



## ORDINARY MINUTES

**DATE:** Tuesday, 25 October 2022

**TIME:** 5.00pm

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

A handwritten signature in black ink, appearing to read "C Woods", is positioned above the printed name and title.

Cameron Woods  
CHIEF EXECUTIVE OFFICER

Resolution numbers: 167/22 to 186/22

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.03pm The Presiding Member declared the meeting open.

The Presiding Member acknowledged the Traditional Custodians of the land, paying respects to Elders past, present and emerging.

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

### Members Present:

Cr C Pavlovich	Shire President (Presiding Member)
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr A Fraser	Councillor
Cr L Handasyde	Councillor
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

### In Attendance:

Mr Cameron Woods	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Delma Baesjou	Manager Development Services
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

### Apologies:

Nil

### Members of the Public Present:

There were nine members of the public present at the meeting, including a media representative.

### Previously Approved Leave of Absence:

Nil

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### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

##### **3.1.1 MS ANNA WILKINSON – REPRESENTING HERSELF AND HER FAMILY**

*Ms Wilkinson asked the following questions of Council in relation to development applications:*

- 1. Is it Shire policy to include every attachment for the application to every email communication?*
- 2. Why is it that we are being made to jump through extra hoops, like requiring survey lines, for this development when for ourselves in the past and others currently, no such requirements have been made?*
- 3. Can the Council revise the current rural tourist accommodation and additional house policy in a timely fashion to meet the changing and ever evolving needs within our community?*
- 4. Can you please enable the ancillary accommodation approval process to be more streamlined on properties under 10 hectares, especially in light of the fact that granny flats can be built in more densely populated residential areas, like right here in town?*

The Shire President thanked Ms Wilkinson for her questions and advised that the Shire would take the questions on notice and respond accordingly.  
(Response to Ms Wilkinson's questions is attached)

##### **3.1.2 MR TREVOR MACMAHON – REPRESENTING MOUNT BARKER HOCKEY CLUB IN RELATION TO A TIERED GRANDSTAND**

*Mr Macmahon addressed the Council regarding the potential redevelopment of the Grandstand viewing area at Sounness Park Hockey Field.*

The Shire President thanked Mr Macmahon and advised that the CEO would read the submission and respond accordingly. (Response to Mr Macmahon's submission is attached.)

**3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Nil

**4 PETITIONS / DEPUTATIONS / PRESENTATIONS****4.1 PRESENTATION – GEORGE REID**

Mr Reid addressed the Council in opposition to the Council's proposed sale of several properties' surplus to requirements, in particular Lot 2038 Martagallup Road, Kendenup.

**4.2 PRESENTATION – ADAM COUSINS**

Mr Cousins, representing himself and Jessica Mentha, addressed the Council in opposition to the Council's proposed sale of several properties' surplus to requirements, in particular Lot 2072 Jutland, Kendenup.

**4.3 PRESENTATION – GEOFFREY SANDILANDS**

Mr Sandilands, representing himself and supporting Adam Cousins and Jessica Mentha, addressed the Council in opposition to the Council's proposed sale of several properties' surplus to requirements.

**4.4 PRESENTATION – RODNEY HOVELL – ROCKY GULLY PROGRESS ASSOCIATION (RGPA)**

Mr Hovell address the Council in relation to signage, power and toilets in Rocky Gully. Mr Hovell proposed the following:

That:

1. A new sign (design attached) be installed to replace the old Plantagenet sign on Muir Highway.
2. Power be intersected to redirect a power supply to the oval/toilets(tank), including the installation of power points, with the cost to be borne by the RGPA.
3. The Shire provides the materials (paint, toilets, seals and consumables) for a facelift to the public toilets, with the RGPA provides the labour.

The Shire President thanked Mr Hovell for his suggestions and advised that the Shire would take the questions on notice and respond accordingly.

**5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr L Handasyde

Item: 9.1.1.

Type: Proximity pursuant to Section 5.60B of the Local Government Act 1995.

Nature: Son-in-law and daughter are the proponents

Extent: N/A

Will be leaving the meeting.

Cr L Handasyde

Item: 9.1.2

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Member of the Bendigo Bank Board, which owns the adjoining building to the proposed lease.

Extent: To inform the Council  
Will be staying / voting.Cr S Etherington

Item: 9.3.3

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: President of Empowering Plantagenet Seniors

Extent: Recipient of Financial Assistance Grant  
Will be staying / voting.Cr K Woltering

Item: 9.3.3

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Secretary of Empowering Plantagenet Seniors

Extent: Recipient of Financial Assistance Grant  
Will be staying / voting.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

### **6.1 APPLICANTS: CRS K WOLTERING AND B BELL**

**Moved Cr M O'Dea, seconded Cr L Handasyde:****That:****Cr K Woltering be granted Leave of Absence for the period 26 October to 13 November 2022 inclusive, and****Cr B Bell be granted Leave of Absence for the period 28 October 2022 to 20 November 2022 inclusive.****CARRIED (9/0)****NO. 167/22**



## **7 CONFIRMATION OF MINUTES**

### **7.1 ORDINARY MINUTES OF COUNCIL HELD 27 SEPTEMBER 2022**

Moved Cr A Fraser, seconded Cr J Oldfield:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 September 2022 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 168/22

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 PROPOSED ANCILLARY DWELLING – LOT 307 (25) TOWER ROAD, MOUNT BARKER

Cr L Handasyde

Item: 9.1.1.

Type: Proximity pursuant to Section 5.60B of the Local Government Act 1995.

Nature: Son-in-law and daughter are the proponents

Extent: N/A

Will be leaving the meeting.

5.20pm Cr L Handasyde left the meeting.

**File Ref:** N59344

**Attachment:** [Site Plan](#)  
[Elevations](#)  
[Floor Plan](#)  
[Water Tank Plan](#)

**Responsible Officer:** Delma Baesjou  
Executive Manager Development Services

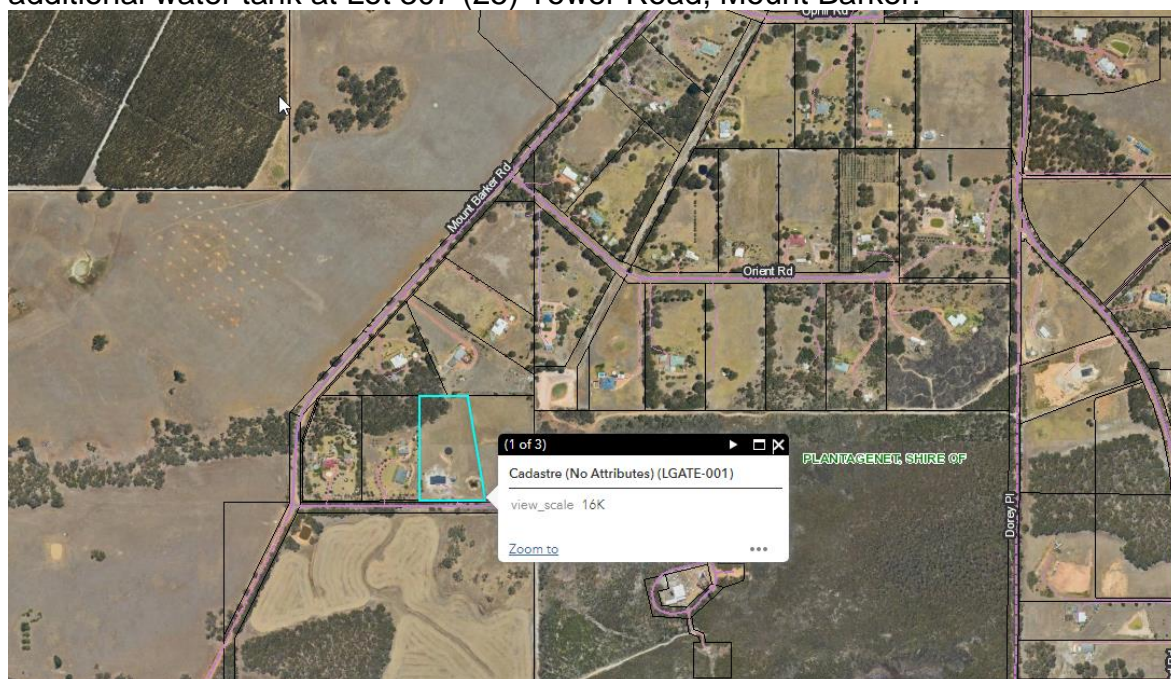
**Author:** Delma Baesjou  
Executive Manager Development Services

**Applicant/proprietor:** A and K Wilkinson

**Proposed Meeting Date:** 25 October 2022

### PURPOSE

The purpose of this report is to consider an application for an ancillary dwelling and additional water tank at Lot 307 (25) Tower Road, Mount Barker.



## BACKGROUND

The applicant has requested approval for an ancillary dwelling to be able to support aging parents with failing health. Supporting letters from the Neurological Council of WA and the Wheatbelt Health Network have been provided as part of the application.

The proposed 2-bedroom, self-contained ancillary dwelling has a total floor area of 97m<sup>2</sup> including the verandah and alfresco area. It is to be located about 15m from the existing dwelling.

The existing dwelling is constructed of brick with a steel roof. The proposed ancillary dwelling will be a T&R Homes steel frame, clad structure with a steel roof.

The proposed materials and colour scheme are:

Building Type	External Material/s	External Colour
Dwelling Roof	Colorbond	Monument
Dwelling Gutter	Colorbond	Monument
Dwelling Fascia/Downpipes	Painted	Taubmans Alpine Snow
Dwelling Window Frames	Powder coated	To match Monument
Dwelling External Doors	Painted	Taubmans Alpine Snow
Dwelling Wall Cladding #1	Scyon Axon Cladding	Taubmans Footpath
Dwelling Wall Cladding #2	Scyon Linea Cladding	Taubmans Alpine Snow
Dwelling Eave Linings	Painted	Taubmans Alpine Snow
Tank	Colorbond	Monument

The subject land is zoned Rural Residential Zone 1 under the Shire of Plantagenet Local Planning Scheme No.5.

