



ORDINARY AGENDA

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

DATE: Tuesday, 26 March 2024

TIME: 5.00pm

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



Julian Murphy
CHIEF EXECUTIVE OFFICER

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

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Please Note: Council Meetings are recorded for accuracy of minute taking.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Nil

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1.1 MS MEREDITH CAMPBELL

Ms Campbell asked the following question at the meeting held 27 February 2024:

'When there is a complaint why is there no contact or follow up once complaint is submitted?'

The Presiding Member advised that the question would be taken on notice and responded to in due course.

Response from the CEO:

'The Shire of Plantagenet is committed to communicating in a timely and responsive manner in order to address issues, enquiries and concerns submitted by members of the Community.'

The following methods can be used to submit and enquiry to the Shire:

- *In person: Administration Office, 22 – 24 Lowood Road MOUNT BARKER WA 6324*
- *By Mail: PO Box 48 MOUNT BARKER WA 6324*
- *By Telephone: 9892 1111*
- *By Email: info@sop.wa.gov.au*

The Shire will endeavour to acknowledge written requests within 10 business days of receipt. If there are specific circumstances where you feel you have not had a reasonable response, we will look into those circumstances and address that with you.

Enquiries made by other methods may not be received and recorded in our system and therefore may not be dealt with.

Complaints of a vexatious or spurious nature may be dealt with in a different manner, and the Shire reserves the right to set limits or conditions on how vexatious complainants may engage with the Shire in the future.'

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 27 FEBRUARY 2024

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 27 February 2024.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 February 2024 as circulated, be taken as read and adopted as a correct record.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

9.2.1 KENDENUP CENTRAL TOWN TEAM MOVEMENT – REQUEST FOR SUPPORT

File Ref:	N63212
Attachment:	<u>Aerial Map and Sign Design</u>
Responsible Officer:	Kevin Hemmings Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Works and Services
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to consider the request for support by the Kendenup Central Town Team Movement to install painted signs advising of the speed limit on power poles on Beverley Road.

BACKGROUND

The Kendenup Central Town Team Movement (KCTTM) contacted the Chief Executive Officer (CEO) in February 2024, requesting approval be provided for the group to paint signs on power poles on a section of Beverley Road between the respective intersections of Chauvel Road and Hassell Avenue (See Attachment One).

As explained in the email to the CEO, there are twelve power poles in this section of Beverley Road. The speed limit within this section of road is 50km/h.

The group proposes to paint each pole yellow with slogans such as a tennis racquet with 50km/h in the middle or a coffee cup with 50km/h on the side. An arrow would point in the direction of the pictured site (see Attachment One for an example).

The poles are owned by Western Power and are on Shire road reserve. Main Roads (MR) determines speed limits on Western Australian roads.

To fund the project, the group intends to apply for a grant through the Road Safety Commission's Community Grants programme which can finance projects up to \$25,000.00 (excl GST). Applications for funding close in July.

The KCTTM advises they have spoken with Western Power, which has stated it requires Shire and Road Safety Commission (RSC) approval before the company considers the community project.

Following a report presented to the Council Forum on 12 March 2024, the Executive Manager Works and Services (EMWS) was advised to prepare a report for the Council at the March meeting.

EXTERNAL CONSULTATION

Consultation has taken place with a member of the KCTTM and a representative from MR.

STATUTORY ENVIRONMENT

Land Administration Act 1997, Part 5, Division 1, Section 55 – ‘Property in and management etc. of roads’ (2)

- (2) *‘Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road.’*

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. The KCTTM will be responsible for the installation and maintenance of the signs.

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 1.5 A safe Plantagenet:

Strategy 1.5.2

‘Safety on roads and public open space.’

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational Community expectations regarding Council support for community run projects</i>	<i>Possible</i>	<i>Minor</i>	<i>Low - Moderate</i>	Council to express support for signs to be financed by the community group through a Road Safety Commission grant

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

A group of Kendenup residents have formed the Kendenup Central Town Team Movement (KCTTM). A Town Team according to the website is a group open to everyone *'working collaboratively with their local government to improve their local place or area.'* According to the website the movement is self-funded with support from RAC WA and the Road Safety Commission (RSC).

