



ORDINARY MINUTES

DATE: Tuesday, 27 June 2023

TIME: 5.00pm

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

Gary Clark
CHIEF EXECUTIVE OFFICER

Resolution numbers: 099/23 to 116/23

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm 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 Gary Clark	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Delma Baesjou	Manager Development Services
Mr Kevin Hemmings	Acting Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were ten members of the public present at the meeting.

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 DR GENEVIEVE MILNES – REPRESENTING KENDENUP TOWN HALL COMMITTEE

- Q1 *Over the past ten years who was responsible for maintaining the Kendenup Town Hall?*
- Q2 *Why wasn't the insurance used to repair the Kendenup Town Hall over the past 10 years?*
- Q3 *Why is the maintenance of the hall being forced onto the Kendenup community when it is the Shire's responsibility?*

3.1.2 MS VAL SAGGERS – REPRESENTING KENDENUP TOWN HALL COMMITTEE

- Q1 *What issues of public risk were identified that required the hall to be closed?*
- Q2 *What is any of these identified items were able to be repaired or rectified through the use of maintenance funds already allocated in the 2022/23 budget?*
- Q3 *The decision to close the hall was followed shortly by the appointment of a structural engineer to inspect the hall. So, it assumed the structural integrity of the hall was an issue of concern?*
- Q4 *Whilst the Council awaits the structural engineer's report, cannot the other matters which are non-structural in nature be repaired in readiness for the hall being opened?*
- Q5 *Given that the person who conducted the inspection of the hall is not an engineer, is it possible that the Shire has closed the hall on the basis of unfounded concerns as to its integrity, and the other matters that could have easily been repaired, should have been expedited in order to keep the hall open?*
- Q6 *How and has the connection of the Noongar people and traditional owners from Kende3nup been acknowledged or addressed by the Shire?*
- Q7 *As you are our public servants paid by us rate payers, how is it that you make decisions affecting our community without the respect of consulting the residents and the many volunteers and asking what our priorities are for our town?*

3.1.3 MS KERRY RAMSAY – REPRESENTING KENDENUP TOWN HALL COMMITTEE AND RESIDENT

- Q1 *Including the 2023 routine audit carried out on the above said hall, what is the scope of these audits? For example: Foundation soundness, walls, electrics, public safety and hygiene and overall wellness of this hall and who carried out these audits?*
- Q2 *When were the last 2 prior audits, not including the 2023 audit, carried out and by whom? Also, what was the scope and findings of these audits?*
- Q3 *Are the findings of the audits available for public viewing?*
a) *If yes, how and where can the results be viewed; and*
b) *If not, why not?*
- Q4 *If issues were found through these previous audits, how did the Shire act on these finds?*
a) *If they did not act, why not?*
- Q5 *Are other town halls and public buildings within Plantagenet Shire also being audited?*
a) *If yes, which ones and what is the scope of their audits, also how often and by whom?*
- Q6 *Can and will Plantagenet Shire give Kendenup ratepayers and residents an honest answer to my questions, and also tell us, up front, what their plans and commitments are in regard to the future of Kendenup's historic Town Hall please?*

3.1.4 MR DAVID WILLIAMS – REPRESENTING KENDENUP TOWN HALL

- Q1 *Why haven't the windows on the Kendenup Hall been fixed under insurance?*
- Q2 *If not covered by insurance, why weren't they fixed within the yearly budget?*

3.1.5 MS DERIS FORD – REPRESENTING KENDENUP TOWN HALL

- Q1 *Whilst the Council awaits the structural engineers report, can other matters which are non-structural in nature be repaired in readiness for when the hall is re-opened?*
- Q2 *Why does the Shire always use the Town Hall when facilitating community meetings?*

3.1.6 MR ANDREW SMITH – REPRESENTING KENDENUP TOWN HALL WORKING GROUP

The Shire of Plantagenet 2022/23 budget provides information in respect to the annual allocation towards public buildings by the Council and expenditure of such funds in prior years.

In the 4 years 2019/20, 2020/21 and 2022/23 the Council spent initially \$6,400 in 2019/20 on building maintenance at Kendenup Hall. Within 12 months this had reduced to \$1,685 and in the current financial year the allocation is \$2,500.

Over this same period, the Council has not allocated a single dollar towards capital works at the Kendenup Hall, despite it being in constant use and open to the public over this 5-year period.

- Q1 I assume therefore that any inspections of the hall during the last 5 years by the Shire or any independent person engaged by the Shire, did not identify any major building maintenance works being required, or any capital funds needing to be spent?*
- Q2 How can it be that the CEO on receipt of an inspection report by one of his own health and safety officers, chose not to expend any of the budget funds to fix any of the issues in the report as received, but instead immediately closed the hall to the public?*
- Q3 Is not the budget as published by the Shire, the Council's indication to its community as to how it intends to expend rates and other income each year, and if this was the Council's intent, why have these funds not been spent as the Council requested in its budget, and why are these funds not being spent now to fix those matters that require fixing?*

The Councils Corporate Plan states that it is Council's intent to 'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard' and that 'Town halls are maintained to enable community use'.

- Q4 Why is this not being done, why has the budget not been sufficient to maintain the hall to an acceptable standard and why has the Kendenup Hall been allowed to get to the situation where it is now closed to the public, why are budgeted funds not being spent, and why is the Council clearly failing to maintain the Kendenup Hall as the Council told its community, it would promise to do?*

The Presiding Member thanked the community for their questions and advised that the Council would take these questions on notice, investigate and respond in due course.