The proposal satisfies the 20m minimum boundary setback requirement, all provisions for RRes1 and Fire Safety, potable water supply, access and parking requirements.

Table 2 of LPS5 contains the following objectives for Rural Residential zones:

- '1. To provide for lot sizes in the range of 1ha to 4ha.*
- 2. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.'*

Schedule 2 includes the following specific objective for RRes 1:

*'...to provide for rural residential living and small scale rural and tourist uses providing they do not impact detrimentally on the environment or the amenity of adjoining property.'*

As set out in the Residential Design Codes (R-Codes), Ancillary Dwelling is defined as:

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

The subject land is designated as Bushfire Prone by the Fire and Emergency Services Commissioner. A Bushfire Attack Level Assessment (BAL) was received on 30 August 2022. The determined BAL for the site/proposed development is BAL-12.5.

**EXTERNAL CONSULTATION**

The applicant has provided letters from the four adjoining landholders in support of their application.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Local Planning Scheme No. 5

**POLICY IMPLICATIONS**

Elements of Shire of Plantagenet Planning Policy 14 Rural Tourist Accommodation and Additional Houses (PP14) provide some guidelines that are relevant to this proposal, however, do not adequately reflect contemporary planning definitions, guidelines and State Policies in regard to Ancillary Dwellings, fire safety and community expectations. PP14 deals with rural zoned land, not Rural Residential, and requires a minimum lot size of 10ha for Additional Houses (Granny Flats).

A review of the Policy 14 is underway. This is being done as a component of a suite of solutions the Local Government is pursuing to help address the current housing crisis.

**FINANCIAL IMPLICATIONS**

The required development application fee of \$768.00 has been paid.

An infrastructure bond payment of \$1,500.00 will be required at the time of submitting a building permit application.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

At *Outcome 1 Community* the following Strategy:

Strategy 1.2.1:

*‘Advocate the provision and promotion of services, home care and facilities that meet the needs of the aged.’*

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

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Reputational Managing landowner and community expectation if application is not supported</i>	<i>Possible</i>	<i>Moderate</i>	<i>Low</i>	Issue conditional Development Approval
Opportunity: <i>Conditional approval for this Ancillary Dwelling will meet a legitimate and demonstrated need, set a positive precedent and assist in addressing the housing crisis.</i>				

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

The Planning Regulations and R-Codes apply State wide and LPS5 relies on the definitions, procedures and provisions contained in the R-Codes. These contemporary planning statutes provide for Ancillary Dwellings, as of right, within conventional Residential zones. Under the Planning Regulations, compliant Ancillary Dwellings in R-Coded, sewerred areas that are not within a designated Bushfire Prone Areas are exempt for requiring Development Approval.

The R-Codes and deemed provisions deal primarily with serviced, residential zoned land. Density Codings apply within the various townsites in Plantagenet but not the peri-urban areas or lifestyle and hobby farm lots. It is unfortunate that the R-Codes and these DA exemptions are not explicitly transferable to Rural Residential zoned land. Single House and associated outbuildings are P (permissible) in the zone, however LPS5 itself is silent in regard to Ancillary Dwellings.

It is acknowledged there is considerable merit in allowing Ancillary Dwellings within selected Rural Residential zones. In this instance, the design principles and provisions contained within the R-Codes are considered to provide appropriate guidelines for such development within the Rural Residential area 1.

The proposal satisfies the 20m minimum boundary setback requirement, all provisions for RRes1 and Fire Safety, potable water supply, access and parking requirements.

It is recommended that Council determine the proposed Ancillary Dwelling at Lot 307 Tower Road to be consistent with the zone objective for Rural Residential 1 being to

provide for rural residential living, and that conditional Development Approval be granted.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr M O'Dea:**

**That the proposed Ancillary Dwelling and Outbuilding (90kl Water Tank) at Lot 307 (25) Tower Road, Mount Barker be supported, and development approval be granted subject to:**

- 1. The development being in accordance with the approved plans dated 30 August 2022 (water tank) and 29 September 2022.**
- 2. All stormwater runoff from the new structure to be adequately controlled on-site.**

#### Advice Notes:

1. The owner is responsible for establishing and maintaining an Asset Protection Zone and compliance with the Shire of Plantagenet Annual Bush Fire Mitigation Notice.
2. The Ancillary Dwelling be connected to an approved on-site effluent disposal system and shall not be occupied without the approval and installation of such a disposal system.
3. This Development Approval does not constitute a Building Permit.

**CARRIED (8/0)**

**NO. 169/22**

5.21 Cr L Handasyde returned to the meeting.



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

**File Ref:** N59342  
**Attachment:** [Location Plan](#)  
[Supporting Documentation](#)  
**Responsible Officer:** Delma Baesjou  
Executive Manager Development Services  
**Author:** Delma Baesjou  
Executive Manager Development Services  
**Property Owner:** A McFarlane  
**Applicant:** J Talmage  
**Proposed Meeting Date:** 25 October 2022

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#### PURPOSE

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



#### BACKGROUND

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

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

Lot 4 Lowood Road is zoned Commercial under the Shire of Plantagenet Local Planning Scheme No 5 (LPS5).

Child care premises in an 'A' use in the commercial zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions

The applicant is proposing the use of the existing parking bays in Short Street for customer parking/drop off. Staff carparking is proposed to be in the open lot accessible by Lord Street. The proposed location for staff parking is within private property. Approval would be required from the existing property owners for staff to park on these lots. At the time of preparing this report there had been no conferral with the proprietors of the Lord Street properties.

As no on-site parking will be provided, the applicant is proposing a cash in lieu arrangement with the Shire.

Table 7 of LPS5 specifies the minimum required car parking spaces for the Commercial zone at 1 per 20m<sup>2</sup>. Typically, the parking requirement for shops and businesses is based on leasable retail/office floor area. The floor area is approximately 250m<sup>2</sup>. At 1 per 20m<sup>2</sup> twenty-five (25) parking spaces would be required. This is considered excessive, and officers suggest a more realistic rate of 1 bay per 6 children and 1 per staff member, being ten (4 plus 6) parking spaces.

Clause 32.(6) of LPS5 provides the opportunity for a Cash payment in lieu of providing a parking area, and sets out the following:

*'The local government may accept a cash payment in lieu of the provision of on site parking provided:*

*(a) such cash payment is not less than the estimated cost to the owner of providing and constructing the parking area otherwise required by the Scheme plus the value, as estimated by the local government, of that area of his land which would have been occupied by the parking area;*

*(b) before the local government agrees to accept a cash payment in lieu of the provision of parking spaces, the local government must either have purchased land and/or provided a public car park nearby or have firm proposals to provide such a public car park within a period of four years of the time of agreeing to accept the cash payment;*

*(c) payments made under this Clause shall be paid into a fund to be used for the provision of public car parking facilities and the local government may use this Fund to provide public parking facilities anywhere within the commercial centre of the town or in close proximity of the site in respect of which a cash-in-lieu arrangement is made;*

*(d) if an owner shall object to the amount of the costs of values determined by the local government pursuant to sub-clause (a), the matter may be referred to arbitration.'*

## **EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Local Planning Scheme No. 5



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

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

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

The required development application fee of \$320.00 has been paid.

### **BUDGET IMPLICATIONS**

As set out in the Shire of Plantagenet 2022/2023 Schedule of Fees and Charges, the cash in lieu of car parking payment is \$4,500.00 per parking bay.

### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

### **ASSET MANAGEMENT IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

At *Outcome 1 Community* the following Strategy:

Strategy 1.1.2:

*‘Advocate for family support services.’*

At *Outcome 3 Economy* the following Strategy:

Strategy 3.1.2:

*‘Businesses are encouraged and supported.’*

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

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Reputational</i> Managing landowner and community expectation if application is not supported	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	Issue Approval subject to conditions
<i>Reputational</i> Advertising may result in adverse comments	Unlikely	Minor	Low	Can be managed by routine procedures.
<i>Opportunity:</i> To facilitate provision of additional child care services to assuage an unmet need in Plantagenet				

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

Officers have delegated authority to advertise discretionary land uses and determine Development Applications, however, in this case, prior determination is sought that Council is prepared to accept a cash payment in lieu of the provision of on-site parking.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That:

1. The proponents of the proposed Child Care Premises at Lot 4 (21) Lowood Road, Mount Barker be advised that the Council is prepared to accept a cash payment in lieu of providing 10 parking spaces, in accordance with Clause 32.(6) of Local Planning Scheme No. 5 and based on the payment of \$4,500.00 per parking bay set out in the Shire of Plantagenet 2022/2023 Schedule of Fees and Charges.
2. The proposed Child Care Premises at Lot 4 (21) Lowood Road, Mount Barker be advertised for public comment for a period of 28 days in accordance with clause 64 of the Planning and Development (Local Scheme) Regulations 2015.
3. A further report on this matter be presented to the Council at the 20 December 2022 Ordinary Council Meeting.

**ALTERNATIVE RECOMMENDATION/COUNCIL DECISION**

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

**That:**

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

**CARRIED (9/0)**

**NO. 170/22**

**Reason for Change:**

Subsequent to preparing the report on this proposal, the applicant has sought and obtained agreement from the proprietor to use the undeveloped land at the rear of the pharmacy (23 Lowood Road) for 6–10 car parking spaces. A preliminary letter of support is attached. Should Council be prepared to accept the off-site parking arrangement, a formalised agreement will need to be provided.

The six off-site bays would be primarily for staff. A cash payment in lieu of the balance of four parking spaces is considered appropriate.