Concern has been expressed recently by the community of vehicles speeding coming into the Kendenup townsite on Beverley Road. The current limit is 50km/h according to MR specifications. Standard regulatory signs advising of the speed limit are positioned on Beverley Road by MR.

Traffic counts taken in 2021 which were positioned on Beverley Road 100 metres east of the Chauvel Road intersection, show that up to 70% of vehicles (of all classes) are exceeding the 50km/h speed limit. A Shire Speed Indication Device (SID) has recently been installed within the incoming 50km/h zone and feedback to date is that vehicles do slow once their speed is displayed on the SID.

It is recommended the Council support the KCTTM in their application for grant funding to install the signs on power poles. It is also recommended that clear guidelines be provided to ensure both the community group and Shire staff are aware of ongoing and future responsibilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. **Supports the Kendenup Central Town Team Movement to install painted signs advising of the speed limit on power poles on Beverley Road between the Chauvel Road and Hassell Avenue intersections, in the form of a letter.**
2. **Grants authority to the Chief Executive Officer to approve the design of the signs to be provided by the Kendenup Central Town Team Movement for installation on specific power poles on Beverley Road.**
3. **Requires the Kendenup Central Town Team Movement to install and then maintain the signs to a mutually agreed standard whilst the signs remain on the power poles on Beverley Road.**
4. **Requests the Kendenup Central Town Team Movement include other community groups in the project where applicable.**

9.3 CORPORATE AND COMMUNITY SERVICES REPORTS

9.3.1 MID-YEAR BUDGET REVIEW

File Ref:	N63231
Attachment:	<u>Budget Review document</u>
Responsible Officer:	Anthony Middleton Executive Manager – Corporate & Community
Author:	Anthony Middleton Executive Manager – Corporate & Community
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to consider the mid-year review of the Annual Budget for 2023/2024.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 state that a local government must undertake a budget review annually.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables the Council to analyse the financial performance of the year to date and make changes to the authorisations that it puts in place for the performance of the local government's functions.

The 2023/2024 Annual Budget was adopted on 25 July 2023. Amendments were made to adopted budget figures at the 22 August, 26 September and 31 October 2023 Council Meetings.

EXTERNAL CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 33A states:

Review of budget

- (1) Between 1 January and the last day of February in each financial 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; and
 - (d) include the following —
 - (i) the annual budget adopted by the local government;

- (ii) an update of each of the estimates included in the annual budget;
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (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 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

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 budget review recommends changes to the adopted budget and, therefore, changes the projects previously authorised by the Council. Whilst individual projects have varying financial implications, the resulting changes create a balanced budget.

BUDGET IMPLICATIONS

The 2023/2024 Annual Budget was adopted on 25 July 2023 with a projected surplus/deficit of \$0. Amendments made to the adopted budget have resulted in an amended projected closing positions as follows:

22 August 2023	\$29,638 (surplus);
26 September 2023	\$37,558 (surplus); and
31 October 2023	\$48,765 (surplus).

The audit process for the 2022/2023 financial year is currently being finalised. Changes made to the 2022/2023 financial figures through this annual audit process has affected the opening balance brought forward into the 2023/2024 financial year.

This opening balance is now \$105,794 less than estimated, which in turn negatively effects the 2023/2024 figures. As such, the current budgeted closing position at 30 June 2024 is \$57,029 (deficit).

This budget review corrects this deficit and returns the budget to a balanced \$0 closing position.

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 4 Performance & Leadership* the following Strategies:

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.

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

The attached mid-year budget review document has been prepared using basic formulas to calculate the ‘Forecast Actual’ figures, considering the amount spent to-date and then adding the difference between the total budget and the year-to-date budget. Each result for the ‘Forecast Actual’ calculation has then been reviewed based on the individual subject matter and the likelihood of expenditure to arrive at suggested budget amendments. The ‘Forecast Actual’ has not been updated following review, especially for capital expenditure and one-off items.