Response to Items 3.1.1 to 3.1.6 regarding the Kendenup Town Hall

The Kendenup Hall was closed to the public on 17 April following an audit of the building on 11 April which identified health and safety risks.

A structural engineer was engaged to inspect the building on 3 June and prepare an independent report.

The community will be engaged about the future of the hall before the Council makes any decision regarding its long-term future. These questions will be responded to during the community engagement process, which is ongoing.

Ultimately, the Council is responsible for the delivery of services to the Plantagenet community and the allocation of funds to deliver these services.

**3.1.7 MS CHERYL PATERSON AND MS CHELSEA PATERSON–
REPRESENTING SAFE TRAIL RIDING FOR KENDENUP HORSE RIDERS**

- Q1 *What is the Council's policy on surveyed roads which have been fenced off for the use of farmers, being used for horse riding?*
- Q2 *Given that individuals on horse back would commit to closing gates after themselves, do they have the right to use the surveyed road?*
- Q3 *If they do not have access to these roads, would the Council please implement a plan of 'safer roads' for horse riders in Kendenup?*

A letter of response was sent out to Ms Cheryl and Chelsea Paterson noting the following:

Within the Shire of Plantagenet, similar to other rural shires, there are a number of un-made, often un-named road reserves.

The management and use of such road reserves comes under the Local Govt Act 1995, the Land Administration Act and the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (relevant extracts are attached).

In some cases, temporary or partial road closures may be considered (Refer section 3.50 of the Local Government Act). There may be circumstances where the Shire has issued a 'gate permit' for particular roads.

Part 4 of the Local Law relates to animals, including horses, and is relevant to question 2.

Subject to the requirements set out in the relevant Acts and Local Law, horses may be ridden or led on roads and thoroughfares within the Shire of Plantagenet.

Should you have a specific road, reserve or area in mind please provide us with the details so we can be more specific in our response.

**3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT
1995****3.2.1 MR RON PEASE – PLANTAGENET COMMUNITY MEMBER**

1. Regarding the new foot path that was commenced at the Osborne Road end of Narpund Road. The path started at Osborne Road but finished at Hassel Street, considering the standard of the existing path from there on up to Bunker Road, which is degraded and covered in many places with loose gravel, making it unsafe for a local vision impaired person and several seniors that exercise by walking up the road, which due to local traffic movements is very risky.

- Q1 Is there consideration being given to completing this path in the near future, as most of the other streets going East West on this side of the Highway seem to be newly hot mixed?

2. Firstly, congratulations on the quality of the latest Annual Report which is excellent. My questions are regarding the list of 9 Council committees and the Councillor representatives on the committees.

Q1. Are there any local residents on these committees or has there been a decision to only have Councillors. If there are local residents, why are they not listed so the public knows who they are?

Q2. I was told there is a Townsite Enhancement Committee also, but I noticed this is not listed. Does it exist or not?

3. At the recent Electors meeting the Annual audited Financial Report was made available as part of the Annual Report at the start of the meeting which allowed very little time to actually read and understand it.

Q1. Was the report posted on the Shire website before this date and if so, how long was it available on the site before the meeting?

Q2. Was there a reason at this Electors' meeting that only questions related to the financial report were allowed by the public attending and not on any other matters?

The Presiding Member advised Mr Pease that his questions would be taken on notice and a response would be forthcoming in due course.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr K Woltering

Item: 9.3.2

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

Nature: Received payment for Mount Barker Hire for hire of portable toilets.

Extent: Business owner who supplies skip bins/portable toilets on occasion. Will be staying / voting.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 CR M O'DEA

Moved Cr L Handasyde, seconded Cr K Clements:

That Cr M O'Dea be granted Leave of Absence for the 25 July 2023.

CARRIED (9/0)

NO. 099/23

7 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

That Council Minutes 7.1, 7.2, 7.3 and 7.4 all be carried en bloc.

CARRIED (9/0)

EN BLOC

NO. 100/23

7.1 ORDINARY MINUTES OF COUNCIL HELD 30 MAY 2023

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 30 May 2023 as circulated, be taken as read and adopted as a correct record.

CARRIED EN BLOC

7.2 ANNUAL GENERAL MEETING OF ELECTORS' MINUTES OF COUNCIL HELD 30 MAY 2023

That the Minutes of the Annual General Meeting of Electors' of the Shire of Plantagenet, held on 30 May 2023 as circulated, be taken as read and adopted as a correct record.

CARRIED EN BLOC

7.3 SPECIAL MINUTES OF COUNCIL HELD 1 JUNE 2023

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 1 June 2023 as circulated, be taken as read and adopted as a correct record.

CARRIED EN BLOC

7.4 SPECIAL MINUTES OF COUNCIL HELD 13 JUNE 2023

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 13 June 2023 as circulated, be taken as read and adopted as a correct record.

CARRIED EN BLOC

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member noted that new CEO Mr Julian Murphy, would be commencing with the Shire on Monday 4 September 2023. Thanks was extended to Councillors involved in the recruitment process for their commitment.

The Presiding Member presented National awards to three very deserving members (past and present) of the Narpyn Bush Fire Brigade.

Mr Don Steven, Peter Slade and Norman (Brett) Bell were formally acknowledged for their dedication, commitment, extensive and outstanding service to the Bush Fire Brigade.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 ENDORSEMENT OF DONATION – EXERCISE EQUIPMENT – WILSON PARK – MOUNT BARKER LIONS CLUB

File Ref:	N61190
Attachment:	<u>Outdoor Exercise Stations</u>
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	Nicole Selesnew Acting Manager Community and Recreation Services
Proposed Meeting Date:	27 June 2023

PURPOSE

The purpose of this report is to consider the endorsement of a donation of outdoor fitness equipment for Wilson Park from the Lions Club of Mount Barker, to the value of \$30,000.