### 9.1.3 RESERVE 17849 – TRANSFER OF CROWN LAND, NARRIKUP SPORTS GROUND

**File Ref:** N59350

**Responsible Officer:** Delma Baesjou  
Executive Manager Development Services

**Author:** Delma Baesjou  
Executive Manager Development Services

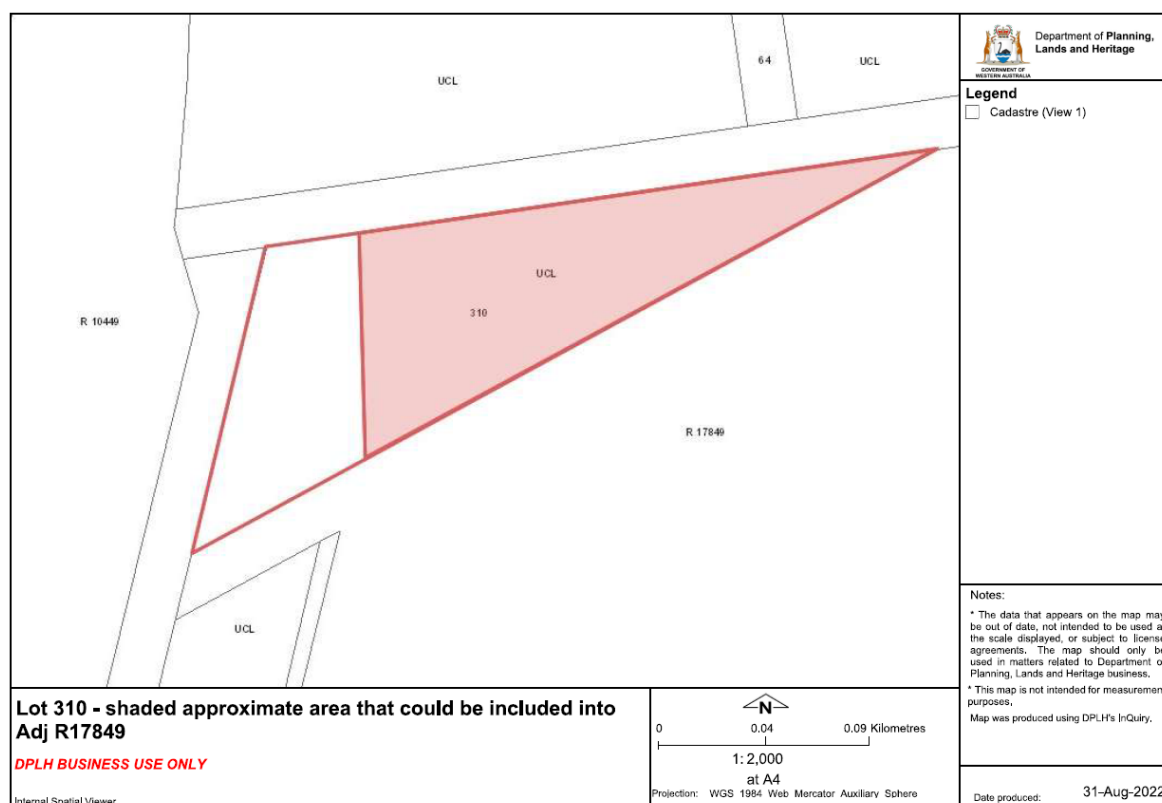
**Proposed Meeting Date:** 25 October 2022

#### PURPOSE

The purpose of this report is to consider the response from the Department of Planning Lands and Heritage (DPLH) regarding the potential transfer of portion of Unallocated Crown Land Lot 310 for inclusion in adjacent Reserve 17849, Lot 51 Albany Highway, Narrikup.

Following conferral with its South West Settlement Agreements Team, the DPLH has advised it is willing to remove the portion of Lot 310 containing encroachments from consideration for inclusion into Noongar Land Estate (NLE). The uncleared western portion of the land will remain under investigation of inclusion in the NLE.

The below sketch shows the approximate area that could be considered for inclusion into Reserve 17849.



#### BACKGROUND

Reserve 17849 contains the Narrikup oval/sports ground and cricket nets.

Various structures, including the tennis courts and clubrooms, have been constructed on the northern portion of UCL, Lot 310, adjacent to Hannan Way. Access is via Hannan Way.



Aerial image of Reserve 17849 and northern portion of UCL, Lot 130 showing Narrikup Sports ground clubrooms and tennis courts.

Reserve 17849 has been vested with the Shire of Plantagenet for the purposes of recreation and show grounds since May 1932.

There is a Memorandum of Understanding (MOU) between the Shire of Plantagenet and the Narrikup Combined Sporting Association (Inc) (NCSA).

The purpose of the MOU is to enable the NCSA to:

- a) Manage the sporting facilities on Reserve 17849 and adjoining vacant Crown land
- b) Seek funding for the management, maintenance and development of facilities
- c) Record the Shire's commitment to lease the land for a 10-year term.

The MOU references the Shire's intent to have the Crown land amalgamated with Reserve 17849. Refer Item 9.3.1 OCM 25 September 2012 and Resolution 200/12.

At the Council meeting held on 7 February 2012 it was resolved:

*'That:*

1. *The Department of Regional Development and Lands be requested to transfer the 1.5ha portion of unallocated Crown land adjacent to Reserve 17849 as shown on the attached plan dated 31 January 2012 for inclusion into Reserve 17849.*
2. *The Department be further requested to include Power to Lease in the Management Order.'*

The Shire of Plantagenet applied to DPLH for the UCL to be included in the adjoining Reserve 17849 and sought Power to Lease over the new expanded Reserve. Because the Native Title settlement had not been finalised at that time, the proposal was placed on hold pending the outcome of the South West Settlement. In the interim UCL lot has been included in the pool of potential UCL that is under consideration for allocation to the Noongar Land Estate. In July 2021 the DPLH sought an update and revised application from the Shire of Plantagenet

A further report on this matter was considered by the Council at its meeting held on 23 November 2021. Resolution 220/21 as follows was adopted:

*‘That:*

- 1. The Department of Regional Development and Lands be requested to transfer the 1.5ha portion of unallocated Crown land adjacent to Reserve 17849 as shown on the attached plan dated 28 August 2014 for inclusion into Reserve 17849.*
- 2. The CEO be authorised to proceed to amalgamate the lots.*
- 3. The Department be further requested to include Power to Lease in the Management Order.’*

## **EXTERNAL CONSULTATION**

There has been substantial prior correspondence with DPLH regarding the transfer and amalgamation of the UCL with Reserve 17849.

Initial consultation has taken place with the Mount Barker Aboriginal Progress Association about land in Plantagenet up for allocation to the Noongar Land Estate. This unallocated Crown land at the Narrikup oval was identified in a map of eligible land but was determined as not having Aboriginal heritage or historical significance.

Preliminary consultation was also undertaken with the South West Aboriginal Land and Sea Council (SWALSC), regarding their priorities for Noongar Land Estate property selection. In December 2021 SWALK acknowledged the merit of the proposal but requested the matter be deferred pending the establishment of the Wagyl Kaip Southern Noongar Regional Corporation (WKNRC). A copy of that response was forwarded to DPLH.

## **STATUTORY ENVIRONMENT**

Land administration Act 1997

Planning and Development Act 2005

## **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**

The DPLH advised that the Shire of Plantagenet will be responsible for all fees and cost associated with the survey and land transfer.

Accordingly, survey and amalgamation fees in the order of \$8,000.00 will need to be met.

## BUDGET IMPLICATIONS

There is no specific allocation in the 2022/23 budget for this project.

## LEGAL IMPLICATIONS

In seeking transfer of the portion of UCL to the reserve the Shire of Plantagenet has requested Power to Lease. This will enable formalisation of the current arrangement with the NCSA.

## ASSET MANAGEMENT IMPLICATIONS

The existing structures are recorded on the Shire's asset register and the Shire has management responsibility, therefore the asset management implications will not change as a consequence of this proposed formalisation.

## STRATEGIC IMPLICATIONS

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

At Outcome 1 Community the following:

Strategy 1.3.2:

*'A healthy and Active Community.'* and

Strategy 1.4.3:

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

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

## RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational Inability to resolve the tenure restricts further development of the facility	Certain	Moderate /	High	Accept the proposal from DPLH for encumbered portion of Lot 310
Opportunity: Formalisation of historic and current management arrangements and community use of unallocated Crown land.				

## STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

## REGIONAL IMPLICATIONS

There are no regional implications for this report.

**OFFICER COMMENT**

The portion of land proposed for transfer is slightly less than the 1.5ha originally requested. The area under offer contains 'encroachments' including the tennis courts, club room, portions of the cricket pitch and oval, parking areas, access and firebreaks. The remnant vegetation is not included. The proposed new boundary is aligned with the edge of the remnant vegetation.

DPLH advised that during the referral process Main Roads WA (MRWA) provided a comment that they would be seeking a Notification or Restrictive Covenant that prevents access from Reserve 17849 to Albany Highway. Officers consider this to be acceptable given the subject land has dual road frontage and practical access is via Hannan Way

The transfer of the portion of UCL to the reserve will allow formalisation of its current use.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr B Bell:**

**That the Department of Planning, Lands and Heritage be advised that the Shire of Plantagenet supports the transfer of portion of Lot 310 unallocated Crown land containing encroachments, as shown on the plan dated 31 August 2022, for inclusion into Reserve 17849.**

**CARRIED (9/0)**

**NO. 171/22**



## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 BUSH FIRE OFFICER POSITION – DEPUTY CHIEF FIRE WEATHER OFFICER

<b>File Ref:</b>	<b>N59396</b>
<b>Responsible Officer:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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#### PURPOSE

The purpose of this report is to recommend the appointment of the Shire of Plantagenet Deputy Chief Fire Weather Officer for 2022/23.

#### BACKGROUND

The Bush Fire Service executive positions were approved at the Bush Fire Advisory Committee (BFAC) Meeting on 10 May 2022, followed by formalisation at the Council Meeting of 24 May 2022.