The significant proposed amendments contained within the attached mid-year budget review document are as follows:

1. Mount Barker Hill/Pwakkenbak Infrastructure (Ablutions, Car Park & Shelter) to be funded by Local Roads & Community Infrastructure Program 4 - \$370,846. This project is currently in the budget, however, it is shown as being funded by loan funds of \$350,000. In accordance with the Council’s decision on 31 October 2023, the proposed new loan of \$350,000 is being deleted and \$370,846 grant revenue is being added;
2. The budget currently includes loan repayment provisions for the proposed loan discussed in point 1 above. These two loan repayments can be removed, saving \$13,462 (interest) and \$29,554 (principal);
3. The adopted budget contained a formula error whereby only some of the Saleyards capital purchases are being funded from reserve account. Correcting this error results in \$22,600 ‘additional revenue’;
4. Due to both the prepayment of 100% of 2023/2024 Financial Assistance Grants occurring in 2022/2023 and actual grant figures not being known at the time of adopting the budget, there was no Financial Assistance Grants provided for in the adopted budget. \$50,062 (general) and \$25,385 (roads) Financial Assistance Grants have been received so these figures are being added to the budget.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Adopt the 2023/2024 Mid-Year Budget Review as proposed; and
2. Amends the 2023/2024 Annual Budget in accordance with the proposed changes as outlined in the Mid-Year Budget Review document.

9.3.2 COMPLIANCE AUDIT RETURN 2023

File Ref:	N63230
Attachment:	<u>Compliance Audit Return 2023</u>
Responsible Officer:	Anthony Middleton Executive Manager – Corporate & Community
Author:	Anthony Middleton Executive Manager – Corporate & Community
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to consider the Compliance Audit Return for the calendar year 1 January to 31 December 2023.

BACKGROUND

A compliance audit is required to be completed by 31 March in each calendar year.

EXTERNAL CONSULTATION

Nil

STATUTORY ENVIRONMENT

The compliance audit is required pursuant to Section 7.13 of the Local Government Act 1995. The Local Government (Audit) Regulations 1996 includes the following:

Regulation 14 - Compliance audits by local governments

- '(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
- (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.'

Regulation 15 – Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with—
- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
- is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation —
- certified in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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.

STRATEGIC RISK IMPLICATIONS

A key element of the Strategic Risk Register relates to ‘Failure to Fulfil Compliance Requirements (Statutory, Regulatory)’. This section of the register contains a number of key controls, one of them being the Compliance Audit Return. Currently, the overall control rating is assessed as adequate.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The total number of questions in each section and the compliance with those questions is detailed in the following table. The Compliance Audit revealed

Section	Questions	Compliance
Commercial Enterprises by Local Governments	5	5
Delegation of Power/Duty	13	13
Disclosure of Interest	21	20
Disposal of Property	2	2

Elections	3	3
Finance	7	6
Integrated Planning & Reporting	3	2
Local Government Employees	5	5
Official Conduct	4	4
Optional Questions	9	8
Tenders for Providing Goods & Services	22	22
Total	94	90

The completed Compliance Audit Return is attached to this report. The following comments are made in respect to the non-compliance:

1. Disclosure of Interest section, question 13:

The Gift Register on the Shire's website contains the entries of previous staff and elected members. These need to be removed in accordance with s5.89A(6) of the Local Government Act 1995;

2. Finance section, question 3:

The auditor's report for the financial year ended 30 June 2023 has not yet been received. Section 7.9(1) of the Act states that '*an auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to...*'

3. Integrated Planning & Reporting section, question 2"

A review of the Corporate Business Plan was not undertaken in 2023. Local Government (Administration) Regulations 1996, regulation 19DA (4) states that '*a local government is to review the current corporate business plan for its district every year*'; and

4. Optional Questions section, question 8:

The financial accounts were not submitted to the auditor by 30 September 2023, however, an extension of time was requested and granted.

