation use was described as sufficiently similar to the earlier *Shalom v Swan* use as to be legally indistinguishable for classification purposes.

On that basis, the proposed Rehabilitation Facility is most appropriately characterised as Community Purpose. The term 'Community Purpose' is the relevant land use classification under Local Planning Scheme No. 5, while 'Rehabilitation Facility' describes the particular form of community purpose use proposed in this application. The proposal is not capable of approval as an ordinary class X use in the Rural zone and can only be considered through the non-conforming use provisions of *Local Planning Scheme No. 5*. Therefore, the recommended approved land use term would be 'Community Purpose (Rehabilitation Facility).'

Clause 22 of *Local Planning Scheme No. 5* provides for the continued use of land, buildings or structures for the purpose for which they were being lawfully used immediately before the commencement of the Scheme, unless the relevant non-conforming use has been discontinued in accordance with the Scheme. Clause 22(2) provides that the continued use protection does not apply if the non-conforming use has been discontinued and a period of six months, or a longer period approved by the local government, has elapsed since discontinuance.

Clause 23 requires development approval to change the use of land from a non-conforming use to another use that is not permitted by the Scheme. Clause 23(2) requires the application to be advertised. Clause 23(3) provides that approval may only be granted if, in the opinion of the local government, the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is closer to the intended purpose of the zone.

Clause 24 allows, but does not require, the local government to prepare a register of non-conforming uses. The absence of a register entry is therefore not determinative of whether non-conforming use rights exist. However, where a use is not registered, the evidence supporting the lawfulness, character and continuity of the use becomes important to Council's assessment.

The assessment has also had regard to the relevant matters in clause 67 of the deemed provisions, including the local planning scheme, State planning policies, local planning policies, orderly and proper planning, compatibility of development, amenity, traffic, access, submissions received and the suitability of the land for the proposed use.

POLICY IMPLICATIONS

The proposal has been assessed against the relevant planning policy framework, including:

- *State Planning Policy 2.5 - Rural Planning;*
- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas;*

- *Guidelines for Planning in Bushfire Prone Areas;*
- *Shire of Plantagenet Local Planning Strategy [2013]; and*
- *Town Planning Scheme Policy No. 19 - Kendenup Rural Surrounds.*

The policy framework does not prohibit the consideration of the application under the non-conforming use provisions. The key policy question is whether the proposal can be appropriately managed so that it remains compatible with the rural setting and does not unreasonably affect rural character, agricultural land use, environmental values, access, traffic, bushfire risk or local amenity.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommended determination of this application. The proposal does not commit the Shire to fund, construct or operate the facility. Ordinary administrative, compliance and monitoring costs associated with development assessment and any future compliance matters would be met through existing operational resources.

BUDGET IMPLICATIONS

There are no immediate budget implications for this report. Any substantial compliance, legal or appeal-related costs, should they arise, would be considered through the relevant operational budget or by separate reporting as required.

LEGAL IMPLICATIONS

Council must determine the application within the statutory framework provided by *Local Planning Scheme No. 5* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The application can only be approved if Council is satisfied that the land has existing non-conforming use rights and that the proposed Community Purpose (Rehabilitation Facility) use is less detrimental to the amenity of the locality than the existing non-conforming use and is closer to the intended purpose of the Rural zone.

Any decision to approve or refuse the application must be made on proper planning grounds. Conditions must be clear, relevant to a planning purpose, reasonably related to the development and capable of being complied with and enforced. A decision of Council may be subject to review by the State Administrative Tribunal. Clear reasons, a complete assessment record and appropriately framed conditions are therefore important to managing legal and governance risk.

The recommended conditions are intended to ensure the approval is confined to the specific use, scale, intensity, building use and management arrangements assessed in this report. Any material change to the approved use, operator model, resident numbers, outpatient services, visitor arrangements, access arrangements, building use or Operational Management Plan may require further development approval or written approval from the Shire, as applicable.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications as no Shire assets are being created or acquired. The land and buildings are privately owned. Any works, servicing upgrades, maintenance requirements or operational infrastructure associated with the proposal would be the responsibility of the landowner, applicant or operator, subject to separate approvals and conditions.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2025 - 2029 provides:

At Key Pillar 1 - Community the following:

Strategy 1.4 - Improve the health and activity levels of our community.

At Key Pillar 4 - Performance & Leadership the following:

Strategy 4.3 - Commitment to continuous improvement in service delivery.

Corporate Action 4.3.1 - Implement review processes in service delivery on a regular basis and as needed.

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan by supporting an evidence-based statutory planning assessment, transparent Council determination and appropriate regulatory controls for a proposal that has potential regional health and community benefit.

RISK MITIGATION IMPLICATIONS

Medium Risk

This item has been evaluated against the Shire of Plantagenet Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be Medium and can be managed by specific procedures, increased monitoring and the allocation of additional resources.

The key risks relate to legal challenge, community confidence, public safety perceptions, operational compliance, traffic and access, water supply, wastewater, bushfire risk and local amenity. These risks are mitigated through the statutory assessment process, public advertising, Council determination, clear reasons, and recommended conditions requiring a resident cap, 24-hour staffing, an approved Operational Management Plan, Parking and Access Plan, Water Supply and Servicing Plan, Emergency Evacuation and Risk Management Plan, incident and complaints procedures, visitor and exit management, waste management, bushfire management and ongoing compliance monitoring.

STRATEGIC RISK IMPLICATIONS

There are strategic risk implications associated with both approval and refusal of the application. Approval without clear operational controls could create compliance and reputational risk if the use operates beyond the scale or intensity assessed. Refusal without sustainable planning reasons may create legal and

governance risk through challenges to the State Administrative Tribunal. The recommended conditional approval seeks to balance these risks by limiting the approval to the specific proposal assessed and by requiring ongoing compliance with approved management arrangements.

REGIONAL IMPLICATIONS

The proposal has regional implications because the Great Southern has limited access to residential alcohol and other drug rehabilitation and low-medical withdrawal services. The applicant's material identifies that the proposal is intended to provide a regional service, support local employment and purchasing, and address an identified service gap in the Great Southern. Though any regional benefit must be balanced against the need to protect local rural amenity and ensure the use is properly managed on the subject site.

OFFICER COMMENT

The application presents a narrow but important statutory question. While the proposed use is not otherwise capable of approval as a new stand-alone land use in the Rural zone, *Local Planning Scheme No. 5* contains provisions enabling Council to consider a change from one lawful non-conforming use to another non-permitted use, where the relevant statutory tests are satisfied. These provisions are included in the Scheme as part of the model scheme text required under the *Planning and Development (Local Planning Schemes) Regulations 2015* and are therefore a standard planning mechanism applying across Western Australia, rather than a provision unique to the Shire of Plantagenet.