At a Special Meeting of the Bush Fire Advisory Committee held on 12 October 2022, it was resolved that it be a recommendation to the Council:

*‘That:*

- 1. Mr Graeme Pyle be appointed as the Shire of Plantagenet Deputy Chief Fire Weather Officer for 2022/23*
- 2. The resignation of Mr Greg Sounness from the position of Deputy Chief Fire Weather Officer be noted and he be thanked for his service.’*

#### EXTERNAL CONSULTATION

The BFAC has made the recommendations detailed in this report.

#### STATUTORY ENVIRONMENT

Bush Fires Act 1954, Section 38 - ‘Local government may appoint bush fire control officer’

Shire of Plantagenet Bush Fire Brigades Local Law 2020

#### 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.

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**LEGAL IMPLICATIONS**

There are no legal implications for this report.

There are no asset management implications for this report.

**STRATEGIC IMPLICATIONS**

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

At *Outcome 1.5 A safe Plantagenet* the following:

Strategy 1.5.1

*‘Support the community in emergency and fire management planning, preparedness, response and recovery.’*

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

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Operational:</i> No back-up for the Chief Fire Weather Officer in terms of adverse fire weather conditions	<i>Possible</i>	<i>Major</i>	<i>High</i>	Appointment of a Deputy Fire Weather Officer
<i>Opportunity:</i> Provides the Chief Fire Weather Officer with advice and back-up.				

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

The position of Chief Fire Weather Officer (CFWO) is critical to the declaration of Harvest and Movement Bans during the Shire’s Restricted and Prohibited Burning Period. The CFWO also manages potential permit cancellations during the Restricted Period when adverse fire weather can be expected.

The CFWO may not be available at all times during the Restricted and Prohibited Burning Period hence the legislation allows for the appointment of Deputy Chief Fire Weather Officers to assist the CFWO.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Oldfield, seconded Cr S Etherington:**

**That:**

- 1. Mr Graeme Pyle be appointed as the Shire of Plantagenet Deputy Chief Fire Weather Officer for 2022/23**
- 2. The resignation of Mr Greg Sounness from the position of Deputy Chief Fire Weather Officer be noted and he be acknowledged for his service.**
- 3. Pursuant to Section 38 (13) of the Bush Fires Act 1954, notice of the appointment be sent to the Fire and Emergency Services Commissioner, a local newspaper and for publishing in the Government Gazette.**

**CARRIED (9/0)**

**NO. 172/22**

**9.2.2 EARTHWORKS AND SEALING OF LOOSE SURFACE ALONGSIDE HOCKEY STADIUM**

<b>File Ref:</b>	<b>N59391</b>
<b>Attachment:</b>	<u>Site Plan</u> <u>Proposed Works Estimate</u>
<b>Responsible Officer:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>David Johnson APM</b> <b>Manager Community and Recreation Services</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

The purpose of this report is to recommend sealing a section of the unsealed area adjacent to the hockey field at Sounness Park to prevent damage to the synthetic turf from loose material and to install a pathway and solar lighting for safer egress and access to the Hockey Stadium.

**BACKGROUND**

The Sounness Park hockey field was completed on 30 June 2015, providing an international standard playing field for hockey within Mount Barker. The hockey field sits alongside some existing water tanks and irrigation infrastructure which is secured by way of a locked gate to prevent unauthorised vehicles from entering the site. The area, which was sand and gravel, was covered with blue metal stones and road-base prior to October 2017. This was designed to reduce the instances of gravel and sand entering the playing field. Unfortunately, this has exacerbated the problem with the aggregate now getting into the synthetic grass, causing damage and presenting a danger to players when balls strike the stones and deflect.

Whilst in negotiations with the Mount Barker Hockey Club regarding parking upgrades at Sounness Park, the club prioritised that this issue was the most important one facing the club due to stones damaging the synthetic surface and causing injury to players and reducing the life of the turf.

**EXTERNAL CONSULTATION**

Discussions with the Mount Barker Hockey Club are ongoing relating to this and other club issues.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 6.8)1) of the Act states:

*‘A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*

(c) *is authorised in advance by the mayor or president in an emergency.'*

## 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

The area will require earthworks and the application of a sealed surface, along with a concrete pathway extending from the existing path behind the player dug outs to the car park on McDonald Avenue. A cost of approximately \$26,000.00 is expected to complete these works which will also include 5 vandal-proof solar lights.

## BUDGET IMPLICATIONS

This project will require allocation of funds to a line item.

## LEGAL IMPLICATIONS

There are no legal implications for this report.

## ASSET MANAGEMENT IMPLICATIONS

The proposed works will increase the overall asset value of the Sounness Park precinct.

## STRATEGIC IMPLICATIONS

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

*At Outcome 1 Community and Outcome 4 Performance & Leadership the following Strategies:*

Strategy 1.4.3:

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

Strategy 4.1.1:

*'A Shire that listens and considers the needs of each community.'*

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

## RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational: <i>Minor first aid / Medical type injuries Damage to synthetic turf which reduces life of asset</i>	<i>Possible</i>	<i>Minor</i>	<i>Moderate</i>	<i>Adopting Officers Recommendation to mitigate risk</i>
Opportunity: <i>Reduce the risk of injuries to patrons and players and increase the life span of the synthetic turf.</i>				

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

Currently, the surface in the area between the tanks and the playing field is loose stone and is uneven. The area is dark at night, further compounded when the stadium lights are turned off, leaving the area used by patrons to return to their vehicles parked on McDonald Avenue in total darkness. Injuries may occur to persons walking over the uneven and loose surface in the dark.

Damage is being done to the synthetic surface by the stones, which lodge in the pile. Currently, this is being addressed with volunteers having to scour the surface looking for stones prior to use. The risk of injury is significant with balls deflecting at speed after striking a stone.

The 2023 Great Southern Hockey carnival, which is being hosted in Mount Barker, will attract significant numbers of players to Sounness Park, elevating the number of persons using the facility and egressing through the area in question. A concrete pathway with lighting will provide safe and direct access to the McDonald Avenue overflow parking area. The sealed area will ensure stones are not transferred to the playing surface.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr J Oldfield:**

**That the unbudgeted expenditure of \$26,000.00 be authorised from surplus funds identified in the September budget review, to allow the sealing of the loose surface between the hockey field and the water tank, and the installation of a compliant concrete path with lighting to improve safety of persons using the Hockey Stadium.**

**CARRIED (9/0)**

**NO. 173/22**

**Absolute Majority**

**9.2.3 WATER STRATEGY DOCUMENT – ANNUAL REVIEW**

<b>File Ref:</b>	<b>N59396</b>
<b>Attachment:</b>	<u>Frost Park Dam Enlargement Plan</u>
<b>Responsible Officer:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

The purpose of this report is to provide an annual review of progress of the Shire of Plantagenet Water Strategy 2020 recommendations.

**BACKGROUND**

At the Council Meeting held on 26 October 2021 it was resolved:

*‘That the Water Strategy 2020 Recommendations – Progress Report, be noted and a further review be provided in October 2022 noting progress of the Shire of Plantagenet Water Strategy 2020 recommendations, a calculation of water inflows and water storage capacity and forward climate outlooks, to such extent as is reasonably possible.’*

**EXTERNAL CONSULTATION**

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

**STATUTORY ENVIRONMENT**

Public Health Act 2016, Section 34 – ‘General public health duty’

**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**

The Council’s 2022/2023 budget has item Frost Park – Dam Extension for \$113,000.00.

\$75,371.00 of this sum is grant funding from the Department of Water and Environmental Regulation (DWER) and the remaining \$37,629.00 is Council funded.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

## ASSET MANAGEMENT IMPLICATIONS

A Shire asset (dam at Frost Park) is being enlarged, so increasing water storage capacity from 5,000kL to 14,000kL.

The project complements a key objective in the Shire's 2020 Water Management Strategy to maximise the town's non-potable water supplies. The water from the dam is used for reticulation to the town's sport and recreational facilities and where possible, parklands. If required, the water from the dam will also be made available during dry periods for emergency farm and firefighting purposes.

## STRATEGIC IMPLICATIONS

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

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

Strategy 2.3.1.4

*'Consider future funding of proactive environmental and sustainability initiatives.'*

Strategy 2.4.2.1:

*'Asset management and rationalisation plan developed for all Council facilities.'*

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

## RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial: <i>Costs may exceed budgeted amount.</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	Reduce final volume if required.
Opportunity: <i>To increase water storage capability and improve aesthetics of Frost Park.</i>				
Opportunity: <i>To provide fill to the alternate Emergency Services Precinct site at reduced cost to ratepayers.</i>				

## STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

## REGIONAL IMPLICATIONS

There are no regional implications for this report.

## OFFICER COMMENT

Since November 2021, no additional works have been undertaken from the Plantagenet Water Strategy 2020 recommendations, except the finalisation of the pipelines that interconnect the dams on Lot 81 McDonald Avenue to the Frost Park Dam.

The very wet winter in 2021 resulted in both Shire dams on Lot 81 McDonald Avenue being filled to capacity with significant holdover coming into the 2022 winter months. This provides the Shire with approximately two years' worth of irrigation water available for the Sounness and Frost Park facilities.

The successful grant funding from DWER enables works on the expansion of Frost Dam to commence after the conclusion of the annual turf racing season. At this stage,



a Request for Quote has not been sent to the market as it is proposed that Shire staff will undertake the work to construct the dam and provide the best value.

It should be noted, that using Shire staff to complete this project may have a flow on effect to the 2022/2023 road construction program. In addition, the proposal to transport excavated material to the area north of the swimming pool for a possible Emergency Services Precinct will cost more than dumping and spreading soil onsite.

The original submission to DWER for project funding accounted for the fill to be placed at the northern end of inner Frost Park. Changing the location will affect the overall cost, but by undertaking the work in-house, the budget allocations will be sufficient. That said, there is an opportunity for not 'wasting' the spoil and placing it in an area which may have likely future benefit to the Shire.