BACKGROUND

The Council initiated a review of the Wilson Park Recreation Precinct, Reserve 6454 Lowood Road, Mount Barker, in 2022. The review included the formation of a draft design, community consultation and preparation of a costed Masterplan for future development. Convic was engaged to manage and deliver the Masterplan project.

Concurrently, the Lions Club of Mount Barker had been investigating various activities and programs that they could support in order to meet their charter of providing for the community. Initial discussions with the Lions Club and the previous Manager Community and Recreation Services centred on supporting the Wilson Park redevelopment in some capacity.

The Lions Club offered \$30,000 to the Shire for the purchase and installation of two fitness pod modules. Lions wanted the equipment installed on arrival for immediate community use, with the understanding that the equipment may have to be relocated once the Wilson Park redevelopment was underway. Lions had also requested a sign acknowledging their donation, with sign specifications to be discussed at a later date.

EXTERNAL CONSULTATION

Consultation was taken place with the Lions Club of Mount Barker.

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

POLICY IMPLICATIONS

Council Policy A/PA/15 – Asset Management applies. The Asset Management Policy refers to the need for Council to consider the maintenance, renewal and disposal of assets including Parks and Reserves infrastructure.

The proposed exercise equipment for Wilson Park will be received as a donation, however, there will be an expectation on the Council to maintain the equipment and replace it at the end of its life cycle.

FINANCIAL IMPLICATIONS

The Council will be responsible for the cost of installing the equipment. This will include minor site works and concrete footings.

BUDGET IMPLICATIONS

A donation of \$30,000 (no GST applicable) will be made by the Lions Club of Mount Barker. The purchase cost of the exercise equipment is \$33,000 (including GST).

An allocation of \$6,000 will be required to install the equipment. Where possible, installation will be aligned with the Wilson Park Masterplan to avoid relocation costs.

An additional allocation will be required for signage once a design / wording has been agreed to with the Lions Club of Mount Barker.

Approval of a budget amendment is required to allow for this donation, the purchase of the equipment and the installation cost.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The outdoor fitness equipment will form a new Shire asset. This asset needs to be listed in the Shire's Asset Register and consideration given to the life cycle costs of the equipment.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides at Outcome 1 (Community) the following Strategy:

Strategy 1.3.2:

'A healthy and active community.'

Further, Outcome 2 (Environment – Natural and Built) provides the following Strategy:

Strategy 2.1.2:

'Develop and maintain flexible public open space for all to enjoy'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational – Injuries to persons using equipment</i>	<i>Possible</i>	<i>Minor</i>	<i>Low - Moderate</i>	Fitness modules to contain instructions on correct use of equipment. Equipment to be inspected regularly.

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 Wilson Park Masterplan Project aims to create an accessible and inclusive community space and passive recreation area for the public.

The Council undertook a community consultation phase as part of the Park design process, summarised in the Mount Barker Wilson Park Community Engagement Summary dated 21 February 2023. This included online and hard copy surveys, community workshops and targeted sessions with the Mount Barker Aboriginal Progress Association, local playgroups and students at the Mount Barker Community College.

The Council reviewed the Community Engagement Strategy at a Council workshop held on 21 February 2023. The community's interest in outdoor fitness station/s, was noted. An action to approach the Lions Club of Mount Barker regarding a donation of \$30,000.00 towards outdoor fitness stations was minuted in the workshop outcomes, distributed on 1 March 2023.

The Lions Club held a meeting on 22 March 2023 in which they agreed to offer a \$30,000 donation to the Shire of Plantagenet, for the purchase of exercise equipment for Wilson Park.

There was ongoing consultation between the Lions Club and Shire of Plantagenet regarding the equipment design. The consensus was an exercise station comprising a '4-Station Cardio and Strength Circuit' and a '3-Station Strength Pod', valued at \$33,000 (GST inclusive) in a mutual colour so it would complement the current and future Wilson Park landscape (refer attached diagram of the exercise units).

Following these decisions, the Shire staff member working on the project resigned from their Shire role. A handover process occurred with a number of staff, some of whom are no longer with the organisation. The result was a misunderstanding that

the donation from the Lions Club had been approved and the equipment was to be ordered. A Purchase Order was issued to the preferred supplier.

It has since become apparent that the Council had not approved the donation of exercise equipment for Wilson Park from the Lions Club. We are seeking retrospective approval of the donation and recognition of the costs to the Council, both immediate and ongoing.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr A Fraser, seconded Cr K Woltering:

That:

1. The donation offered by the Lions Club of Mount Barker of \$30,000 be accepted.
2. The purchase of outdoor fitness equipment, for Wilson Park, be approved.
3. The equipment be installed in Wilson Park on arrival, in a location consistent with the Draft Wilson Park Masterplan design plans.
4. A sign recognising the donation from the Lions Club of Mount Barker be funded and installed by the Shire of Plantagenet.
5. The 2022/2023 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
3110300	REC - Contributions & Donations	\$0	\$30,000	\$30,000
OC615	Wilson Park Infrastructure	\$0	(\$30,000)	(\$30,000)

AMENDMENT

Moved Cr K Clements, seconded Cr B Bell:

That part 3 of the motion be deleted and replaced with the following:

‘The equipment be temporarily installed on arrival and at an appropriate location at Wilson Park, suggest next to Fire Station, to be reinstalled at the correct location when Wilson Park Concept Plan is established.’