Non-Conforming Use Pathway

The historical approval record identifies a 2004 approval for Conference Facility and Accommodation. Under the previous *Town Planning Scheme No. 3* framework, the use was associated with Tourist Accommodation and facilities such as a Conference or Convention component. Under *Local Planning Scheme No. 5*, the activity now separates into land use categories including Tourist Development and Reception Centre. Reception Centre is a class X use in the Rural zone and, to the extent that the site was lawfully used for that purpose immediately before the commencement of *Local Planning Scheme No. 5* and has not been discontinued for the relevant period, that component is properly treated as an existing non-conforming use.

The proposed use of Rehabilitation Centre is best characterised as Community Purpose. This classification is also class X in the Rural zone. The application is therefore assessed as a change from one non-conforming or non-permitted use to another non-permitted use under clause 18 (6) and 23 of *Local Planning Scheme No. 5*.

Assessment Against Clause 23(3)

The first statutory test is whether the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use. The existing reception/function component is capable of generating concentrated traffic, visitor movements, noise and activity associated with hosted functions, formal events,

dining and related visitor attendance. The historical approval record indicates capacity for accommodation, dining and function activity materially greater than the proposed twenty resident rehabilitation centre.

The proposed use is more residential and managed in character. It is limited to twenty (20) residents, residents are not proposed to keep private vehicles on site, visitors are scheduled and limited, and the facility is proposed to be staffed at all times. The proposal also removes or discontinues the Public Reception/Function Centre activity, Public Restaurant/Bar activity and Tourist Accommodation activity associated with the current facility. On that basis, subject to conditions, the proposed use is considered less intensive and less detrimental to the amenity of the locality than the existing non-conforming reception/function use.

The second statutory test is whether the proposed use is closer to the intended purpose of the Rural zone. The Rural zone seeks to protect rural character, agricultural activities and environmental values, while allowing a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. The proposal would use existing buildings on a large rural site, does not propose subdivision or expansion into agricultural land, is not expected to materially increase traffic beyond existing lawful or historical use patterns if managed as proposed, and is supported by operational controls intended to protect amenity. The proposed service also has a demonstrated community and regional benefit. On balance, the proposed use is considered closer to the intended purpose of the Rural zone than the existing reception/function use because it is less event-based, less visitor-intensive and more capable of being contained within the existing site and building layout and therefore not deemed to detrimentally affect other rural land uses around it.

The assessment has considered both the lawful scope of the existing non-conforming use and the actual operational characteristics of the proposed use. While the historic approval establishes the relevant non-conforming use context, the application has not been assessed solely against a theoretical maximum-capacity operation. The proposal has been assessed on its merits, including the submitted operational model, expected intensity, amenity impacts, traffic, bushfire, servicing, management arrangements and the surrounding rural locality.

Building Layout, Setbacks and Physical Works

No new buildings or substantial external alterations are proposed. The submitted assessment identifies that the existing buildings are setback a minimum of approximately 11 metres from lot boundaries, which satisfies the relevant LPS5 Table 7 development standards requiring 10 metres to front and rear boundaries and 5 metres to side boundaries. The proposal therefore does not raise significant built form impacts in terms of height, setbacks, visual bulk, overlooking or overshadowing.

Internal changes are proposed to adapt existing buildings for the rehabilitation facility, including the reconfiguration of the lodge and function centre, continued use of the homestead, repurposing of cottages for treatment rooms, staff work

areas and counselling rooms, and one cottage for a residential supervisor. Any internal building works, fire safety upgrades, accessibility upgrades, food premises requirements or changes to lodging/accommodation classifications must be addressed through separate statutory approvals prior to occupation.

Operational Management and Safety

Community submissions raised legitimate concerns about safety, early leavers, emergency services, compliance monitoring and access to information. The Shire cannot use planning powers to control where a person may lawfully go after leaving a facility, nor can it determine clinical admission criteria, policing priorities or health service funding. However, the Shire can require the operator to prepare and comply with an approved Operational Management Plan addressing admission, staffing, supervision, visitor management, discharge and exit arrangements, incident response, complaints handling and community liaison.

These matters are recommended to be tied directly to the approval as enforceable planning conditions.

The applicant's material indicates that the facility would operate on a voluntary residential model and would be subject to intake screening before admission. The proposed model includes 24-hour supervision, clinical and support staffing, a structured therapeutic community program, and a 4-bed low-medical withdrawal unit intended to safely stabilise residents before transition into residential rehabilitation. These operational matters are relevant to the planning assessment because they affect the likely intensity of use, amenity impacts, safety perceptions, visitor movements and emergency response requirements.

The recommended conditions require a revised Operational Management Plan prior to commencement. The plan must address resident numbers, length of stay, screening, staffing, supervision, low-medical withdrawal arrangements, visitor management, resident vehicle restrictions, transport, discharge, early departure, incident response, complaints, community liaison, emergency contact details and review procedures. This is the main planning control to ensure the use operates within the scale and management model assessed by Council.

Traffic, Parking and Access

The site is rural and does not have access to public transport. The proposal is expected to generate traffic associated with staff, visitors, service vehicles, deliveries, emergency vehicles and, to the extent approved, outpatient appointments. The submitted material indicates that residential clients will be accommodated on site and that residents are not proposed to keep private vehicles on site, which reduces traffic generation considerably compared to a function centre or public tourist facility. However, the potential for outpatient services means parking demand and daily vehicle movements must be clearly defined before the use commences.

The assessment identifies that three existing vehicle crossovers are available from Wandoo Road and Moorilup Road, with the proposed primary access to be from

Wandoo Road to the north. It also identifies that an access point along the eastern lot boundary appears to involve adjoining land and should not be relied upon unless legal access rights or written landowner consent are demonstrated. Conditions are recommended requiring a Parking and Access Plan, primary access arrangements, on-site parking and manoeuvring for staff, visitors, outpatient clients, service vehicles and emergency vehicles, and directional signage to minimise traffic confusion within the local road network.

Water Supply, Wastewater and Servicing

The site is not connected to reticulated water or sewer. The application material identifies existing onsite water storage infrastructure and the proposed site plans identify a strategic bushfire water tank. For the purpose of this planning assessment, the provision, quality, reliability and ongoing management of potable water for residents, staff, kitchen operations and general domestic use is a matter for the applicant/operator and any relevant separate health, building, service authority or operational requirements, rather than a matter proposed to be regulated through this planning approval.

The relevant planning consideration is whether adequate arrangements are in place for bushfire and emergency response purposes. The application is supported by a Bushfire Management Plan / BAL Assessment, and the Planning Report identifies that the proposal will incorporate a 60,000 litre water tank for firefighting purposes. On this basis, a separate Water Supply and Servicing Plan is not recommended. It is instead recommended that the approved Bushfire Management Plan, including the identified strategic bushfire water tank and associated bushfire management measures, be implemented prior to commencement of the use and maintained for the life of the development.