The completion of the Frost Park Dam extension will essentially bring an end to the agreed construction for water storage as outlined in the Water Strategy 2020. No future works are planned at this stage, although some discussion could be considered on the feasibility of irrigating Wilson Park as part of the planned precinct upgrades.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Water Strategy 2020 Recommendations – Progress Report be noted.**

**CARRIED (9/0)**

**NO. 174/22**

## 9.3 CORPORATE SERVICES REPORTS

### 9.3.1 BUDGET REVIEW - SEPTEMBER 2022

<b>File Ref:</b>	<b>N59343</b>
<b>Responsible Officer:</b>	<b>Cameron Woods</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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#### PURPOSE

The purpose of this report is to review and adjust the adopted 2022/2023 Annual Budget to recognise variations in actual income and expenditure.

#### BACKGROUND

The 2022/2023 annual budget was adopted by the Council on 2 August 2022. This is the first review of the budget.

#### STATUTORY ENVIRONMENT

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 33A states:

- ‘(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
  - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) consider the local government’s financial position as at the date of the review; and*
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*  
*\*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.’*

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**FINANCIAL IMPLICATIONS**

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary.

The overall recommended effect on the budget is a surplus of \$27,731.00.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**STRATEGIC RISK IMPLICATIONS**

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

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

Following the adoption of the budget, a number of issues have come to light that are worthy of a budget amendment and the following action is recommended:

- The 2022/2023 Regional Road Project Program has been modified to reflect a total of \$1,191,626.00 funding available for distribution to regional local governments due in part to some other projects being deferred. The Shire of Plantagenet has been offered the following funds for backup projects:

Project	Grant	Council	Total
Boyup Road Reseal (SLK 9.18 to 13.90)	\$76,667	\$38,333	\$115,000
Spencer Road Re-seal (SLK 16.66 to 19.08)	\$63,333	\$31,667	\$95,000

While the Council contribution will need to be funded, this is considered to be a good opportunity to secure additional grant funding towards sealing key roads. It is recommended that the additional Council contribution be funded as follows:

The budget includes two carry forward jobs that have been completed, namely the re-sheeting of First Avenue (RC235B) and Second Avenue (RC236), totalling savings of \$36,990.00. Further, the gravel skip re-sheeting of Stirling School Road (RC036) can also be completed with the current work done, which will achieve further savings of \$46,846.00.

- The Shire currently has a total of \$15,206.00 unallocated in the overall five-year Roads to Recovery funding allocation. It is recommended that this amount be

added to the current R2R project for the re-sheeting of parts of Pavlovich Road (SLK 0 – 4.75). This project has a current budget of \$188,100.00. This RTR project would benefit most from this additional funding because progress will be slower than normal with gravel delivery and placement due to the width of the road.

- The Shire has been awarded a grant of \$850.00 from the Council for the Aging for a Seniors Week event. Income and expenditure accounts have been created accordingly, with no cash impact.
- The Budget includes a sum of \$22,500.00 for 'LGIS Risk Expenditure'. As discussed recently with the Audit and Risk Management Committee, the Shire has withdrawn from the LGIS Risk Program and an occupational health and safety (OHS) professional has been appointed to oversee the Shire's OHS framework, one day per week for 12 months. The costs associated with this appointment can be met within the LGIS amount, although a pro-rata of that sum (\$14,900.00) will need to be reallocated to Budget Item Administration – Employee Costs.
- The 2021/2022 budget included a sum of \$7,100.00 for a replacement switchboard at the Plantagenet District Hall. This item was on order, but not finalised at the end of the year. Unfortunately, the budget was not carried forward and the updated cost of \$6,202.00 needs to be reallocated.
- The budget includes a number of footpath improvement works in Mount Barker, with \$156,000.00 funded by LRCIP3 and \$118,310 being met by municipal funds. As a result of the most suitable quotation received for the footpath construction works being over the projected overall budget, some re-scoping of works is proposed to ensure the cost is maintained approximately within budget.

The reason is that the works involved include extensive preparation, including pothole repair prior to asphalt overlay. Further, with Parsons Street, the square metre area was significantly under estimated. The overall effect on the budget is an increase of \$5,796.00. The detailed proposals are shown below:

Project	Scope	Original Budget	Proposed Budget
Footpath Renewal - Mount Barker Road, Mount Barker (LRCIP3)	Reduce width from 2 meters to 1.8 meters, Steep embankment to be completed in house on the maintenance budget. Vegetation to be managed by Shire.	(24,750)	(22,127)
Footpath Renewal - Ormond Road, Mount Barker (LRCIP3)	As per contract Vegetation to be managed by Shire.	(57,860)	(55,428)
Footpath Renewal - Nunarrup Street, Mount Barker (LRCIP3)	Reduce width from 2 meters to 1.8 meters. Vegetation to be managed by Shire	(27,130)	(30,388)
Footpath Renewal - Narpund / Osborne Road, Mount Barker (LRCIP3)	Reduce width from 2 meters to 1.8 meters, construct two pram ramps North of Mead St on either side of Osborne location to be marked out by Shire. Steep embankment to be completed by Shire on the maintenance budget. Allow \$5,000 for two pram ramps.	(9,730)	(17,261)
Footpath Renewal - Ingoldby Street, Mount Barker (LRCIP3)	Reduce width from 2 meters to 1.8 meters. Vegetation to be managed by Shire.	(36,530)	(30,832)
<b>LRCIP3 Total</b>		<b>(156,000)</b>	<b>(156,036)</b>

Parsons Street (Deane St - Fellowes St) - Pathway renewal (south) and Verge treatment (north)	Reduce width from 2 meters to 1.8 meters. Vegetation to be managed by Shire.	(21,000)	(39,586)
Deane Street (Ormond St - Oatlands Rd) - Path renewal / verge treatment	Remove from program. This path was included to improve connectivity. There is a good path on the opposite side of the road that has a crossing at Parsons Street.	(18,100)	0
Menston Street (Montem St - House #27) - Reseal pathway	Reduce width from 2 meters to 1.8 meters. Vegetation to be managed by Shire.	(14,000)	(19,310)
<b>Municipal Total</b>		<b>(53,100)</b>	<b>(58,896)</b>

- A number of other LRCIP projects are recommended for amendment. The original budget included the following LRCIP3 allocations (including the footpaths above) and the proposed amendments are also listed in this table:

Job No	Description	Budget Expenditure	Proposed Expenditure	Income
GERC614A	Mount Barker Recreation Centre - Change Facility	(110,000)	(130,000)	65,000
GETOU04	Signage - Mt Barker Hill	(20,000)	(20,000)	20,000
GE607B	Demolish swimming pool buildings - Stage 1B	(100,000)	0	0
OF001A	Lowood Road reconstruction – SLK 0.04 - 0.53	(234,500)	(234,500)	234,500
OF328A	Mead Street reconstruction	(200,000)	(40,000)	40,000
GE607C	Swimming pool - Retaining wall and earthworks - Stage 1B	(100,000)	(150,000)	150,000
OFFC328	Swimming pool - Footpath and paving	0	(70,000)	70,000
OF027B	Woodlands Road SLK 5.72 - 9.38	(115,442)	(115,392)	115,392
OFDC007A	Drainage - Yellanup Road - SLK 9.48 & 23.36	(38,000)	(38,000)	38,000
OFDC033B	Drainage - Takalarup Road - SLK 11.48	(18,000)	(18,000)	18,000
OFDC034B	Drainage - Syred Road - SLK 9.49	(20,000)	(20,000)	20,000
OFDC055A	Drainage - Woogenellup Road - SLK 34.62	(20,000)	(20,000)	20,000
OFDC112A	Drainage - St Werburghs Road - SLK 4.21	(16,000)	(16,000)	16,000
OFFC019	Footpath Renewal - Mount Barker Road, Mount Barker	(24,750)	(22,127)	22,127
OFFC028	Footpath Renewal - Ormond Road, Mount Barker	(57,860)	(55,428)	55,428
OFFC031	Footpath Renewal - Nunarrup Street, Mount Barker	(27,116)	(30,388)	30,388
OFFC044	Footpath Renewal - Narpund / Osborne Road, Mount Barker	(9,730)	(17,261)	17,261
OFFC052	Footpath Renewal - Ingoldby Street, Mount Barker	(36,530)	(30,832)	30,832
OFTR114C	O'Neill Road Trail - Stage 1A	(35,100)	(35,100)	35,100
OFTOU03	Lighting of Public Open Spaces & Buildings	(50,000)	(45,000)	45,000
4140231	ADMIN - Furniture & Equipment (Audio Equipment)	(23,000)	(23,000)	23,000
OF054B	Knights Road SLK 2.5 - 8.99	0	(150,000)	140,000
<b>Totals</b>		<b>(1,256,028)</b>	<b>(1,281,028)</b>	<b>1,206,028</b>

The revised amounts predominantly reflect updated quotes and estimates for the works. The Mead Street roadworks and associated retaining wall and footpath works have been split into three separate budget items, each one reflecting the different type of asset (road/kerb, footpath and other infrastructure).

The demolition of the current kiosk at the pool has been removed from LRCIP3 funding due to uncertain timing, and the previously 'Council' road job Reconstruction of Knights Road has been substituted in its place. The costs associated with the demolition will be carried forward to a time where it can be completed, avoiding LRCIP3 time constraints.

The variations to the LRCIP3 program outlined above have been endorsed on 7 October by the grant funder, the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications.