This Compliance Audit Return will be considered by the Audit & Risk Committee prior to the Council Meeting and any recommendation from that Committee will be tabled at the meeting.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council adopts the Compliance Audit Return for the calendar year 1 January to 31 December 2023, as proposed.

**9.3.3 CLUB NIGHT LIGHTS PROGRAM APPLICATION – SOUNNESS PARK
FLOODLIGHTING UPGRADE**

File Ref: N63228

Responsible Officer: Anthony Middleton
Executive Manager Corporate and Community
Services

Author: Nicole Selesnew
Manager Community and Recreation Services

Proposed Meeting Date: 26 March 2024

PURPOSE

The purpose of this report is to seek the Council's endorsement and priority ranking for the submission of a Club Night Lights Program (CNLP) application seeking funding to upgrade the lighting at Sounness Park Oval, Mount Barker.

BACKGROUND

The purpose of the CNLP is to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

There are two small grant rounds advertised annually (February and July) for projects with a cost up to \$500,000.00. The CNLP may provide up to one third of the total estimated project cost.

There is no guarantee a successful application will receive the full amount of the grant requested, or the maximum level of funding. The level of financial assistance offered will be based on the overall significance of the proposed project, including the benefits provided to the community.

All CNLP grant applications need to be submitted to the relevant local government authority for assessment and ranking before they are lodged with the Department for Local Government, Sport and Culture (DLGSC).

Applications go through an assessment process that includes a review by DLGSC Regional Managers, State Sporting Associations and the fund's Advisory Committee. Final recommendations are provided to the Minister for Sport and Recreation. Funds for successful projects are made available by July 2024.

Staff are proposing an application to upgrade the globes on the floodlighting towers, located around the Sounness Park eastern oval, to a Light-Emitting Diode (LED) system.

EXTERNAL CONSULTATION

The DLGSC's Regional Manager – Great Southern has been consulted for this application as required by the application process. The primary user's State Sporting Associations (WA Football Commission and Football West Limited) have also been consulted and are aware of the CNLP application to be submitted. The Sounness

Park user groups have also been consulted and provided letters of support to be submitted with the CNLP application.

Reputable electricians and suppliers experienced in recreation floodlighting have also been involved in the development of the scope of works and provided advice accordingly.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Staff have sought a quote to replace the four redundant globes on the Sounness Park towers which amounted to \$7,096.80 (excluding GST). If this figure was extended to replace all globes it would cost in the vicinity of \$85,000.00 - \$90,000.00 (including crane hire).

The 'Sounness Park Oval Floodlighting Upgrade' has an anticipated cost of \$201,089.00 (ex GST), inclusive of 10% contingency for cost escalation. The Shire is seeking one third of costs equating to \$67,029.00 from the CNLP and will allocate the remaining two thirds of \$134,060.00 (ex GST) in the 2024/2025 Annual Budget.

The advantage of transitioning to LED globes is the extended lifespan for the globes and cheaper operating costs.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The existing floodlighting is already managed as a Shire asset and this will remain upon completion of the upgrade.

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.'

And further at Outcome 1.4 (Support for Community Groups and Volunteers) the following Strategy:

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
<i>Operational</i> That globes continue to fail across the floodlighting towers resulting in an unsafe lighting levels	<i>Possible</i> Globes are nearing the end of their functional life	<i>Moderate</i>	<i>High</i>	Initiate a globe replacement program
<i>Financial</i> That the application seeking funding is unsuccessful	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Comments</i> Development of a high quality, evidence-based grant application.
Opportunity: To receive funding support to address ageing infrastructure.				

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 Sounness Park eastern oval (commonly referred to as the football oval) has four floodlighting towers with 11 globes on each tower. The light fixtures were built to achieve a 200lux level of lighting across the ground with metal-halide light fixtures, enabling large ball sports (Australian Rules football and soccer) training and competition to occur under lights. The system was structured to run a smaller bank of lights for training activities (three globes operational) and a larger bank of lights for competition (eleven globes operational, including the training lights).