Reason for Change

Anti-social behaviour/vandalism – better position for security reasons.

CARRIED (9/0)

NO. 101/23

COUNCIL DECISION**That:**

1. The donation offered by the Lions Club of Mount Barker of \$30,000 be accepted.
2. The purchase of outdoor fitness equipment, for Wilson Park, be approved.
3. The equipment be temporarily installed on arrival and at an appropriate location at Wilson Park, suggest next to Fire Station, to be reinstalled at the correct location when Wilson Park Concept Plan is established.
4. A sign recognising the donation from the Lions Club of Mount Barker be funded and installed by the Shire of Plantagenet.
5. The 2022/2023 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
3110300	REC - Contributions & Donations	\$0	\$30,000	\$30,000
OC615	Wilson Park Infrastructure	\$0	(\$30,000)	(\$30,000)

CARRIED (9/0)**NO. 102/23****Absolute Majority**

9.1.2 DRAFT LOCAL PLANNING POLICY NO. 3 - OUTBUILDINGS

File Ref:	N61227
Attachment:	<u>Town Planning Policy No.16- Outbuildings</u>
Responsible Officer:	Delma Baesjou - Manager Development Services
Author:	André Pinto - Senior Planner
Proposed Meeting Date:	27 June 2023

PURPOSE

The purpose of this report is to further review Town Planning Policy No.16 Outbuildings, and consider Draft Local Planning Policy 3 (LPP3) - Outbuildings following formal advertising.

BACKGROUND

The Council considered a report on this matter at its meeting held 2 May 2023 and resolved to advertise the Draft Policy (Refer Item 9.1.1, Resolution 054/23)

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

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

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

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

EXTERNAL CONSULTATION

In accordance with Schedule 2, clauses 4 and 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, public advertising occurred for a 14-day period with no submissions being received on the policy. Advertising was conducted from 17 May 2023 to 30 May 2023.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

At *Outcome 2.2 Infrastructure* the following Strategy:

Strategy 2.2.2:

'Encourage development that is consistent with the individual character of towns'

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

Strategy 4.1.1:

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

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

RISK MITIGATION IMPLICATIONS

Insert relevant information (table) or in some instances no table will be necessary.

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

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

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

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Local Planning Policy 3 – Outbuildings be adopted as follows:

'LOCAL PLANNING POLICY No. 3 –

Outbuildings

1. CITATION

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

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

2. CRITERIA

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

3. INTRODUCTION

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

4. DEFINITIONS

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

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

5. DEVELOPMENT REQUIREMENTS

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

Table 1

Density Coding	Maximum floor area of all outbuildings and lean-to's combined (m ²)	Maximum wall height of outbuildings and lean-to's (m)	Maximum ridge height of outbuildings and lean-to's (m)	Setbacks
R2- R17.5	150	4.5	6	As per Table 2a of the R-Codes
R20- R25	100	3	4.5	As per Table 2a of the R-Codes

R30 and above	As per the R-Codes	As per the R-Codes	As per the R-Codes	As per the R-Codes
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- All other Deemed-To-Comply provisions under *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, that are not varied above, still apply such as Location, Open Space and Outdoor Living Area requirements.
- If a dual density code applies to the lot, the base code applies unless the higher density can be achieved.

- b. Development of Outbuildings in other zones shall be as per Table 2 below:

Table 2

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

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

Supplementary Requirements

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

Policy. The floor area of Water tanks will not contribute to the total floor area permitted in this policy.

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

A condition that the Outbuilding is not permitted for habitable uses will be placed on the approval.

- g. Outbuildings must be consistent with the requirements of Asset Protection Zones/Bushfire Protection Zones and the Shire's *Bushfire Mitigation Notice*.

6. PERMISSIBILITY

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

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

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

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

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

CARRIED (9/0)

NO. 103/23

9.1.3 DRAFT LOCAL PLANNING POLICY NO. 2 – TOURISM DEVELOPMENT

File Ref:	N61229
Attachment:	<u>Tracked Changes LPP2- Tourism Development Schedule of Submissions with Comments</u>
Responsible Officer:	Delma Baesjou Manager Development Services
Author:	André Pinto Senior Planner
Proposed Meeting Date:	27 June 2023

PURPOSE

The purpose of this report is to further review Town Planning Policy No.14 Rural Tourist Accommodation & Additional Houses and consider Draft Local Planning Policy 2 (LPP2) - Tourism Development following advertising.

BACKGROUND

The Council considered a report on this matter at its meeting held 28 March 2023 and resolved to advertise the Draft Policy (Refer Item 9.1.1, Resolution 037/23).

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

Town Planning Policy No.14 Rural Tourist Accommodation & Additional Houses (TPP14) was adopted by the Council at its meeting held on 12 December 2006, in accordance with clause 7.6 of the former Town Planning Scheme No.3 (TPS3).

Review is required to bring the policy into conformity with LPS5, current 'model' definitions and community expectations with regards to changes in tourism since 2006 when the Policy was first adopted.

Draft LPP2 - Tourism Development will accommodate for tourism developments throughout the Shire and provide guidance on their assessment and approval. TPP14 dealt with ancillary dwellings and tourist accommodation. The Ancillary Dwellings component of TPP14 was addressed previously, refer to item 9.1.4 of the OCM 21 February 2023. The policy will deal with short-stay and tourist accommodation to bring those activities into conformity with the definitions and guidelines in the recently released WAPC position statement Planning for Tourism, and up to date with State-wide standards given how much this space has transformed since the initial adoption of the Town Planning Policy 14 in 2006.