- The original budget included several items in the detailed capital and operating programs that were not properly brought through to the Statements of Financial Activity. The recommendation table includes the necessary details to correct this, which amounts to a surplus of \$33,329.00. The remaining parts of the budget review reduce this slightly, resulting in an overall cash surplus of \$27,731.00.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde seconded Cr M O'Dea:

That the budget review for the period 1 July 2022 to 30 September 2022 be adopted and the 2022/2023 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
RC235B	First Avenue (SLK 0.00 - 0.45)	(\$24,576)	\$0	\$24,576
RC236	Second Avenue (SLK 0.74 - 1.17)	(\$12,414)	\$0	\$12,414
RC036	Stirling School Road (SLK 0.00 to 8.72)	(\$46,846)	\$0	\$46,846
RRG045A1	Boyup Road Reseal (SLK 9.18 to 13.90)	\$0	(\$115,000)	(\$115,000)
RRG008A	Spencer Road Re-seal (SLK 16.66 to 19.08)	\$0	(\$95,000)	(\$95,000)
GIRRG045A1	Boyup Road Reseal (SLK 9.18 to 13.90)	\$0	\$76,667	\$76,667
GIRRG008A	Spencer Road Re-seal (SLK 16.66 to 19.08)	\$0	\$63,333	\$63,333
R2R140B	Pavlovich Rd Slk 0 - 4.75 - Gravel (R2R)	(\$188,100)	(\$203,306)	(\$15,206)
GIR2R140B	R2R - Pavlovich Rd SLK 0 - 4.75 - Grant Income	\$188,100	\$203,306	\$15,206
GEAGED01	Grant expenditure - Senior's Week (Council on the Aging)	\$0	(\$850)	(\$850)
GIAGED01	Grant Income - Senior's Week (Council on The Aging)	\$0	\$850	\$850
2040223	OTH GOV - LGIS Risk Expenditure	(\$22,500)	\$0	\$22,500
2140200	ADMIN - Employee Costs	(\$1,796,371)	(\$1,811,271)	(\$14,900)
BC600B	Plantagenet District Hall - Building (Capital) - Switchboard	\$0	(\$6,202)	(\$6,202)
OFFC019	Footpath Renewal - Mount Barker Road, Mount Barker (LRCIP3)	(\$24,750)	(\$22,127)	\$2,623
OFFC028	Footpath Renewal - Ormond Road, Mount Barker (LRCIP3)	(\$57,860)	(\$55,428)	\$2,432
OFFC031	Footpath Renewal - Nunarrup Street, Mount Barker (LRCIP3)	(\$27,130)	(\$30,388)	(\$3,258)
OFFC044	Footpath Renewal - Narpund / Osborne Road, Mount Barker (LRCIP3)	(\$9,730)	(\$17,261)	(\$7,531)
OFFC052	Footpath Renewal - Ingoldby Street, Mount Barker (LRCIP3)	(\$36,530)	(\$30,832)	\$5,698
FC087A	Parsons Street (Deane St - Fellowes St) - Pathway renewal (south) and Verge treatment (north)	(\$21,000)	(\$39,586)	(\$18,586)
FC040A	Deane Street (Ormond St - Oatlands Rd) - Path renewal / verge treatment	(\$18,100)	\$0	\$18,100
FC071A	Menston Street (Montem St - House #27) - Reseal pathway	(\$14,000)	(\$19,310)	(\$5,310)
GERC614A	Mount Barker Recreation Centre - Change Facility (LRCIP3)	(\$110,000)	(\$130,000)	(\$20,000)
GE607B	Demolish swimming pool buildings - Stage 1B (LRCIP3)	(\$100,000)	\$0	\$100,000
OF328A	Mead Street reconstruction (LRCIP3)	(\$200,000)	(\$40,000)	\$160,000
GE607C	Swimming pool retaining wall and earthworks - Stage 1B (LRCIP3)	(\$100,000)	(\$150,000)	(\$50,000)
OFFC328	Swimming pool footpath and paving (LRCIP3)	\$0	(\$70,000)	(\$70,000)
OF027B	Woodlands Road SLK 5.72 - 9.38 (LRCIP3)	(\$115,442)	(\$115,392)	\$50
OFTOU03	Lighting of Public Open Spaces & Buildings (LRCIP3)	(\$50,000)	(\$45,000)	\$5,000

OF054B	Knights Road SLK 2.5 - 8.99 (LRCIP3)	\$0	(\$150,000)	(\$150,000)
RC054B	Knights Road SLK 2.5 - 8.99	(\$150,000)	\$0	\$150,000
OC607B	Demolish swimming pool buildings - Stage 1B (Municipal)	\$0	(\$140,000)	(\$140,000)
GIRC614A	LRCIP Grant Income - Mount Barker Recreation Centre - Change Facility	\$60,000	\$65,000	\$5,000
GI607B	LRCIP Grant Income - Demolish swimming pool buildings - Stage 1B	\$100,000	\$0	(\$100,000)
GIOF328A	LRCIP Grant Income - Mead Street reconstruction	\$200,000	\$40,000	(\$160,000)
GI607C	LRCIP Grant Income - Swimming pool retaining wall and earthworks - Stage 1B	\$100,000	\$150,000	\$50,000
GIOF328A	LRCIP Grant Income - Swimming pool footpath and paving	\$0	\$70,000	\$70,000
GIOF027B	LRCIP Grant Income - Woodlands Road SLK 5.72 - 9.38	\$115,442	\$115,392	(\$50)
OFGIOFTOU03	LRCIP Grant Income - Lighting of Public Open Spaces & Buildings	\$50,000	\$45,000	(\$5,000)
GIOF054B	LRCIP Grant Income - Knights Road SLK 2.5 - 8.99	\$0	\$140,000	\$140,000
<b>ADJUSTMENTS TO STATEMENTS OF FINANCIAL ACTIVITY</b>				
	Opening Funding Surplus (Deficit)	\$3,314,742	\$3,581,787	\$267,045
	Operating Grants, Subsidies and Contributions	\$2,828,984	\$2,832,254	\$3,270
	Interest Earnings	\$70,540	\$76,261	\$5,721
	Other Revenue	\$517,655	\$511,934	(\$5,721)
	Profit on Disposal of Assets	\$300,733	\$266,686	\$0
	Materials and Contracts	(\$5,553,415)	(\$5,559,675)	(\$6,260)
	Loss on Disposal of Assets	(\$22,489)	(\$32,284)	\$0
	Land and Buildings	(\$670,899)	(\$957,249)	(\$286,350)
	Repayment of Debentures	(\$422,294)	(\$439,058)	(\$16,764)
	Repayment of Lease Financing	(\$20,594)	(\$12,600)	\$7,994
	Self-Supporting Loan Principal	\$0	\$64,394	\$64,394
<b>Totals</b>		<b>(\$1,968,844)</b>	<b>(\$1,984,955)</b>	<b>\$27,731</b>

CARRIED (9/0)

NO. 175/22

Absolute Majority

**9.3.2 FINANCIAL STATEMENTS – SEPTEMBER 2022**

<b>File Ref:</b>	<b>N59368</b>
<b>Attachment:</b>	<u>Financial Statements – September 2022</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Vanessa Hillman</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

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

**STATUTORY ENVIRONMENT**

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

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

The Statement is to be accompanied by:

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.



**RISK MITIGATION IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Oldfield, seconded Cr K Woltering:

That the Financial Statements for the period ending 30 September 2022 be received.

**CARRIED (9/0)**

**NO. 176/22**

**9.3.3 LIST OF ACCOUNTS – SEPTEMBER 2022**

<b>File Ref:</b>	<b>N59360</b>
<b>Attachment:</b>	<u>List of Accounts – September 2022</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Faye Smith</b> <b>Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

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

**EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

**STATUTORY ENVIRONMENT**

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

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

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**RISK MITIGATION IMPLICATIONS**

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

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde seconded Cr M O'Dea:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2022 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$644,352.53; and
2. Municipal Cheques 47234 to 47235 totalling \$380.10.

**CARRIED (9/0)**

**NO. 177/22**

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**9.3.4 POLICY REVIEW - HIRE OF COUNCIL CONTROLLED PROPERTY**

**File Ref:** N59639  
**Responsible Officer:** Cameron Woods  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 25 October 2022

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/1 – Hire of Council Controlled Property.

**BACKGROUND**

The policy was last reviewed by the Council at its meeting held on 6 October 2020.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**POLICY IMPLICATIONS**

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

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Reputational / Operational</i> Risk of late night impacts on neighbourhood amenity	Unlikely	Minor	<i>Low</i>	Endorse Officer Recommendation

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**OFFICER COMMENT**

This policy enables guidance to be given to prospective hirers of Shire facilities. The Shire's venue hire form indicates the curfew for Council facilities is 1.00am. Music

and refreshments must end at the hire time designated by the hirer and are not permitted to go later than this curfew, except with formal Council approval.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr M O'Dea:**

**That Council Policy A/PA/1 – Hire of Council Controlled Property:**

**'OBJECTIVE**

**To establish a time limit on the hire of Council controlled property.**

**POLICY:**

**No function shall be continued after 1:00am on Council controlled property except by permission of the Council.'**

**be endorsed.**

**CARRIED (9/0)**

**NO. 178/22**

**9.3.5 POLICY REVIEW - FINANCIAL MANAGEMENT - BORROWING PROGRAM AND ASSET FINANCING**

**File Ref:** N59373  
**Attachment:** Policy with amendments  
**Responsible Officer:** Cameron Woods  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 25 October 2022

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**PURPOSE**

The purpose of this report is to review Council Policy F/FM/6 – Financial Management – Borrowing Program and Asset Financing.

**BACKGROUND**

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

**STATUTORY ENVIRONMENT**

Western Australian Treasury Corporation Act 1986

In order to be satisfied that borrowings will not place stress on the Local Government, the Western Australian Treasury Corporation (WATC) requires financial information to be provided to the Corporation before approving any loans. Section 7.3 of the Master Lending Agreement between the Shire and the WATC requires that advances are *'subject to the condition that the Corporation's credit criteria in effect at the relevant time for such lending are met by the Borrower.'*

**EXTERNAL CONSULTATION**

There has been some discussion with WATC about whether it can provide local government with a guideline as to what local governments should be aiming for in respect to the new quantitative credit assessment criteria. This is unlikely to be forthcoming in the near future.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**POLICY IMPLICATIONS**

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

**ASSET MANAGEMENT IMPLICATIONS**

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

## STRATEGIC IMPLICATIONS

There are no strategic risk implications for this report.

## STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

## OFFICER COMMENT

The Western Australian Treasury Corporation (WATC) recently undertook a review of its lending to the local government sector. The WATC lending framework's quantitative credit assessment criteria were the Debt Service Coverage Ratio and Net Debt ratio.

In assessing loan applications, the above ratios were calculated for the previous financial year using data from audited financial statements, and the current financial year using forecast data from the adopted budget.

The outcome of WATC's review and research of quantitative loan application credit assessment criteria was to recommend the number of quantitative credit assessment criteria be increased from two to four, encompassing criteria for, as shown below:

### New Criteria

Profitability Criteria	Calculation	Rationale
Earnings Before Depreciation Margin	Operating Income exc. Depreciation Operating Revenue	Indicator of the profitability of the LG. The numerator consists of LG Operating Revenues less LG Operating Expenses excluding depreciation expense.
Liquidity Criteria	Calculation	Rationale
Cash Expense Cover Ratio	June 30 Cash Balance Forward Opex exc Depreciation / 12	Indicator of sufficient working capital to meet short-term obligations.

### Existing/Revised Criteria

Serviceability Criteria	Calculation	Rationale
Debt Service Cover Ratio	OSBID Annual P&I	An indicator of an LGs ability to generate sufficient cash flow to cover all debt repayments.
Leverage Criteria	Calculation	Rationale
Total Debt Ratio (Revised)	Total LG Debt Operating Revenue	Indicator of the extent to which the total debt of an LG can be serviced by operating revenues

The review also recommended the time horizon over which the credit criteria will be assessed also be extended. The new time horizon will be:

- Past – Two years of completed financial statements.
- Present – Current year adopted budget.
- Future – Three years of forecast financial statements/budgets.

The outputs of the credit assessment criteria across the six-year time horizon will be used to form a view on creditworthiness.

Further, under WATC's existing framework limited monitoring of loans or financial performance occurs after funds have been advanced. The review recommended that WATC implement a structured local government loan monitoring framework to enable WATC to be proactive in the management of loans should financial performance deteriorate.

The framework will enable WATC to proactively monitor local governments to identify opportunities to engage with them to improve their financial position. It is an expectation that all local government borrowing clients will be subject to a credit review at least every three years.

Given these changes, some of the current parts of the policy regarding financial ratios is now obsolete. Rather than setting specific ratio limits within which the Shire would aim, a longer-term view should be formed about capacity to pay. This would be based on trend data, rather than at the point in time when the loan is being applied for.

Given these major changes to the framework, it is recommended that the ratio information be deleted. In its place, it should be sufficient to say that, as a part of deliberations on loan financing, the Council will consider its capacity to pay based on the trends shown in the quantitative data required to be submitted to the Western Australian Treasury Corporation. The remaining parts of current policy are considered acceptable and can be endorsed.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Oldfield, seconded Cr B Bell:**

**That amended Council Policy F/FM/6 as follows:**

### **‘OBJECTIVE:**

**To recognise the degree to which borrowing is acceptable, determine in what circumstances borrowing should and should not be utilised, consider funding strategies for major assets and categories of services and satisfy the Western Australian Treasury Corporation that any new borrowings will not place financial stress on the Council.**

### **POLICY:**

- 1. Long-term borrowing will not be used to finance current operations or normal maintenance.**
- 2. The Shire will strive to achieve a high reliance on pay-as-you-go financing for its capital improvements.**
- 3. All debt issued, including by lease purchase methods, will be repaid within a period not to exceed the expected useful lives of the improvements financed by the debt.**
- 4. The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:**
  - a) Where the asset to be acquired is a new addition to the Council's asset base and the project contributes to the achievement of an identified strategic objective; or**
  - b) Where the asset replaces an existing asset and has a useful life of greater than 10 years; or**



- c) Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and
- d) One of the following funding conditions exists:
  - i) The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire.
  - ii) The borrowing cost could be supported by additional revenue over the effective life of the project.
  - iii) All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council.
  - iv) The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset.
  - v) Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy.
  - vi) To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today, or
  - vii) To delay a project would jeopardise it due to grant funding restrictions or opportunities.
- 5. Where surplus funds are available, the decision to repay or reduce borrowings should be made based on the facts available at the time giving due regard to minimising the overall cost to the Council.
- 6. As a part of deliberations on loan financing, the Council will consider its capacity to pay based on the trends shown in quantitative data required by the Western Australian Treasury Corporation.'

be endorsed.

CARRIED (9/0)

NO. 179/22

## **9.4 EXECUTIVE SERVICES REPORTS**

### **9.4.1 CHRISTMAS CLOSURE 2022/2023**

<b>File Ref:</b>	<b>N59346</b>
<b>Responsible Officer:</b>	<b>Cameron Woods Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett Human Resources Coordinator</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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#### **PURPOSE**

The purpose of this report is to seek approval for the closure of Shire facilities between the Christmas/New Year period – December 2022/January 2023.

The facilities are:

- Shire Administration Office
- Shire Depot
- Mount Barker Library
- Mount Barker Swimming Pool
- The Rec.Centre, and
- O'Neill Road, Kendenup, Rocky Gully and Kambellup Waste Management Facilities.

#### **BACKGROUND**

The Council has authorised the closure of facilities for the period between Christmas and New Year for many years and this has not caused any community disquiet or inconvenience.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **FINANCIAL IMPLICATIONS**

There is no additional cost to the Council as staff will use rostered days off (RDO), Local Government Days in Lieu (LGDIL) and time in lieu (TIL) or annual leave (AL) entitlements if required.

#### **BUDGET IMPLICATIONS**

There are no budget implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

The closure of specific Council facilities over the Christmas period is an opportunity for members of staff to use the two negotiated LGDIL as provided for in the Shire of Plantagenet Enterprise Agreements. Historically, these days have been taken between Christmas and New Year to minimise disruptions to operational routine.

This year Christmas Day falls on a Sunday. The Council will be asked to close some Shire facilities from 12.00pm on Friday 23 December 2022, with normal business resuming on Tuesday 3 January 2023. The 12.00pm closure was successfully implemented last year and is standard practice throughout local governments in the region.

Emergency phone contacts will be available for all 'out of hours' emergencies.

Standard Department of Transport licence renewals can be conducted over the internet and also via B Pay.

Closure days for the Administration Office and Depot would be:

- Friday 23 December 2022 – Close 12.00pm – RDO for most staff, TIL or AL
- Monday 26 December 2022 – Public Holiday (Christmas Day - Additional)
- Tuesday 27 December 2022 – Public Holiday (Boxing Day)
- Wednesday 28 December 2022 – LGDIL
- Thursday 29 December 2022 – LGDIL
- Friday 30 December 2022 – RDO, TIL or AL
- Monday 2 January 2023 – Public Holiday (New Year's Day – Additional)

Closure days for the Mount Barker Library would be:

- Friday 23 December 2022 – Closed – TIL or AL
- Saturday 24 December 2022 – TIL or AL
- Tuesday 27 December 2022 – Public Holiday (Boxing Day)
- Wednesday 28 December 2022 – LGDIL
- Thursday 29 December 2022 – LGDIL
- Friday 30 December 2022 – TIL or AL
- Saturday 31 December 2022 – TIL or AL

Closure days for The Rec.Centre would be:

- 8.00pm Thursday 22 December 2022 to Monday 2 January 2023 (inclusive); with reduced hours offered from Tuesday 3 January to Friday 6 January 2023.

Closure day for the Swimming Pool would be:

- Sunday 25 December 2022

Closure day for the O'Neill Road, Kendenup, Rocky Gully and Kambellup Waste Management Facilities would be:

- Sunday 25 December 2022

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr K Woltering:

That:

1. The Shire of Plantagenet's Administration Office be closed from 12.00pm on Friday 23 December 2022 with the resumption of normal services on Tuesday 3 January 2023.
2. The Shire Depot be closed from 12.00pm on Friday 23 December 2022 with the resumption of normal services on Tuesday 3 January 2023.
3. The Mount Barker Library be closed from 6.00pm on Thursday 22 December 2022 with the resumption of normal services on Tuesday 3 January 2023.
4. The Rec.Centre be closed from 8.00pm on Thursday 22 December 2022, with reduced hours offered from Tuesday 3 January to Friday 6 January 2023, and normal services to resume on Monday 9 January 2023.
5. The Mount Barker Swimming Pool be closed on Sunday 25 December 2022.
6. The O'Neill Road, Kendenup, Rocky Gully and Kambellup Waste Management Facilities be closed on Sunday 25 December 2022.
7. The closures inclusive of public holidays be advertised locally.

**CARRIED (8/1)**

**NO. 180/22**

**Cr O'Dea voted against the motion**

**9.4.2 COUNCIL MEETINGS SCHEDULE 2023**

<b>File Ref:</b>	<b>N59083</b>
<b>Responsible Officer:</b>	<b>Cameron Woods Chief Executive Officer</b>
<b>Author:</b>	<b>Nolene Wake Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

The purpose of this report is to review and schedule ordinary meetings of the Council for 2023.

**BACKGROUND**

At its meeting held on 26 October 2021, the Council resolved:

*‘That:*

- 1. The ordinary meetings of the Council for January to December 2022 inclusive be held on the fourth Tuesday of each month as follows:*
  - a) Tuesday 25 January 2022*
  - b) Tuesday 22 February 2022*
  - c) Tuesday 22 March 2022*
  - d) Tuesday 26 April 2022*
  - e) Tuesday 24 May 2022*
  - f) Tuesday 28 June 2022*
  - g) Tuesday 26 July 2022*
  - h) Tuesday 23 August 2022*
  - i) Tuesday 27 September 2022*
  - j) Tuesday 25 October 2022*
  - k) Tuesday 22 November 2022*
  - l) Tuesday 20 December 2022*
- 2. All ordinary meetings of the Council shall commence at 5.00 pm and be held in the Council Chambers, Lowood Road Mount Barker.*
- 3. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.’*

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 5.3 provides that a Council is to hold ordinary meetings and may hold special meetings.