Due to age the existing globes have started failing and require replacement. Clubs can no longer train using the training banks as the illumination is not to-standard and the competition bank of lights are required to be used for all activities. Despite being recognised as the optimum globes at the time of installation, metal-halide globes are now considered ‘old technology’ which is expensive to run and has a short globe life-span.

It is intended to convert all globes to a LED lighting system. LED lights provide sustainability benefits with an approximate cost saving of \$8.00 an hour when all lights are switched on. LED light fixtures also have a greater longevity compared to the existing light fixtures and are less maintenance intensive. The LED light fixtures will comply with AS2560.2 (2021) Lighting for Football.

Funding through the CNLP is only available for LED lighting systems.

Consultation has occurred with the main user groups including Plantagenet Sporting Club Inc, Mount Barker Bulls Football Club and Mount Barker United Soccer Club. They are all supportive of this project and have provided letters to accompany the CNLP application for funding.

The Council is required to rate the application for the CNLP program and to give the project a priority ranking. The CNLP application is the only submission from the Shire for the current grant round.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Ranks the 'Sounness Park Oval Floodlighting Upgrade' project a priority ranking of 1 out of 1 applications;**
- 2. Rates the 'Sounness Park Oval Floodlighting Upgrade' project as 'A - Well planned and needed by municipality';**
- 3. Endorses a Club Night Lights Program grant application to be submitted seeking one-third of project costs for the 'Sounness Park Oval Floodlighting Upgrade' project in the March 2024 funding round; and**
- 4. Commits the allocation of \$134,060 (excluding GST) in the 2024/25 Draft Annual Budget as a two-third contribution to the 'Sounness Park Oval Floodlighting Upgrade' project.**

9.3.4 GREAT SOUTHERN 2050 CYCLING STRATEGY

File Ref:	N63180
Attachment:	<u>Great Southern 2050 Cycling Strategy</u>
Responsible Officer:	Anthony Middleton, Executive Manager Corporate and Community Services
Author:	Nicole Selesnew, Manager Community and Recreation Services
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to consider endorsing the Great Southern 2050 Cycling Strategy.

BACKGROUND

The Great Southern 2050 Cycling Strategy (GSCS) is an initiative of the Department of Transport. The need for regional cycling strategies was identified in the Department's Western Australia Bike Network (WABN) Plan, with the aim of developing long-term cycle strategies throughout metropolitan and regional areas.

The aim of the GSCS is to create a shared long-term vision for cycling in the region and to guide the delivery of safe and interconnected bicycle networks.

The GSCS was initiated in mid-2022 with Great Southern local governments and relevant stakeholders. The process was managed by the Department in collaboration with Outdoors Great Southern and included community consultation at various stages.

The Shire formed a working group comprising staff across the Planning, Works and Services, Asset Management and Community Service areas to focus on the GSCS.

The following factors were taken into consideration when proposing cycling routes:

- Routes should encourage bike riding for transport, recreation and tourism;
- Connect people to where they live, work, learn and play;
- Improve safety for bike riders on roads;
- Encourage people of all ages, abilities and backgrounds to cycle;
- Develop cycle tourism experiences; and
- Connect to existing (or proposed) trails and pathways.

A hierarchy of routes was established to clarify the types of trails that exist and are proposed, addressing three key areas within the Shire: Mount Barker, Kendenup and Porongurup. An Action Plan proposes trails and routes to be progressed over the

next five years in order to realise the outcomes detailed in the Cycling Strategy across the region.

The Department of Transport is seeking the endorsement of the GSCS, as attached, to demonstrate region-wide collaboration on a shared vision, which will assist in leveraging and prioritising future funding.

EXTERNAL CONSULTATION

The development of the GSCS has occurred in consultation with all the local governments in the Great Southern region.