Since 2006, significant changes have occurred in the tourism industry. The market has shifted from caravan parks and bed and breakfasts being key drivers of tourism accommodation, to the inclusion of 'Hipcamp', 'Airbnb', and nature-based tourism parks. With this market shift comes a requirement to update policies to reflect, assess against and provide guidance to planning for these within our communities and various zones. This is the aim of LPP2.

EXTERNAL CONSULTATION

In accordance with Schedule 2, clauses 4 and 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, public advertising occurred for a 14-day period from 2 May 2023 to 17 May 2023, with 7 submissions being received, all of which were positive in nature. Minor amendments were made to the Policy in line with various comments received from the public. These amendments were mainly around formatting or language used. The intent of the Policy and its requirements ultimately did not change. Refer to Schedule of Submissions for further details.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

At *Outcome 2.2 Infrastructure* the following Strategy:

Strategy 2.2.2:

'Encourage development that is consistent with the individual character of towns'

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

Strategy 4.1.1:

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

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

RISK MITIGATION IMPLICATIONS

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Tourist Developments within the Shire of Plantagenet are currently regulated by *Town Planning Policy 14- Rural Tourist Accommodation and Additional Houses* which was adopted by Council in 2006. Since 2006, the tourist accommodation market has shifted drastically, and the policy has not kept pace with trends in the market. It is no longer considered a suitable policy to assess against and guide tourism development in today's market, which is counter intuitive to improving tourism in the Shire.

With the introduction of 'Hipcamp', 'Airbnb', Nature Based Tourism Parks and other non-traditional forms of tourism, market expectations have changed, and the policy is required to adapt accordingly to provide such guidance. With the reduction in popularity of traditional caravan parks and bed and breakfasts and shift in the market for more flexible camping and tourism accommodation styles, the new policy aims to allow for this flexibility, whilst also providing suitable controls around these forms of development. This will ensure consistency across not only the Shire of Plantagenet, but also align with other local governments across the State.

Furthermore, the Policy is required to be updated to align with the expectations of the Western Australian Planning Commission's position statement *Planning for Tourism*. This position statement clearly shows the shift in the market, and that definitions and requirements of such development need updating to accommodate for this development accordingly.

The Policy aims to include parameters around fire safety, potable water supply, on-site waste-water management and constructed, practical access and proximity to community services and facilities. Many items that are under addressed in the current Town Planning Policy.

The Policy will further assist in improving tourism in the Shire, and work in conjunction with other initiatives in the Shire to attract more people to the area, especially the target audience of the younger demographic. This can show the target demographic the

benefits of the area, by attracting them through tourism with the idea they may look to eventually move and live in the Shire once they see the liveability and natural tourism here.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Local Planning Policy 2 – Tourist Development be adopted as follows:

'LOCAL PLANNING POLICY No. 2 – Tourism Development

b. CITATION

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

This Policy may be cited as LPP No. 2 Tourism Development.

c. CRITERIA

- a) To provide for tourism accommodation in the various areas of the Shire in a manner that does not conflict with existing or potential agricultural or horticultural pursuits.
- b) To provide a balance between agriculture, horticulture and tourism, wherein tourism developments do not detrimentally impact the sustainable use or availability of agricultural land, or negatively impact the scenic value of views of farmlands or acknowledged tourist attractions.
- c) To acknowledge tourism as an appropriate source of employment and income to the benefit and prosperity of the community of the Shire.
- d) To optimise both the agricultural and tourism potential of the rural areas of the Shire without detrimental impact on the inherent beauty, amenity and value of those areas.
- e) This policy applies to the residential, peri-urban and rural areas of the municipal district of the Shire of Plantagenet and to all land zoned: Residential, Commercial, Service Commercial, Mixed Use, Tourism, Rural, Rural Residential, Rural Smallholdings, Rural Village and Special Use.

d. INTRODUCTION

The purpose of this planning policy is to set out the objectives and policy provisions which the Shire shall have regard to in the assessment and determination of application for Development Approval. The policy relates to land uses such as Bed & Breakfasts, Caravan Parks, Chalet, Holiday Accommodation, Holiday House, Nature Based Park and Tourist Development proposals. This may formally cover "Airbnb", "Hipcamp", "Eco-Tourism" proposals and other similar concepts.

Refer to *Table 3- Zoning Table* in the Shire's Local Planning Scheme to check land use permissibility.

e. DEFINITIONS

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

Bed and Breakfast- means a dwelling —

- a. used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- b. containing not more than 2 guest bedrooms;

Caravan Park means premises that are a caravan park as defined in the Caravan Parks and *Camping Grounds Act 1995, Part 1, section 5(1)*;

Holiday Accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

Hosted accommodation – means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.

Keeper/Manager – a person who permanently resides at a premises providing short-term accommodation and is responsible for the upkeep and management of the accommodation.

Nature Based Park means a facility in an area that:

- a. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and
- b. has been predominately formed by nature; and
- c. has limited or controlled artificial light and noise intrusion.
- d. A natural landscape can include an agricultural setting if the other criteria are met.

Short-term accommodation – means temporary accommodation provided on a commercial basis, either continuously or from time-to-time with no guest accommodated for periods totalling more than 3 months in any 12-month period.