In relation to wastewater management, the existing cottages are serviced by individual septic systems comprising tanks and two 9-metre leach drains, the function centre is serviced by tanks and two 40-metre leach drains, and the residence is serviced by tanks and two 12-metre leach drains. The Shire's Principle Environmental Health Officer has advised that there are no concerns regarding the capacity or operation of the existing on-site effluent disposal systems in servicing the proposed rehabilitation facility. Conditions are still recommended requiring all relevant health and wastewater approvals to be obtained and complied with before the use commences.

Bushfire And Emergency Management

The subject land is located within a bushfire prone area. The submitted BAL assessment identifies the function centre as BAL-19 and the existing cottages and homestead as BAL-FZ. The site has access to two evacuation routes via Wandoo Road to the north and Moorilup Road to the west and south, which provides an appropriate basis for emergency evacuation arrangements associated with such a land use.

Given the nature of the proposed rehabilitation facility and the presence of vulnerable occupants, a Risk Management and Emergency Evacuation Plan should

be prepared and implemented. This will ensure all staff and residents of the facility are aware of evacuation protocols to leave the site safely should it be required. The plan should include staff training requirements, evacuation protocols, emergency response procedures, emergency contact arrangements and ongoing compliance measures. Assessment of compliance with Australian Standard AS 3959 for any building works is a building matter and is not determined as part of this planning assessment.

Clause 67 Deemed Provision Matters

The proposal has been assessed against the relevant matters under clause 67 of the deemed provisions. In relation to compatibility of development, the proposal does not involve external alterations to the existing approved buildings or structures and is deemed to not adversely affect the rural character or visual amenity of the locality. The adaptive reuse of existing buildings represents efficient use of established infrastructure and minimises additional development footprint within the rural landscape.

In relation to amenity, the proposal may generate additional traffic movements associated with outpatient services, staff, visitors and service providers, though these are deemed to be less than that of the existing land uses on site. However, these impacts can be managed through conditions requiring an approved Operational Management Plan, Parking and Access Plan, resident vehicle restrictions, visitor management, outpatient service controls, complaints monitoring and community liaison. Concerns about potential behaviour of clients and perceived impacts on neighbouring residents are acknowledged, but the submitted material and recommended conditions provide a planning framework to manage the use and respond to complaints or incidents should they arise and are the only aspects within the Shire's statutory power to dictate.

In relation to suitability of land for human health or safety, the proposed rehabilitation facility would accommodate vulnerable occupants undertaking structured recovery and treatment programs. The site benefits from an established building layout, existing infrastructure and multiple evacuation routes. Its suitability is dependent on the implementation of appropriate operational, emergency, water, wastewater, access and bushfire management measures. The recommended conditions are intended to ensure those matters are resolved before occupation and maintained for the life of the use.

Conclusion

It is recommended that Council approve the application subject to conditions. The recommended conditions provide the necessary planning controls to ensure the proposal remains limited to the scale, intensity and management arrangements assessed in this report, while allowing adaptive reuse of the existing site for a regional community service.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approves Development Application P902 for: Change of Non-Conforming Use from Tourist Development / Reception Centre and Accommodation to Community Purpose (Rehabilitation Facility), at Lot 843 and Lot 844, No. 217 Moorilup Road, Kendenup, subject to the following conditions:

CONDITIONS

1. The development and use must be carried out in accordance with the approved plans and documents forming part of this approval, except where varied by the conditions of this approval.
2. All stormwater must be contained and disposed of on-site. All stormwater infrastructure must be maintained for the duration of the development.
3. This approval is limited to a Community Purpose (Rehabilitation Facility) use operating as the Great Southern Drug and Alcohol Rehabilitation Centre, comprising a residential alcohol and other drug rehabilitation program, low-medical withdrawal unit, and directly associated counselling, treatment, staff, administration and approved outpatient support activities. The approval does not authorise tourist accommodation, a reception centre, hosted functions, public events, a public bar, a public restaurant/cafe, or any other use not expressly approved by this decision.
4. The maximum number of residents accommodated on the site must not exceed twenty (20) persons at any time, unless otherwise approved by the Shire through an amendment to this approval or a further development approval.
5. The resident accommodation component must not exceed sixteen (16) residential rehabilitation beds and four (4) low-medical withdrawal beds, unless otherwise approved by the Shire through an amendment to this approval or a further development approval.
6. The site must be staffed at all times when residents are accommodated. A suitably qualified staff member must be present on site at all times, with staffing otherwise maintained in accordance with the approved Operational Management Plan.
7. Prior to commencement of the use, a revised Operational Management Plan must be submitted to and approved by the Shire. The use must thereafter operate at all times in accordance with the approved Operational Management Plan.
8. Visitor attendance must be scheduled, supervised and managed in accordance with the approved Operational Management Plan. Unless otherwise approved in the Operational Management Plan, visitor attendance is limited to approved visitors between 9:00am and 4:00pm on Sundays. The site must not be used for public open days, public events, hosted functions or gatherings unrelated to the approved use without further approval from the Shire.

9. Residents of the facility must not keep private motor vehicles on the site, except where expressly permitted under the approved Operational Management Plan for medical, accessibility or operational reasons.
10. Prior to commencement of the use, a Parking and Access Plan must be submitted to and approved by the Shire. The requirements of the approved Parking and Access Plan must be implemented for the life of the use to the satisfaction of the Shire
11. Outpatient services, if provided from the site, must operate only between 9:00am and 5:00pm Monday to Friday, unless otherwise approved by the Shire through the approved Operational Management Plan or a further approval. The maximum number of outpatient appointments per day must be specified in the approved Operational Management Plan.
12. All staff, visitor, outpatient, service and delivery vehicles must be parked, loaded and manoeuvred within the site. No parking associated with the approved use is permitted within the adjoining road reserves.
13. External lighting must be designed, baffled, located and maintained to minimise light spill and glare to adjoining properties and road users, to the satisfaction of the Shire.
14. The approved use must comply at all times with the Environmental Protection (Noise) Regulations 1997.
15. Prior to commencement of the use, a Waste Management Plan must be submitted to and approved by the Shire. The approved Waste Management Plan must be implemented for the life of the use and must address waste storage, collection, servicing, litter, vermin control and management of any clinical or regulated waste streams, if applicable.
16. All water tanks to be fitted with 65mm (2.5") female camlock outlets for Emergency Services.
17. The existing on-site wastewater and effluent disposal systems must be maintained in good working order for the life of the use. Any wastewater or effluent upgrades required by the Shire or relevant approval authority must be completed prior to occupation or commencement of the use, whichever occurs first.
18. Prior to occupation or commencement of the approved use, whichever occurs first, an Emergency Evacuation and Risk Management Plan must be submitted to and approved by the Shire. The approved plan must be implemented for the life of the use.
19. The Bushfire Management Plan approved as part of this application must be implemented prior to commencement of the use and maintained for the life of the use to the satisfaction of the Shire.
20. Defensible space / Asset Protection Zones must be established and maintained around all habitable buildings in accordance with the recommendations of the approved Bushfire Management Plan and to the satisfaction of the Shire.
21. Prior to commencement of the use, all building, health, effluent disposal, food premises, wastewater, fire safety, accessibility and other statutory approvals required for the proposed occupation and operation of the buildings must be obtained and complied with.