Stakeholder input was received from the Departments of: Local Government, Sport and Cultural Industries; Planning; Lands and Heritage; Biodiversity, Conservation and Attractions; Main Roads Western Australia; and Water and Environmental Regulation. Other stakeholders include Tourism WA, Great Southern Development Commission, WA Local Government Association and Westcycle.

Information sheets and preliminary networks maps were used to support a community consultation process. The community was encouraged to participate through an online engagement platform and by providing submissions to Shire Administration Centres.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The GSCS will guide future WABN funding and will also support funding applications from alternate sources. There is no requirement for local governments to fund the routes proposed in their plans and detailed in the five year Action Plan. However, the Strategy does provide a clear guide for future investment if desired.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The GSCS proposes the development of a range of cycle routes throughout Plantagenet. All new developments will be considered in line with the Shire's Annual Budget process and the Corporate Business Plan, ensuring there is sufficient resources to fund new developments and to maintain and renew existing trails.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/28 provides:

At Outcome 1.3 (Health and Wellbeing) the following Strategy:

Strategy 1.3.2:

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

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational</i> The creation of cycling routes or trails that have not been strategically planned	<i>Possible</i>	<i>Minor – Moderate</i>	<i>Low - Moderate</i>	Endorse a regional Cycling Strategy that identifies routes that address local and regional priorities.
Opportunity: To plan for the future resourcing and development of cycling routes across Plantagenet. To be eligible for WABN funding.				

STRATEGIC RISK IMPLICATIONS

The Shire's Strategic Risk Register (Asset Sustainability Practices) incorporates a key control for a routine maintenance schedule for hard infrastructure – roads, bridges, drainage, footpaths and trails. The control is rated as adequate and the Shire's Executive Manager Works and Services is responsible.

REGIONAL IMPLICATIONS

An aim of the GSCS is to create a shared long-term vision of cycling across the Great Southern region and guide the delivery of safe and interconnected bicycle networks. All local governments across the region have been involved in the development of the strategy, proposing routes that cross local government boundaries in addition to addressing local infrastructure.

OFFICER COMMENT

The draft GSCS has been prepared over a four year period and was co-ordinated and funded by the Department of Transport. Local government participation across the region has been critical to the development of the Strategy, which has also included consultation with stakeholders and the community.

Endorsement of the Strategy does not commit the Shire to deliver all, or any part, of the Strategy within a particular timeframe, nor does it commit the Council to fund any specific route or initiative within the Strategy. Rather, endorsement of the Strategy confirms support for local and State Government agencies to work together in delivering the Strategy over the long term and helps to align funding towards routes and trails recognised in a regional planning document.

On completing a final review of the Strategy staff identified that the alignment of the O'Neill Road trail is shown to follow a different route to the constructed trail (refer maps 4.29 and 6.29 in the GSCS). The Department of Transport recommended the Plan be presented to the Council as attached, with recognition of the need to amend the O'Neill Road trail noted in the resolution.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorses the proposed Great Southern 2050 Cycling Strategy subject to Map 4.29 and 6.29 be amended to illustrate the O'Neill Road Trail following the O'Neill Road Reserve from Albany Highway through to the O'Neill Road and Woodlands Road intersection.

9.3.5 FINANCIAL STATEMENTS – FEBRUARY 2024

File Ref:	N63235
Attachment:	<u>Financial Statements – February 2024</u>
Responsible Officer:	Anthony Middleton Executive Manager Corporate and Community Services
Author:	Wendy Stringer LG Best Practices
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 29 February 2024.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receives the Financial Statements for the period ending 29 February 2024.

9.3.6 LIST OF ACCOUNTS – FEBRUARY 2024

File Ref:	N63217
Attachment:	<u>List of Accounts – February 2024</u>
Responsible Officer:	Jodi Masson Finance Manager
Author:	Wendy Stringer LG Best Practices
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of February 2024

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 (27 June 2023). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That Council does not receive the list of payments	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	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

That Council receive, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of electronic payments and direct debit payments, totalling \$951,704.84, made under delegated authority for the month ended 29 February 2024.