Tourist Development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- a. short-term accommodation for guests; and

- b. onsite facilities for the use of guests; and
- c. facilities for the management of the development;

f. **DEVELOPMENT REQUIREMENTS**

General Requirements

- a) Up to 5 units of tourist development are permitted on any one lot. Greater than 5 will trigger the need for Council Determination.
- b) Applications for 10 or more units of Tourism Development will be expected to contribute to local road upgrades. The amount of which will be at the reasonable discretion of the Shire.
- c) A keeper/manager is not required to reside at the premises whilst it is being used for tourist accommodation purposes.
- d) The use of one or more existing multiple or grouped dwellings within a complex for the purposes of tourist accommodation shall generally not be supported.
- e) Proposals including a mix of uses including permanent residential and tourist accommodation within the same development should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.
- f) All tourist accommodation units will be sited in a manner that will not impinge on the amenity or character of the area. The Shire may require additional vegetation screening to be planted and established prior to approval of the proposal, and maintained in perpetuity.
- g) Car parking for tourist accommodation shall be a minimum of 1 parking space per unit.
- h) It is preferable that Tourist Developments be on a lot serviced by a bitumen sealed road. Applications for Tourist Developments on lots serviced by a gravel road will be considered on their merits. Where the lot is not abutting a constructed public road, the requirements of clause 32 (8) of LPS5 apply and the application may be refused.
- i) External Building Materials of tourist accommodation units and/or additional houses must be compatible with the site's surrounding and sympathetic to the natural environment around it.
- j) Subdivision, by way of freehold or strata title, arising from the approved tourist development of any given site will not be provided with recommended approval by the Shire to the Western Australian Planning Commission (WAPC).
- k) Temporary approvals for periods of 12 months may be considered in certain circumstances where amenity impacts are considered to be potentially greater.

Management Plans

All proposals for tourism accommodation in this policy shall include the lodgement of a management plan which shall address:

- a) Control of Noise and other disturbances;
- b) Complaints management procedures;
- c) Security of guests, visitors and neighbours;
- d) Control of anti-social behaviour and potential conflict between tourists/guests/visitors and permanent residents of the area;
- e) Car parking for guests and visitors;
- f) Number of bedrooms and beds; and
- g) Contact details of Owner and Keeper/Manager.

Bushfire Prone Tourism Developments

- a) A Tourist Development proposed in a Bushfire Prone Area may require a:
 - i. Bushfire Attack Level Assessment
 - ii. Bushfire Management Plan or Statement
 - iii. Emergency Evacuation Plan

Such documents are to be prepared by an accredited bushfire practitioner.

- b) Notwithstanding, the minimum setbacks applicable in the zone, new Tourist Developments should generally be setback a minimum of 20 metres from any lot boundary to accommodate a suitable Asset Protection zone within the subject land, where applicable.
- c) The Shire shall determine on application the need for fire protection measures such as Asset Protection Zones (APZ's), firebreaks, escape routes, clearing of vegetation and standpipe and hose facilities in consultation with the Department of Fire and Emergency Services.
- d) Where a Bushfire Attack Level Assessment of BAL-40 and BAL-Flame Zone applies and the rating cannot be reduced it is considered inappropriate for a Tourist Development land use and an application for development approval will be refused.

Water Supply

- a) Each tourist accommodation unit, requires a source of potable water to a capacity of 92,000 litres. All water tanks are to be fitted with 65mm (2.5") female camlock outlets for Emergency Services.
- b) Tourism Units are to be located within relatively close proximity of each other to enable shared use of infrastructure and to minimise the development footprint.

Effluent Disposal

The applicant must demonstrate that efficient long-term on-site effluent disposal can be achieved without potential impact to public health, water supplies, neighbouring properties or the environment.

Conventional effluent disposal area must be setback 100 metres of any creek, river, dam or spring, however, approved Secondary Treatment Units may allow this setback to be reduced to 50 metres.

Nature Based Park

An applicant for a Nature Based Park is to complete a Licence Application under Schedule 1, Form 1 of the Caravan Parks and Camping Grounds Regulations 1997 and submit it to the Shire for approval. The management plan will be an attachment to Form 1. The Management Plan is to be submitted at the time of the Development Application for initial review, the Licence Application can be submitted post Development Approval being granted.

Nature based parks are generally exempt from the above "General Requirements" as the intent is to provide minimal services in the most natural setting possible. The Shire will follow the Department of Local Government, Sport and Cultural Industries' *"Nature Based Parks: Licencing Guidelines for Developers and Local Government"* when assessing such applications. The below items will be considered when assessing such applications in addition to the Licensing Guidelines:

- a) locational factors which may assist in determining appropriate locations for unhosted forms of short-term rental accommodation within residential areas (refer to the Guidelines for further information)
- b) limits to the number of guests and/or rooms
- c) limits to nights the property can be made available for rental in any one year
- d) provision of car parking
- e) minimum services such as potable water and reticulated sewerage
- f) preparation and approval of a Management Plan
- g) waste management
- h) whether pets of guests (such as dogs) are permitted
- i) managing for potential noise nuisance.

Caravan Parks

Development standards for caravan parks are contained in the Western Australian Planning Commission's *Planning Bulletin 49/2014 'Caravan Parks'* and shall be used by the Shire in the assessment of these proposals.

g. PERMISSIBILITY

Where an application satisfies the requirements of this Policy, conditional Development Approval may be issued under the relevant delegation.

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

This Local Planning Policy No.2 supersedes Town Planning Scheme Policy No. 14.'

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

CARRIED (9/0)

NO. 104/23

5.32pm Ms Delma Baesjou left the meeting.