Local Government Act 1995 – Section 5.5 requires the CEO to convene ordinary meetings by giving each Council member at least 72 hours’ notice of a date, time and place of a meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 – regulation 12 requires that ordinary council meetings to be held in the next 12 months shall be advertised on the local government’s official website.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

### FINANCIAL IMPLICATIONS

The frequency and timing of meetings and workshops may impact on catering costs.

### POLICY IMPLICATIONS

Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public and Policy No. CE/CS/6 – Briefing Sessions for Councillors applies.

### STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/2023-2025/2028 provides at Outcome 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.3:

*‘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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance Local Public Notice is not given of the date, time and place of Ordinary Council meetings.	Unlikely	Moderate	Moderate	Council approve a meeting schedule with sufficient time allowed for public notice
Opportunity: <i>Council has the opportunity to review meeting frequency, cycles and start times to ensure they are relevant to the organisation. .</i>				

### STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

### REGIONAL IMPLICATIONS

South Coast Alliance Inc; Southern Link VROC and WALGA Zone Meetings are scheduled in such a way to avoid any meeting conflicts.

**OFFICER COMMENT**

At the 6 October 2020 meeting, the reason for changing the meeting schedule to be held on the fourth Tuesday of each month (apart from December) was due to ensuring staff had the maximum time to be prepare updated financial reports and to provide consistency for the public.

*'If everyone knows that it is the fourth Tuesday it is easy to follow. The financials will always be available on the meeting day. Financials are of course a very important part of the responsibilities of Councils, and we should see them every month.'*

Whilst the current meeting schedule is effective for much of the year, change is recommended based on organisational capacity due to periods of high demand for annual leave and the impact of public holidays which reduces elected member capacity to review reports and have the opportunity to ask for clarification on the day before the meeting.

It is recommended that the current cycle of meetings held on the fourth Tuesday of each month continues, with the exception of the following:

1. The meeting for the month of January to be cancelled to allow for a break in the cycle to enable staff and elected members to take a period of extended leave. Under the current cycle, there is no such period of time available and the scheduled January meeting is also often in conflict with the Australia Day public holiday on the 26 of January.
2. The first meeting in February 2023 will be brought forward to the third Tuesday of the month to reduce the period of time between meetings from December 2021 by a week.
3. The April meeting has been recommended to be pushed back a week and held on 2 May 2023, due to both the Anzac Day public holiday clash on 25 April and that the Easter break will be from 7 – 10 April, shortening the month by a further 2 days.
4. With May being a five-week month, it has been recommended the May meeting be pushed back a week to 30 May. This will still maintain a four week break between meetings and better accommodate the necessary date changes of the April Meeting.
5. The meeting scheduled for 26 September is recommended to take place a week earlier on the 19 September. As the August meeting is scheduled for the 22 August, this will mean that there will still be 4 weeks from the August meeting to the September meeting.

Council has the option to call a special Council Meeting at any time for matters requiring an urgent Council resolution such as a planning matter that can't be resolved under delegation.

Councillors have, from time to time, queried commencement times for ordinary meetings. The time has been left open for Council preference.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. The ordinary meetings of the Council for February to December 2023 inclusive be held as follows:
  - a) 21 February 2023
  - b) 28 March 2023
  - c) 2 May 2023
  - d) 30 May 2023
  - e) 27 June 2023
  - f) 25 July 2023
  - g) 22 August 2023
  - h) 19 September 2023
  - i) 24 October 2023
  - j) 28 November 2023
  - k) 19 December 2023
2. All ordinary meetings of the Council shall commence at 5.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
3. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

**CARRIED (9/0)**

**NO. 181/22**



**9.4.3 RENEWAL OF LEASE – PLANTAGENET MEN'S SHED**

<b>File Ref:</b>	<b>N59091</b>
<b>Attachment:</b>	<u>Lease Agreement</u>
<b>Responsible Officer:</b>	<b>Cameron Woods</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Human Resources Coordinator</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

The purpose of this report is to seek approval for the renewal of the lease agreement between the Shire of Plantagenet and Plantagenet Men's Shed Incorporated, for Reserve 23870, being Lot 363 Albany Highway (Booth Street), Mount Barker.

**BACKGROUND**

The Plantagenet Men's Shed formed in March 2011 and has occupied the former Guide Hall at Lot 363 Albany Highway Mount Barker under a lease agreement since 2012.

During the ten years the Plantagenet Men's Shed have leased the Council owned building, they have conducted various maintenance works and improvements to the existing building, and constructed a new metalwork shed on the site.

**EXTERNAL CONSULTATION**

Consultation has occurred with Peter Aish, Chairman, Plantagenet Men's Shed.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 3.58 applies to the disposition of property, including leasing. Under the Local Government (Functions and General) Regulations a disposition of land is an exempt disposition and is excluded from the application of Section 3.58, if:

*'the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and members of which are not enlisted or permitted to receive a pecuniary profit from the body's transactions.'*

As such, the lease to Plantagenet Men's Shed would be an exempt disposition.

In accordance with Section 18 of the Land Administration Act 1997, approval has been obtained from the Minister for Lands with regard to the lease agreement.

**POLICY IMPLICATIONS**

Council Policy A/PA/14 'Sporting and Community Organisation using Council and Vested land – rateability' provides that an organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.

Under the Policy, Plantagenet Men's Shed falls into the category of Other Service Organisations/Sporting Clubs. Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect the level of community benefit provided.

This matter will need to be formally decided by the Council prior to the lease being renewed.

### FINANCIAL IMPLICATIONS

Rental received from the lease will be \$10.00 per annum (excluding GST).

Plantagenet Men's Shed is responsible for all outgoings, and all building and grounds maintenance on the leased area.

### BUDGET IMPLICATIONS

There are no budget implications for this report.

### LEGAL IMPLICATIONS

There are no legal implications for this report.

### ASSET MANAGEMENT IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

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

Strategy 1.3.2:

*'A healthy and active Community'*

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

### RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That the Council risks being seen as unsupportive of a local community support group	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Endorse the renewal of the lease agreement</i>
<i>Opportunity:</i> To acknowledge the successful operations of the Men's Shed by providing a renewed lease on similar terms.				

### REGIONAL IMPLICATIONS

There are no regional implications for this report.

### OFFICER COMMENT

The Plantagenet Men's Shed has provided an invaluable source of support and benefit to members of the community of Plantagenet since it took up residence in the former Guide Hall.

Improvements and alterations carried out by the Men's Shed, including the addition of the new metalwork shed, continues to result in the preservation and maintenance of a Council asset with otherwise may fall into disrepair.

The new lease agreement has been drafted using the Shire's updated standard template lease. Generally, terms and conditions are the same as the current agreement. A new clause provides that the Lessee will be responsible for the cost of any policy excess in the event of an insurance claim and in some cases, the cost of repairs where that cost is less than the policy excess. Public liability insurance requirements have increased from at least \$10 million to \$20 million.

It is recommended that the lease agreement be renewed for a term of five years with an option to renew for a further five years.

Further, it is recommended that pursuant to Policy A/PA/14 the rate subsidy be set at 100%.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr J Oldfield:**

**That:**

- 1. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease agreement (as attached) between Shire of Plantagenet and Plantagenet Men's Shed Incorporated for Reserve 23870, being Lot 363 Albany Highway (Booth Street), Mount Barker.**
- 2. For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the community, number of active participants and the not for profit status of the lessee, that a 100% waiver of annual levied rates shall apply.**

**CARRIED (9/0)**

**NO. 182/22**

**9.4.4 POLICY REVIEW - BRIEFING SESSIONS FOR COUNCILLORS**

**File Ref:** N59252  
**Responsible Officer:** Cameron Woods  
Chief Executive Officer  
**Author:** Nolene Wake  
Executive Officer  
**Proposed Meeting Date:** 25 October 2022

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**PURPOSE**

The purpose of this report is to review Council Policy CE/CS/6 – Briefing Sessions for Councillors.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held 8 September 2022.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Section 5.23 (1) and 5.23 (2) applies.

As Council committees and workshops held do not enjoy any delegation of a power or duty, they need not be open to members of the public.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides at Outcome 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.3:

*‘Ensure the Council’s decision making process is effective and transparent.’*

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

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That Council Policy CE/CS/6 – Briefing Sessions for Councillors, as follows:

**‘OBJECTIVE:**

To provide briefing sessions for Councillors to assist Councillors in becoming fully informed on complex matters.

**POLICY:**

When considering complex matters and where, in the opinion of the Chief Executive Officer in consultation with the Shire President, Councillors will benefit and better decision making will result, the Chief Executive Officer will at least two weeks prior to the matter coming before the Council for decision, arrange a Councillor briefing session.’

be endorsed.

**CARRIED (9/0)**

**NO. 183/22**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12 CONFIDENTIAL****12.1.1 PURCHASE OF GRADER**

<b>File Ref:</b>	<b>N59358</b>
<b>Responsible Officer:</b>	<b>David Lynch Executive Manager Works and Services</b>
<b>Author:</b>	<b>David Lynch Executive Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2022</b>

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**PURPOSE**

The purpose of this report is to consider submissions received for the purchase of a new grader.

5.45pm      Remaining members of the public left the meeting.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**5:45pm      That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:**

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

**CARRIED (9/0)**

**NO. 184/22**

**MOTION TO PROCEED IN PUBLIC**

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

**5:49pm      That the meeting proceed in public.**

**CARRIED (9/0)**

NO. 185/22

5.49pm One Media Representative returned to the meeting.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That the tender submitted by AFGRI Equipment Australia for the supply and delivery of a John Deere 2022 model 620GP Motor Grader at a cost of \$415,000.00 (excl GST) be accepted.

CARRIED (9/0)

NO. 186/22

Absolute Majority

**13 CLOSURE OF MEETING**

5.50pm The President declared the meeting closed.

CONFIRMED: CHAIRPERSON  DATE: 22 / 11 / 22