9.3.7 SALE OF LAND FOR NON-PAYMENT OF RATES AND CHARGES IN EXCESS OF 3 YEARS

File Ref:	N632236
Responsible Officer:	Anthony Middleton Executive Manager Corporate and Community Services
Author:	Pam Chambers Rates Officer
Proposed Meeting Date:	26 March 2024

PURPOSE

The purpose of this report is to advise the Council of the debt collection recovery procedures commenced under the Local Government Act (1995) regarding outstanding rates on Assessments A116806; 22A Menston Street, Mount Barker and A140483; 11 Bartlett Close, Mount Barker.

Authority is sought for the exercise of power to sell land and affix the Common Seal of the Council to the Transfer of Land and any other documentation required to effect any transfers.

BACKGROUND

Proceedings against the owners of assessments A116806 and A140483, both vacant lots have been commenced under delegated authority. Both property owners have failed to pay rates for a period of more than three years, and other debt collection procedures have proved fruitless.

EXTERNAL CONSULTATION

Enquiries have been made with AMPAC Debt Recovery to estimate the cost of selling and or taking possession of the properties.

STATUTORY ENVIRONMENT

- Local Government Act 1995 (The Act)
- Local Government (Financial Management) Regulations 1996 (Regulations)

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

Sections of the Act referenced:

- 6.64 *Actions to be taken*
- 6.68 Exercise of power to sell land

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

It is recommended that power of sale under section 6.64 and 6.68 of the Act, be exercised pursuant to delegation 2.11 Rates – Recovery where unpaid. The Chief Executive Officer has the delegated authority to take possession of land where any rates or service charges have been unpaid for at least 3 years.

POLICY IMPLICATIONS

Clause 1.5(c) of Council Policy F/FM/15 – Debt Collection indicates that other courses of action may be taken to collect debt which include sale of land under S6.64 of the Local Government Act 1995 under delegation.

FINANCIAL IMPLICATIONS

As at 8 February 2024, the total amount outstanding on the properties is as follows, (including penalties):

- A116806 - \$18,169.52 and
- A140483 - \$22,261.02

BUDGET IMPLICATIONS

For AMPAC to proceed with the sale process a management fee of \$1,800.00 plus GST is charged per property. In addition, there is an approximated cost of \$5,000.00 to \$7,000.00 per property over 18 months.

If a property does not sell it may need to be transferred to the Shire or Crown. The approximate cost of the transfer is a further \$2,000.00.

The Shire will become responsible for water rates and strata fees where applicable as well as maintenance of the vacant lots and its associated costs if the transfer of the property proceeds.

LEGAL IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

The Shire may acquire land which would need to be added to the asset register if the land were to be retained for its own purposes, and would then become responsible for firebreaks, weed control and general maintenance of the lot/s.

STRATEGIC IMPLICATIONS

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

At Outcome 4 Performance & Leadership the following Strategies:

Strategy 4.1.3:

‘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

Reference: Policy No: CE/RM/1 – Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><i>Financial</i></p> <p>Costs associated with the sale and or transfer of the lots, outstanding debts from other entities and future costs associated with maintenance.</p>	<i>Likely</i>	<i>Minor</i>	<i>Moderate</i>	<p><i>Comments</i></p> <p>Assess the risk of allowing the rates and charges to continue to accrue and become unrecoverable in due course.</p>
<p><i>Reputational</i></p> <p>If the legislated process is not followed, a person may claim improper use of power and a remedy is open to them for damages against the Shire</p>	<i>Rare</i>	<i>Minor</i>	<i>Low</i>	<p><i>Comments</i></p> <p>Ensure compliance with current legislation and regulations</p>
<p>Opportunity: The Shire may take the opportunity to build housing if it were to acquire the land.</p>				