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – MAY 2023

File Ref:	N61271
Attachment:	<u>Financial Statements – May 2023</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Senior Finance Officer
Proposed Meeting Date:	27 June 2023

PURPOSE

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

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Clements:

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

CARRIED (9/0)

NO. 105/23

9.3.2 LIST OF ACCOUNTS – MAY 2023

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: Received payment for Mount Barker Hire for hire of portable toilets.
Extent: Business owner who supplies skip bins/portable toilets on occasion. Will be staying / voting.

File Ref: N61234
Attachment: List of Accounts – May 2023
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Fawcett
Finance Officer – Creditors and Payroll
Proposed Meeting Date: 27 June 2023

PURPOSE

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

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

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

1. Electronic Payments and Direct Debits totalling \$901,272.57; and
2. Municipal Cheque 47249 totalling \$245.00.

CARRIED (9/0)

NO. 106/23

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW

File Ref:	N60908
Attachment:	<u>Register of Delegation, Sub-delegations, Appointments and Authorisations</u>
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	27 June 2023

PURPOSE

The purpose of this report is to present for adoption an updated Register of Delegations, Sub-delegations, Appointments and Authorisations for endorsement.

BACKGROUND

Delegations are granted to the Chief Executive Officer and, in some cases, other Officers to assist in the efficient running of the organisation. Delegations assist to reduce minor matters being brought before the Council and maximise service to members of the public, residents and ratepayers.

An extensive review of the Register of Delegated Authority was carried out on 20 June 2017, with further minor updates made each year.

STATUTORY ENVIRONMENT

Local Government Act 1995 permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43 or the Planning and Development Act 2005 s214(2), (3) or (5). Limits on delegations are:

- a) any power or duty that requires a decision of an absolute majority of the council;
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
 - (c) appointing an auditor;
 - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
 - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
 - (f) borrowing money on behalf of the local government;
 - (g) hearing or determining an objection of a kind referred to in section 9.5;
 - (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
 - (h) any power or duty that requires the approval of the Minister or the Governor;
 - (i) such other powers or duties as may be prescribed.
-

In addition, there are other matters which cannot be delegated to the CEO:

- under Regulation 18G of the Local Government (Administration) Regulations s7.12A(2), (3)(a) or (4).

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

As part of the normal policy review process, policies and delegations should be cross referenced to ensure that where a delegation is in place, a relevant policy to assist with interpretation is also in place.

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 4.1 (Shire Governance) the following Strategies:

Strategy 4.1.3.3:

'Develop effective reporting and communication tools relevant to the way our community access information'.

Strategy 4.1.4.1:

'Implement review processes in service delivery on a regular basis and as needed'.

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Statutory requirement not fulfilled.</i>	<i>Likely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Endorse the adoption of the Register.</i>

OFFICER COMMENT

In 2022, significant amendments relating to the Town Planning Scheme No 3 being superseded by the Local Planning Scheme No 5 were made. Delegation 7.1 and 7.1A have further been updated with amendments to town planning functions, additional wording to add clarity and the addition of an Item 5 relating to 'Use not listed' to set procedure for determination and deleting reference to redundant policies.

The following minor amendments have also been made, as noted in the attachment:

- Minor formatting and typographical error corrections
- Position title updates to reflect current organisational structure
- Inclusion of Compliance Officer as an appointee under appropriate sub delegations.
- Inclusion of Senior Planner as an appointee under delegation 7.1A
- Legislation amendment updates
- Addition/amendments to any relevant Council Policy updates
- All Review Dates updated.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr L Handasyde:

That the attached Shire of Plantagenet Register of Delegations, Sub Delegations, Appointments and Authorisation (Register of Delegated Authority) be accepted, to take effect from 27 June 2023.

CARRIED (9/0)

NO. 107/23

Absolute Majority

**9.4.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION 2023 -
COUNCILLOR ATTENDANCE**

File Ref:	N61284
Attachment:	<u>Local Futures - Program</u>
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	27 June 2023

PURPOSE

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) Convention to be held Monday 18 September to Tuesday 19 September 2023.

BACKGROUND

At the Ordinary Meeting of Council on 28 June 2022, the Council resolved:

That:

- 1. All Councillors be entitled to attend the WALGA Local Government Convention 3 October to 4 October 2022 if they so wish and that the associated costs be charged to account 2040104 (Members – Training and Development) and account 2040109 (Members Travel and Accommodation).*
- 2. The Executive Officer will liaise with all Councillors to confirm attendance and bookings for the WALGA Convention 2022.*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

There was no external consultation conducted for this report.

FINANCIAL IMPLICATIONS

Full delegate convention fees are noted under:

Per person – \$1296.00 / Convention Breakfast \$93.30 / Gala Cocktails (partners) - \$135.00.

Approximate cost estimate per delegate (Including 3 nights' accommodation but not including meals) is \$2,500.00, depending on registration numbers and partner activity registrations.

Budget Item 2040104 (Members – Training & Development) has a current budget allocation of \$30,000.00.

Cr Clements, as a life member of WALGA, is not liable for registration fees.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Policy No. CE/CS/1 'Elected Members Expenses to be Reimbursed' applies.

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 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.2:

'A progressive Shire with diverse thinking.'

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

REGIONAL IMPLICATIONS

(The Southern Link VROC Strategic Directions 2015-2020 identifies under Governance at Goal Two (*Provide sub regional leadership through the VROC*) the following action:

'Continue to develop and discuss options for reform and best practice in local government.'

OFFICER COMMENT

The 2023 Convention will be held at Crown Perth on Monday 18 – Tuesday 19 September 2023. The Theme for 2023 will be 'Local Futures'. The Convention will explore how local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

Further information and the provisional program will be distributed as it becomes available.