ADVICE NOTES

- a. This is a development approval under the Planning and Development Act 2005 and Local Planning Scheme No. 5. It is not a building permit, health approval, food business approval, septic approval, lodging house approval, liquor approval, funding approval or operational licence.
 - b. In relation to Condition 6, the revised Operational Management Plan must address, to the satisfaction of the Shire:
 - i. admission and screening procedures;
 - ii. resident numbers and length of stay;
 - iii. staffing levels, rostering and staff responsibilities;
 - iv. low-medical withdrawal arrangements;
 - v. resident supervision;
 - vi. resident vehicle restrictions;
 - vii. visitor management and visitor hours;
 - viii. outpatient services including maximum appointments per day;
 - ix. transport, discharge, early departure and exit procedures;
 - x. incident response and escalation;
 - xi. complaints lodgement, response timeframes and recording;
 - xii. community liaison; emergency contact details; and review procedures.
 - c. In relation to Condition 9, the Parking and Access Plan must demonstrate the following:
 - i. sufficient parking, access and manoeuvring areas for staff, visitors, outpatient clients, service vehicles, delivery vehicles and emergency vehicles;
 - ii. identify the approved primary vehicle access from Wandoo Road;
 - iii. identify any vehicle access points that are not to be used;
 - iv. demonstrate that any access over adjoining land is supported by legal access rights or written landowner consent;
 - v. and include directional signage to guide visitors, clients, service providers and emergency vehicles to the approved site entrance.
 - d. In relation to Condition 18, the Emergency Evacuation and Risk Management Plan must include:
 - i. staff training requirements,
 - ii. evacuation protocols,
 - iii. emergency response procedures,
 - iv. emergency contact arrangements,
 - v. vulnerable occupant management and
 - vi. ongoing compliance measures.
 - e. The applicant and operator are responsible for obtaining and maintaining all other approvals, registrations, licences and certifications required under separate legislation.
 - f. This approval runs with the land, but the conditions of approval bind the owner, occupier and operator. Any future operator should review the approval and obtain Shire advice before commencing or altering operations.
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- g. Any signage associated with the approved use may require separate approval unless exempt under the local planning framework.**
- h. Should the intensity of outpatient services increase beyond that approved as part of this application, the Shire may require a further assessment of parking demand, access and traffic impacts.**
- i. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.**
- j. Any alterations or upgrading of the crossover to be in accordance with the Shire of Plantagenet specifications and requirements.**
- k. The Shire may investigate any substantiated complaint or alleged non-compliance relating to the approved use and may request relevant information from the operator where reasonably required for that purpose.**
- l. The applicant and operator are encouraged to maintain proactive communication with nearby landowners, community representatives, emergency services and relevant health service providers for the life of the approved use.**

9.1.2 INITIATION OF SCHEME AMENDMENT - RESERVE 27184, 2 MARMION STREET, MOUNT BARKER

Synergy Ref:	N68239
Attachment:	<u>Scheme Amendment Report - Reserve 27184, 2 Marmion Street, Mount Barker</u>
Responsible Officer:	André Pinto, Executive Manager Development & Regulatory Services
Author:	André Pinto, Executive Manager Development & Regulatory Services
Proprietor/Applicant:	Proprietor: State of Western Australia Applicant: Shire of Plantagenet
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is for Council to initiate a standard amendment to the Shire of Plantagenet Local Planning Scheme No. 5 for Reserve 27184, being Lot 577 (No. 2) Marmion Street, Mount Barker. The amendment proposes to rezone the north-eastern portion of the site from Rural to Public Purposes (Emergency Services) and the balance of the site from Rural to Public Open Space, and amend the Scheme Map accordingly.

BACKGROUND

A Scheme Amendment Report has been prepared by Harley Dykstra on behalf of the Shire of Plantagenet to support the proposed amendment. The report is included as an attachment to this Council Report.

The subject land is Crown Reserve 27184, described as Lot 577 (No. 2) Marmion Street, Mount Barker. The site has an approximate area of 7.8528 hectares and is owned by the State of Western Australia, with the Shire of Plantagenet acting under Management Order N533949.

The land is currently zoned Rural under Local Planning Scheme No. 5 and is reserved for Recreation under the *Land Administration Act 1997*. It is currently used for recreational purposes by the Plantagenet Company of Archers, with an existing shed and maintained open grassed areas on the eastern portion of the site. The western portion contains bushland and disturbed vegetation. No agricultural activities are undertaken on the land.

The proposed amendment seeks to rationalise the zoning of the reserve to reflect the intended future land uses. The north-eastern portion of the site is proposed to be reserved as Public Purposes (Emergency Services) to facilitate the future development of an emergency services hub. The balance of the site is proposed to be reserved as Public Open Space to retain and support ongoing recreational use.

The site is located approximately 1.2 kilometres north-east of the Mount Barker townsite. The land is bounded by industrial land to the west, public purpose land to the south and rural land to the north and east. Water and power are available to the site, and access is available from McDonald Avenue and Marmion Street.

The Scheme Amendment Report identifies the amendment as a standard amendment under the Planning and Development (Local Planning Schemes) Regulations 2015, on the basis that it is not expected to result in significant environmental, social, economic or governance impacts on land in the scheme area.

EXTERNAL CONSULTATION

No formal public consultation has occurred at this preliminary stage. Should Council initiate the amendment, the amendment will be referred and advertised in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Preliminary advice has been obtained from the Department of Planning, Lands and Heritage. The Scheme Amendment Report advises that DPLH - Land Use Planning has indicated no objection to the proposed amendment to reserve the site for Emergency Services purposes under Local Planning Scheme No. 5. DPLH - Land Use Management has also indicated no objection to a further amendment of the reserve purpose to facilitate the establishment of an Emergency Services Hub, subject to the requirements of the *Land Administration Act 1997*.

STATUTORY ENVIRONMENT

The following statutory provisions are relevant to this report:

- Planning and Development Act 2005, including section 75 relating to amendments to local planning schemes and associated referral requirements;
- Planning and Development (Local Planning Schemes) Regulations 2015, including the provisions relating to standard scheme amendments;
- Shire of Plantagenet Local Planning Scheme No. 5;
- Land Administration Act 1997, as the subject land is Crown reserve land;
- Environmental Protection Act 1986, to the extent that the amendment requires referral to the Environmental Protection Authority; and
- Bush Fires Act 1954, in relation to ongoing compliance with the Shire of Plantagenet Bush Fire Mitigation Notice and bushfire management obligations.