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

<p>A116806</p> <p>22A Menston Road, MOUNT BARKER WA 6324</p> <p>Lot 61 On Diagram 53904</p> <p>Vol: 1513 Folio: 364</p> <p>Zoning: Residential R10/20</p>	<p>2016/2017 – The property was transferred into the current owners name.</p> <p>2017/2018 - \$350.00 was paid. No payments have been received since.</p> <p>2018/2019 - A General Procedure Claim (GPC) was lodged and a Means Inquiry Summons (MI) served after no response to the GPC. The debtor failed to attend the MI. The account was closed, and a decision made to wait for three years and sell the land to recover the debt if there were still no payments.</p> <p>2022/2023 – A GPC was lodged again in April 2023 and a</p>
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	<p>Property Seizure and Sale Order (PSSO) in June 2023. A PSSO was placed over the land after a bailiff reported that there was not enough equity in goods to seize at the debtors' place of residence. An auction was held in November 2023 attempting to sell the land.</p> <p>The land was estimated to be valued at \$50,000.</p> <p>The encumbrances on the property were estimated at \$24,020.29.</p> <p>The highest bid was \$12,000. The auction was unsuccessful.</p>
<p>A140483 11 Bartlett Close, MOUNT BARKER WA 6324 Lot 10 On Strata Plan 31689 Vol: 2084 Folio: 630</p>	<p>1995/1996 - The property was transferred into the current owners name.</p> <p>2012/2013 - The current owner attempted to sell the property, but the sale fell through. The rates had been paid consistently prior to this event.</p> <p>2013/2014 - No payments were received.</p> <p>2014/15 – A GPC was lodged and the owner cleared most of the debt.</p> <p>2015/2016 – No payments have been made since this financial year.</p> <p>2018/2019 – A GPC was lodged. The owner contacted the Shire and advised that he wished to forfeit the property and wanted nothing more to do with it after his attempt to sell it had been unsuccessful. It had become a burden to him and his health was failing.</p> <p>The Shire sought legal advice and were informed that a Deed of Settlement and Release would need to be executed, under which the Shire would agree to take all necessary steps to transfer the property to itself. The transfer would incur lodgment fees payable to Landgate as well as transfer duty payable to the Office of State Revenue. Additionally, if the Shire chose to proceed with the transfer, it would need to deregister the mortgage on the Certificate of Title which would incur further costs. If the owner did not pay out the mortgage, the Shire would have to pay out the Mortgagee. There would possibly also be water rates and land taxes owing which the Shire would be liable for.</p> <p>The process of negotiating a Deed of Settlement and Release as well as discharging the Encumbrances could be a lengthy process, which would incur additional legal fees, both for the Shire and potentially for the owner. The Shire decided not to pursue this avenue.</p> <p>During the Covid pandemic the account was closed.</p> <p>2022/2023 – A GPC was lodged in April 2023.</p> <p>2023/2024 – A PSSO was placed over the land in October 2023. The Bailiff has determined that there is insufficient equity in the property to attempt the sale through the PSSO and that the best option is to commence 3 year proceedings.</p>

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

1. Approves to take possession of the properties:
 - a) Assessment number A116806; Certificate of Title 1513/364; Lot 61 On Diagram 53904; 22A Menston Street, MOUNT BARKER 6324;
 - b) Assessment number A140483; Certificate of Title 2084/630; [Lot 10 On Strata Plan 31689](#); 11 Bartlett Close, MOUNT BARKER 6324; and
2. Grants authority to the Shire President and the Chief Executive Officer to execute and, if necessary affix the Common Seal of the Council to any documentation required to effect the property sales.

9.4 EXECUTIVE SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL**12.1.1 END OF CEO PROBATION PERIOD REVIEW REPORT**

File Ref: N63233
Attachment: CEO Probationary Period Review
Responsible Officer: Julian Murphy
Chief Executive Officer
Author: Julian Murphy
Chief Executive Officer
Proposed Meeting Date: 26 March 2024

PURPOSE

The purpose of this report is to consider the CEO Probationary Period Review Report completed in March 2024.

OFFICER RECOMMENDATION

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

Section 5.23 (2) (a) a matter affecting an employee or employees.

13 CLOSURE OF MEETING