The recommendation below is based on the Congress being the most important conference that Councillors can attend and therefore all Councillors should be encouraged to attend. All Councillors will therefore have equal opportunity to learn, rethink and bring new ideas back to the district.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Oldfield:

That:

- 1. All Councillors be approved to attend the WALGA Local Government Convention 18 to 19 September 2023, if they so wish, and that the associated costs be charged to account 2040104 (Members – Training and Development) and account 2040109 (Members Travel and Accommodation).**
- 2. The Executive Officer will liaise with all Councillors to confirm attendance and bookings for the WALGA Convention 2023.**

CARRIED (9/0)

NO. 108/23

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr K Clements, seconded Cr L Handasyde:

That new business of an urgent nature, namely: Novated Lease Agreement – CEO Motor Vehicle, be introduced to the meeting.

CARRIED (9/0)

NO. 109/23

5.35pm All members of the public left the meeting upon request.

MOTION THAT THE MEETING BE CLOSED TO THE PUBLIC

Moved Cr L Handasyde, seconded Cr J Oldfield:

5:36pm 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 these matters:

- (a) matters affecting an employee of the Council;
- (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. 110/23

12 CONFIDENTIAL REPORTS

12.1.1 REVIEW OF RENT – PLANTAGENET MEDICAL CENTRE - RESERVE 49690 LOT 530 MARMION STREET AND LANGTON ROAD

File Ref:	N61286
Attachment:	<u>Opteon Property Valuers; Rent Valuation (Confidential)</u>
Responsible Officer:	Gary Clark Chief Executive Officer
Author:	Gary Clark Chief Executive Officer
Proposed Meeting Date:	27 June 2023

PURPOSE

The purpose of this report is to consider a rent review of the Plantagenet Medical Centre lease.

OFFICER RECOMMENDATION

That:

1. Council approves a rent subsidy of \$79,664.64 for the remaining term of the lease between the Shire of Plantagenet and Glea Pty Ltd effective from 1 July 2023.
2. Criteria be developed to provide measurable data to determine the level of rent subsidy for any future lease of the Medical Centre.

MOTION TO SUSPEND STANDING ORDERS

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

That those sections of Standing Orders that would prevent a Councillor from speaking more than once to an item be suspended.

CARRIED (9/0)

NO. 111/23

MOTION TO REINSTATE STANDING ORDERS

Moved Cr B Bell, seconded Cr L Handasyde:

That Standing Orders be reinstated.

CARRIED (9/0)

NO. 112/23

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr L Handasyde:

That:

- 1. Council approves a rent subsidy of \$39,832.32 effective from 1 July 2023 to 31 December 2023, then a subsidy of \$70,000.00 effective from 1 January 2024 to 31 December 2024 or expiration of the current lease between the Shire of Plantagenet and Glea Medical Pty Ltd**
- 2. Criteria be developed to provide measurable data to determine the level of rent subsidy for any future lease of the medical centre.**

CARRIED (7/2)

NO. 113/23

Crs Bell and Clements voted against the motion.

Reason for Change

Give Glea Medical Pty Ltd the subsidy they had requested for the first 6 months of their lease on the Medical Centre for the purpose of helping them establish their business and keep the Medical Centre operational for the Shire of Plantagenet community but to then reduce the subsidy for the remaining 12 month term of the lease to an amount that gives cost recovery of the principal repayments and interest on loan number 97 which was taken out to carry out extensions on the Medical Centre.

**12.1.2 TENDER C09-2223 – AGRN 973 PLANTAGENET STORM RECOVERY
ESSENTIAL PUBLIC ASSET RECONSTRUCTION WORKS (EPAR)**

File Ref: N61276
Attachment: Tender Assessment Report (Confidential)
Responsible Officer: Kevin Hemmings
Acting Executive Manager Works and
Services
Author: Amy Chadbourne
Administration Officer Works and
Services
Proposed Meeting Date: 27 June 2023

PURPOSE

The purpose of this report is to consider submissions received for Tender CO9-2223 AGRN 973 Plantagenet Storm Recovery Essential Public Asset Reconstruction Works (EPAR).

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M O’Dea:

That Tender C09-2223 - AGRN 973 Plantagenet Storm Recovery Essential Public Asset Reconstruction Works be awarded to MC Civil Contractors for \$488,025.88 (excl GST).

CARRIED (9/0)

NO. 114/23

Absolute Majority

12.1.3 NOVATED LEASE AGREEMENT – CEO MOTOR VEHICLE

File Ref: N61335
Attachment: Prestige Deed of Novation (Confidential)
Responsible Officer: Gary Clark
Chief Executive Officer
Author: Julian Murphy
Incoming Chief Executive Officer
Proposed Meeting Date: 27 June 2023

PURPOSE

The purpose of this report is to consider the approval of the Novated Lease agreement for the provision of a motor vehicle for the newly appointed CEO in accordance with the Contract of Employment.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That Council, in accordance with Chief Executive Officer's Contract of Employment:

1. Agrees to a Novated Lease for the provision of a motor vehicle to the Chief Executive Officer as part of the total salary package at no additional cost to Council; and
2. Agrees to the standard lease terms as proposed.

CARRIED (9/0)

NO. 115/23

MOTION THAT THE MEETING BE OPENED TO THE PUBLIC

Moved Cr L Handasyde, seconded Cr J Oldfield:

6.14pm That the meeting be opened to the public.

CARRIED (9/0)

NO. 116/23

Items 12.1.1, 12.1.2 and 12.1.3 Council decisions were read aloud in public.

13 CLOSURE OF MEETING

6.15pm The President declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____