POLICY IMPLICATIONS

The proposal has been assessed in the Scheme Amendment Report against the relevant planning framework, including:

- State Planning Policy 2.5 - Rural Planning;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas;

- Shire of Plantagenet Local Planning Strategy; and
- Shire of Plantagenet Local Planning Scheme No. 5.

The amendment is considered to be consistent with the intent of the relevant policy framework, as it rationalises the reserve zoning to reflect existing and intended public uses, does not introduce a sensitive land use that would prejudice surrounding rural land, and supports orderly planning for future emergency services infrastructure.

FINANCIAL IMPLICATIONS

Costs associated with progressing the scheme amendment, including statutory referrals and public advertising, will be met through existing operational allocations. The amendment itself does not approve or commit the Shire to the construction of the future emergency services hub.

Any future capital works, design, servicing, asset renewal or maintenance implications associated with an emergency services hub will be considered through separate project planning, budget and approval processes.

BUDGET IMPLICATIONS

There are no immediate budget implications arising from the initiation of the amendment beyond normal administrative and statutory advertising costs. Future development of the site for emergency services purposes will be subject to separate budget consideration by Council.

LEGAL IMPLICATIONS

Council may initiate an amendment to Local Planning Scheme No. 5 under section 75 of the *Planning and Development Act 2005*. The proposed amendment will then be processed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including classification of the amendment, referral to the Environmental Protection Authority, advertising, consideration of submissions and final consideration by Council before being forwarded for determination by the Minister for Planning.

As the land is Crown reserve land, any required changes to the reserve purpose or management arrangements will need to be progressed separately in accordance with the *Land Administration Act 1997*. The Scheme Amendment Report advises that DPLH - Land Use Management has indicated no objection to a further amendment of the reserve purpose to facilitate the proposed emergency services use, subject to the requirements of that Act.

ASSET MANAGEMENT IMPLICATIONS

There are no immediate asset management implications arising from the initiation of the amendment. The amendment will provide a planning framework to support future emergency services infrastructure and ongoing public open space use. Any future Shire assets, maintenance obligations or lifecycle costs will be considered through separate project and asset management processes.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2025 - 2029 provides:
At Key Pillar 4 - Performance & Leadership the following:

Strategy 4.3 - Commitment to continuous improvement in service delivery

Corporate Action 4.3.1 - Implement review processes in service delivery on a regular basis and as needed

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan by supporting an orderly planning process for Shire-managed land and enabling future consideration of improved emergency services infrastructure.

RISK MITIGATION IMPLICATIONS

Low Risk

This item has been evaluated against the Shire of Plantagenet Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be Low and can be managed by routine procedures and with currently available resources.

The risk is mitigated through the statutory scheme amendment process, including public advertising, agency referral, Council consideration of submissions, and final determination by the Minister for Planning. The attached Bushfire Management Plan also identifies bushfire management measures for future development and ongoing land management, including asset protection zone maintenance, access, water supply and compliance with the Shire of Plantagenet Bush Fire Mitigation Notice.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report. The amendment supports orderly planning for Crown reserve land and provides a clearer planning framework for future emergency services and public open space purposes.

REGIONAL IMPLICATIONS

The amendment has positive regional implications by supporting the future establishment of emergency services infrastructure within Mount Barker, which would service the Shire and surrounding communities. No adverse regional implications are anticipated.

OFFICER COMMENT

The proposed amendment is considered an appropriate planning response for Reserve 27184. The land is currently zoned Rural despite its existing recreational use and its intended future use for emergency services purposes. Rezoning the site to Public Purposes (Emergency Services) and Public Open Space will better reflect the Shire's intended use of the land and provide a more suitable planning framework for future development and land management.

The proposed Public Purposes (Emergency Services) reservation is consistent with the objective of the Public Purposes reserve under Local Planning Scheme No. 5,

being to provide for essential physical and community infrastructure. The proposed Public Open Space reservation is also consistent with the continued recreational use of the balance of the site, including use by the existing archery club.

The Scheme Amendment Report concludes that the amendment will not adversely affect agricultural productivity or introduce an incompatible sensitive land use. The surrounding land uses are mixed, including industrial, public purpose, rural and public open space land. The proposed amendment is therefore considered compatible with the existing and planned land use context.

The subject land is located within a designated bushfire prone area. A Bushfire Management Plan has been prepared to support the amendment and identifies management measures for future development and ongoing site management. The Bushfire Management Plan indicates that any future habitable building within the Public Purposes area can be managed through appropriate asset protection zones, compliance with AS 3959 where applicable, access, water supply and ongoing compliance with the Shire's Bush Fire Mitigation Notice.

It is recommended that Council initiate the amendment as a standard amendment and authorise the Chief Executive Officer to progress the statutory referral and advertising process.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Pursuant to section 75 of the Planning and Development Act 2005, adopts Amendment No. 4 to the Shire of Plantagenet Local Planning Scheme No. 5 for the purpose of:**
 - a) amending the north-eastern portion of Lot 577 (No. 2) Marmion Street, Mount Barker from "Rural" to "Public Purposes (Emergency Services)";**
 - b) amending the balance of Lot 577 (No. 2) Marmion Street, Mount Barker from "Rural" to "Public Open Space"; and**
 - c) amending the Scheme Map accordingly.**
- 2. Pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 4 is a standard amendment for the following reason:**
 - a) the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
- 3. Authorises the Chief Executive Officer to arrange for the amendment documentation to be executed and referred to the Environmental Protection Authority, Western Australian Planning Commission and other relevant agencies in accordance with the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.**

4. Subject to compliance with the required statutory referral processes, authorises the Chief Executive Officer to advertise the amendment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
5. Authorises the Chief Executive Officer to make any minor administrative modifications to the amendment documentation prior to advertising, provided the modifications do not alter the intent of the amendment.

9.2 INFRASTRUCTURE AND ASSETS REPORTS

9.2.1 BUDGET AMENDMENT – LIGHT VEHICLE

Synergy Ref:	N68142
Responsible Officer:	Kevin Hemmings Executive Manager, Infrastructure and Assets
Author:	Amy Chadbourne Senior Administration Officer, Infrastructure and Assets
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to consider a budget amendment for an additional light vehicle to the Shire's Plant and Light Vehicle fleet.

BACKGROUND

A new Manager Development Services (Development and Regulatory Services) is due to commence work with the Shire in late July 2026.

As part of the employment package, the staff member will have use of a Shire vehicle, whereas their predecessor received a vehicle allowance.

Quotes have been obtained for the purchase of the required vehicle to the value of \$47,465.00 (incl GST).

EXTERNAL CONSULTATION

External consultation has taken place with local car sales companies.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.8 – 'Expenditure from municipal fund not included in annual budget'

POLICY IMPLICATIONS

Council Policy – Vehicle Specifications

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

The 2025/2026 annual budget has \$855,385.00 for Plant and Equipment (Capital) of which this vehicle is not included. The net cost of plant purchases is funded from the Plant Replacement Reserve account; therefore it will have no effect on the net financial position.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The vehicle will form part of the Shire's Plant and Light Vehicle fleet. It will be managed and replaced within Council's Plant Replacement Programme.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2025 – 2029 provides:

At *Key Pillar 4 - Performance & Leadership* the following:

Strategy 4.3 – Commitment to continuous improvement in service delivery

Corporate Action 4.3.1 - Implement review processes in service delivery on a regular basis and as needed

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

RISK MITIGATION IMPLICATIONSLow Risk

This item has been evaluated against the Shire of Plantagenet's Risk Assessment and Acceptance Criteria. The level of risk is considered to be Low and can be managed by routine procedures and with currently available resources.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Quotes have been obtained to determine the cost for a suitable vehicle for the position. The vehicle will be ordered prior to the end of the 2025/2026 financial year in order for it to be available for the incoming Shire staff member.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council approves the purchase of a new light vehicle for use by the Manager Development Services to be funded from the Plant Replacement Reserve account, and amends the budget accordingly.

9.3 CORPORATE AND COMMUNITY SERVICES REPORTS

9.3.1 CORPORATE BUSINESS PLAN – 2026-2029

File Ref:	N68238
Attachments:	<u>1. Corporate Business Plan 2025-2029</u> <u>2. Draft Corporate Business Plan 2026-2030</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Anthony Middleton Executive Manager – Corporate & Community Services
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to consider the draft Corporate Business Plan 2026-2030 for adoption.

BACKGROUND

The current Shire of Plantagenet Corporate Business Plan 2025 – 2029 was adopted by the Council on 30 September 2025.

EXTERNAL CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 19DA requires a local government is to review the current Corporate Business Plan for its district every year. The Corporate Business plan is to cover a period of at least 4 financial years and needs to incorporate:

- A local government's priorities for dealing with the objectives and aspirations of the community in the district; and
- A local government's internal business planning by expressing priorities by referencing operations that are within the capacity of the local government's resources; and
- The integration of matters relating to resources, including asset management, workforce planning and long-term financial planning.

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 management implications as no assets are being created or acquired.

STRATEGIC IMPLICATIONS

This item recommends adopting a revision of the existing strategic direction.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The community and the Council set the organisation's long-term vision through the strategies established in the Strategic Community Plan 2025-2035. The attached draft Corporate Business Plan defines the measurable and actionable tasks (corporate actions) required to achieve those strategies established in the Strategic Community Plan, within resource constraints.

The Corporate Business Plan is a 'rolling' four (4) year plan that includes the following in comparison to last year's plan:

CORPORATE ACTIONS		
	2025-2029 Plan	2026-2030 Plan
Key Pillar 1 (Community)	54	55
Key Pillar 2 (Environment)	40	41
Key Pillar 3 (Economy)	38	45
Key Pillar 4 (Leadership)	23	25
Total	155	166
Corporate Actions set to commence or continue in Year 1	103	144

Changes made to the plan in comparison to last year's plan can be summarised as follows:

1. The progress made on the 2025/2026 corporate actions have been illustrated using progress icons, coloured in a traffic light style;
2. An additional column has been added for the 2029/2030 year to ensure the plan remains for four (4) financial years;
3. Items from the adopted Health & Wellbeing Plan have been added to the plan, where not already existing, and their references updated (refer to Corporate Actions 1.4.12, 1.4.13, 1.4.14, 4.6.5 & 4.6.6);
4. The construction of the SES Facility has been added following the Council's 26 May 2026 decision (Corporate Action 1.5.4);
5. The Park Upgrade Project on the old Rocky Gully Hall site, a high priority in the Rocky Gully Place Plan, has been added (Corporate Action 2.5.5);
6. The development of Cells 1 & 2 at the Mount Barker Waste Management Facility have been added (Corporate Action 2.7.3);
7. A new enterprise resource planning (ERP) business software action has been added (Corporate Action 4.3.6);
8. Some actions with multiple components have had the indicative dates expanded to improve future status reporting accuracy;
9. Some actions considered "business as usual" or duplicated actions have been removed from the plan (refer last year's Corporate Actions 1.5.3, 1.8.3, 1.8.4, 1.9.4, 1.10.2, 2.5.3 & 4.5.5); and
10. Other general updates throughout the document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Corporate Business Plan 2026-2030, as presented.

9.3.2 SALE OF LAND FOR NON-PAYMENT OF RATES AND CHARGES IN EXCESS OF 3 YEARS – 20 MUIR STREET, MOUNT BARKER

Synergy Ref:	N68195
Responsible Officer:	Anthony Middleton Executive Manager Corporate and Community Services
Author:	Pam Chambers Coordinator Administration & Finance
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to seek authority to exercise the power to sell land and affix the Common Seal of the Council to the Transfer of Land and any other documentation required to effect the transfer on Assessment A110957; 20 Muir Street, Mount Barker.

BACKGROUND

Proceedings against the owners of assessment A110957, a residential property have been commenced under delegated authority. The property owners are deceased. A probate search has revealed no Administrator. The Public Trustee is not overseeing the estate and no family have come forward. The rates have not been paid for a period of more than three years and other debt collection procedures have proved fruitless.

EXTERNAL CONSULTATION

AMPAC Debt Recovery

STATUTORY ENVIRONMENT

Local Government Act 1995 (The Act)

Local Government (Financial Management) Regulations 1996 (Regulations)

Sections 6.64 to 6.75 of the Act and Regulations 72 to 78 govern the actions to be taken against landowners of rateable land to which rates have remained unpaid for more than three (3) years.

Sections of the Act referenced:

- *s6.64 Actions to be taken*
- *s6.68 Exercise of power to sell land*

State-wide public notice of sale of land for non-payment of rates or service charges is to be given and sale must be in the way of a public auction as prescribed in form 5 of the Regulations [reg. 75].

It is recommended that power of sale under section 6.64 and 6.68 of the Act, be exercised pursuant to delegation 2.11 Rates – Recovery where unpaid. The Chief

Executive Officer has the delegated authority to take possession of land where any rates or service charges have been unpaid for at least 3 years.

POLICY IMPLICATIONS

Policy implications do not apply for this report and further policy development is not required.

FINANCIAL IMPLICATIONS

On 16 June 2026, the total amount outstanding on the property is \$17,468.05, including penalties.

BUDGET IMPLICATIONS

For AMPAC to proceed with the sale process a management fee of \$2,750.00 plus GST will apply. In addition, there is an approximate cost of \$5,000.00 to \$8,000.00 over a period of 12-18 months for the 3 Year Rule Sale process. These costs are recoverable by the Shire and would be included in a successful sale process. If a property does not sell it may need to be transferred to the Shire or Crown but, this is only possible 12 months after a failure to sell at auction. The approximate cost of the transfer is a further \$2,720.00.

LEGAL IMPLICATIONS

Transfer of Land documentation is required. The Shire may acquire and become responsible for the property after a failed auction.

ASSET MANAGEMENT IMPLICATIONS

The Shire may acquire a property, with improvements, which would need to be added to the asset register if the property were to be retained for its own purposes. The Shire would become responsible for fire compliance, weed control and general maintenance of the property.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2025 – 2029 provides:

At *Key Pillar 4 - Performance & Leadership* the following:

Strategy 4.2 – A Shire that is open and transparent with its community

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

RISK MITIGATION IMPLICATIONS

Medium Risk

This item has been evaluated against the Shire of Plantagenet Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Medium” and can be managed by specific procedures, increased monitoring and the allocation of additional resources.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

20 Muir Street, Mount Barker has a land size of 3,541 m². It is a house that was built in the 1930's, with 3 bedrooms and 1 bathroom.

Timeline:

May 1990 - The property is purchased by two ratepayers.

June 2000 – One of the ratepayers died.

August 2021 – The final payment towards the rates was received.

February 2022 - The remaining ratepayer died.

April 2025 - The ratepayers granddaughter is served the General Procedure Claim at the ratable property.

June 2025 – AMPAC Debt Recovery receives a call from the ratepayers granddaughter advising that both debtors have passed away and that they have not paid for the probate fee so are not executors yet. She advises AMPAC that they do not intend to pay the fee as they have their own financial commitments.

August 2025 - A probate search is conducted with no results.

January 2026 – A Property Sale and Seizure Order (PSSO) is lodged over the land and registered on the Certificate of Title.

April 2026 – An auction conducted by the bailiff under the PSSO over the land fails as it does not meet the reserve.

May 2026 – A decision is made to take the property to Council to sell under the 3 year ruling.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council, pursuant to Section 6.64; 6.68 and 6.71 of the Local Government Act 1995:

- 1. Takes possession of the property, Assessment number A110957: 20 Muir Street, Mount Barker; Certificate of Title 1071/180; Lot 159 on Deposited Plan 222827; and**

2. **Grants authority to the President and the Chief Executive Officer to execute and affix the Common Seal of the Council, to any documentation required to effect the property sale.**

9.3.3 MONTHLY FINANCIAL REPORT – MAY 2026

File Ref:	N68237
Attachment:	<u>Monthly Financial Report – May 2026</u>
Responsible Officer:	Anthony Middleton Executive Manager Corporate & Community Services
Author:	Kylie Caley Manager of Finance
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to provide Council with the monthly financial reports for the month ending 31 May 2026.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996*, regulation 34 states that a local government must prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget.

Variances between budgeted and actual expenditure including the required material variances (10% with a minimum value of \$20,000) are included in the variance report.

EXTERNAL CONSULTATION

Nil.

STATUTORY ENVIRONMENT

s.6.4 *Local Government Act 1995*, Part 6 - Financial Management
r. 34 *Local Government (Financial Management) Regulations 1996*
r. 35 *Local Government (Financial Management) Regulations 1996*

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

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

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 2025 - 2029 provides:

At *Key Pillar 4 Performance & Leadership* the following:

Strategy 4.2:

'A Shire that is open and transparent with its community.'

Corporate Action 4.2.3 - Develop effective reporting and communication tools relevant to the way our community access information

Strategy 4.3:

'Commitment to continuous improvement in service delivery.'

Corporate Action 4.3.2 - Be transparent with our financial management by reporting regularly readable and meaningful financial data to the community

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

STRATEGIC RISK IMPLICATIONSLow Risk

This item has been evaluated against the Shire of Plantagenet Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with currently available resources.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The attached Statement of Financial Activity for the period 1 July 2025 to 31 May 2026 represents ten (10) months, or 92% of the year. The following items are worthy of noting:

- Closing surplus position of \$2.18m;
- Operating results:
 - 89% of budgeted operating revenue has been received; and
 - 88% of budgeted operating expenditure spent;
- Capital expenditure achieved 26.3% of budgeted projects, including:

- Land & Buildings 8%
- Furniture & Equipment 35%
- Plant & Equipment 53%
- Infrastructure – Roads, Drainage, & Footpaths 73%
- Infrastructure – Parks & Ovals 6%
- Infrastructure – Other 7%
- Cash holdings of \$8.7m of which \$7.6m is held in cash backed reserve accounts;
- Rates debtors outstanding equate to 6.0% of total rates raised for 2025/2026 (this includes deferred pensioner rates); and
- Page 10 of the statements detail major variations from year to date (amended) budgets.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council notes the monthly financial statements for the period ending 31 May 2026 as presented.

9.3.4 LIST OF ACCOUNTS – APRIL & MAY 2026

File Ref:	N68250
Attachment:	<u>List of Accounts – April 2026</u> <u>List of Accounts – May 2026</u>
Responsible Officer:	Kylie Caley Manager of Finance
Author:	Debbie Evans Finance Officer - Creditors
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to present the list of payments that were made during the months of April and May 2026.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

This information is provided to Council monthly in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

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.

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.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996* provides that a list of payments must be prepared and presented to Council each month for all credit, debit, or purchasing cards utilised by authorised employees during the month.

POLICY IMPLICATIONS

Council Policy – Purchasing Policy

Council Policy – Corporate Credit Card Policy

FINANCIAL IMPLICATIONS

Expenditure is in accordance with the 2025/2026 Annual Budget.

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 2025 - 2029 provides:

At Key Pillar 4 Performance & Leadership the following:

Strategy 4.2:

'A Shire that is open and transparent with its community.'

Corporate Action 4.2.3 - Develop effective reporting and communication tools relevant to the way our community access information

Strategy 4.3:

'Commitment to continuous improvement in service delivery.'

Corporate Action 4.3.2 - Be transparent with our financial management by reporting regularly readable and meaningful financial data to the community

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

RISK MITIGATION IMPLICATIONSLow Risk

This item has been evaluated against the Shire of Plantagenet Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with currently available resources.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Accountability in local government encompasses various dimensions, as councils strive to fulfill a range of social, political, and financial objectives for the community's benefit.

These accountability principles are rooted in strong financial integrity, adherence to conflict of interest standards, and the expectation that local governments are fully responsible for community resources.

Council has delegated authority to the Chief Executive Officer to make payments from the Shire's Municipal and Trust funds as required.

All payments are independently evaluated by the Manager of Finance to verify that expenditures are for the Shire of Plantagenet and comply with Council policies, procedures, the *Local Government Act 1995*, and relevant regulations. The review also ensures there is no misuse of corporate credit or fuel purchase cards.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Receives the list of accounts paid during the month of April 2026 as per the attached Schedule of Payments, and as summarised below:

Municipal Account (inclusive of credit card and fuel card purchases

Cheque Payments

EFT Payments	EFT9957 – EFT10176	\$1,540,158.37
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Direct Debit Payments		\$201,056.39
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EFT Payroll Payments		\$501,576.03
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Total Municipal Account Payments		\$2,242,790.79
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Licensing Trust Account

Direct Debit Payments		\$ 136,056.25
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Total Licensing Trust Account Payments		\$ 136,056.25
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TOTAL OF ALL ACCOUNTS		\$2,378,847.04
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2. Receives the list of accounts paid during the month of May 2026 as per the attached Schedule of Payments, and as summarised below:

Municipal Account (inclusive of credit card and fuel card purchases)		
Cheque Payments		
EFT Payments	EFT10177 – EFT10308	\$724,910.42
Direct Debit Payments		\$305,794.13
EFT Payroll Payments		\$481,663.45
Total Municipal Account Payments		\$1,512,368.00
Licensing Trust Account		
Direct Debit Payments		\$ 109,818.10
Total Licensing Trust Account Payments		\$ 109,818.10
<i>TOTAL OF ALL ACCOUNTS</i>		<i>\$1,622,186.10</i>

9.3.5 MEETING ATTENDANCE BY ELECTRONIC MEANS – COUNCIL POLICY

File Ref:	N62420
Attachments:	<u>Proposed Council Policy - 'Meeting Attendance by Electronic Means'</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Anthony Middleton Executive Manager – Corporate & Community Services
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to consider a proposed policy that provides a framework for the conduct of electronic meetings of Council, its committees, forums and workshops.

BACKGROUND

The attached proposed Council Policy aims to provide clear guidance on the Council's requirements for Members of Council and Committees attending meetings by electronic means, including:

- Requests for attendance at meetings by electronic means, and possible grounds for refusal;
- Suitable locations for both open and confidential meetings; and
- Suitable equipment.

This Policy aims to ensure consistency, clarity and secure participation when Members attend meetings remotely, and to outline the circumstances in which attendance by electronic means may be approved.

EXTERNAL CONSULTATION

Nil.

STATUTORY ENVIRONMENT

The attendance at Council and committee meetings is legislated by both s5.23 to 5.25 of the *Local Government Act 1995* and regulations 4 – 14K of the *Local Government (Administration) Regulations 1996*.

POLICY IMPLICATIONS

This agenda items suggests the adoption of a new Council Policy.

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 2025 – 2029 provides:

At *Key Pillar 4 - Performance & Leadership* the following:

Strategy 4.3 – Commitment to continuous improvement in service delivery

Corporate Action 4.3.1 - Implement review processes in service delivery on a regular basis and as needed

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The attendance at Council and committee meetings is legislated in detail by both the Local Government Act 1995 and the Local Government (Administration) Regulations 1996. This policy can add additional detail to these legislative requirements but cannot override or contradict them.

The proposed Council Policy - 'Meeting Attendance by Electronic Means' is attached.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the 'Meeting Attendance by Electronic Means' policy, as proposed.

9.3.6 MAJOR PROJECTS – UNSPENT FUNDS TRANSFERRED TO RESERVE ACCOUNTS

File Ref:	N68264
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Anthony Middleton Executive Manager – Corporate & Community Services
Proposed Meeting Date:	23 June 2026

PURPOSE

The purpose of this report is to consider setting aside unspent Council funds for the Mount Barker Swimming Pool Redevelopment and the Wilson Park Youth Precinct into the respective reserve accounts.

BACKGROUND

The funding mix for the Mount Barker Swimming Pool Redevelopment and the Wilson Park Youth Precinct in the 2025/2026 budget are as follows:

Mount Barker Swimming Pool Redevelopment		Wilson Park Youth Precinct	
Grant Funding	\$3,250,000	Grant Funding	\$1,495,226
New Loan	\$2,900,000	New Loan	\$700,000
Transfer from Reserve	\$1,550,000	Transfer from Reserve	\$100,000
<i>Council Funds (Cash)</i>	<i>\$700,000</i>	<i>Council Funds (Cash)</i>	<i>\$457,166</i>
	\$8,400,000		2,752,392

EXTERNAL CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 6.11. (Reserve Accounts) of the Local Government Act 1995 states that where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

POLICY IMPLICATIONS

Policy implications do not apply for this report and further policy development is not required.

FINANCIAL IMPLICATIONS

There are no financial implications for this report, however, this report recommends saving money for two specific projects, improving the funding mix of these two projects.

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 2025 – 2029 provides:

At *Key Pillar 1 - Community* the following:

Strategy 1.1 - Provide and promote appropriate and safe spaces and activities to engage youth

Corporate Action 1.1.1 - Wilson Park Hub

Develop Wilson Park as a versatile community open space with play areas, reflecting the town's identity and creating a vibrant landmark.

Wilson Park Youth Precinct Redevelopment:

- a) Undertake a Wilson Park Master Plan to accommodate whole of community needs
- b) Source funding for stage 1 (skate park, pump track, courts)
- c) Construction of stage 1 (skate park, pump track, courts)
- d) Source funding for stage 2 (playground & picnic facilities)
- e) Construction of stage 2 (playground & picnic facilities).

At *Key Pillar 1 - Community* the following:

Strategy 1.4 – Improve the health and activity levels of our Community

Corporate Action 1.4.1 - Mount Barker Swimming Pool Redevelopment:

- a) Source funding for stage 1B & 2
- b) Construct both Stage 1B (learn-to-swim pool, splash pool, filtration & plant room) and Stage 2 (New 50m Pool) concurrently
- c) Extend and improve parking
- d) Staged implementation of dry area 'all-day recreation facilities'.

At *Key Pillar 4 - Performance & Leadership* the following:

Strategy 4.3 – Commitment to continuous improvement in service delivery

Corporate Action 4.3.2 - Be transparent with our financial management by reporting regularly readable and meaningful financial data to the community.

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Of the 'Council Funds' portion budgeted for the Mount Barker Swimming Pool Redevelopment and the Wilson Park Youth Precinct, the following remains unspent:

- a) Mount Barker Swimming Pool:
Council Funds - \$700,000
Expenditure - \$430,538
Balance - \$269,462
- b) Wilson Park Youth Precinct
Council Funds - \$457,166
Expenditure - \$7,736
Balance - \$449,430

To isolate these funding allocations for these two important projects, it is recommended that the following amounts be transferred into the relevant reserve account:

- a) Mount Barker Swimming Pool - \$250,000
- b) Wilson Park Youth Precinct - \$400,000

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council authorises the following transfers to reserve accounts:

- 1. Mount Barker Swimming Pool Revitalisation Reserve - \$250,000**
- 2. Wilson Park Reserve - \$400,000**

9.4 EXECUTIVE SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12 CONFIDENTIAL

13 CLOSURE OF MEETING

There being no further business the Presiding member closed the meeting at X.XXpm.