



ORDINARY AGENDA

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

DATE: Tuesday, 14 December 2021

TIME: 4.00pm

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

Cameron Woods
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Cr J Oldfield was granted Leave of Absence from 29 November 2021 to 21 January 2022 inclusive.

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 23 NOVEMBER 2021

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 23 November 2021.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 November 2021 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 STRATEGIC DEVELOPMENT REPORTS

9.1.1 LOT 320 HASSELL STREET, MOUNT BARKER – OVERSIZE OUTBUILDING

File Ref:	N56735
Attachment:	<u>Location Plan</u> <u>Site Plan</u> <u>Outbuilding Plan</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Vincent Jenkins Principal Planning Officer
Proposed Meeting Date:	14 December 2021
Applicant:	Dale Ferguson

PURPOSE

The purpose of this report is to consider an application for an oversize outbuilding at Lot 320 Hassell Street, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 320 Hassell Street is DA Ferguson.

The present development at Lot 320 involves a single dwelling and one 36m² Colorbond® outbuilding. This proposal is for one 120m² (7.5m x 16.0m) outbuilding with a wall height of 3.0m. The existing 36m² outbuilding will be demolished prior to the new outbuilding being constructed.

Town Planning Scheme Policy No. 16.3 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m² for Residential zones. The proposed outbuilding wall height is 3m. However, the proposed 120m² floor area for the outbuilding exceeds the 100m² area set by Council policy for the Residential zone.

The reason given by the proponent for the proposed outbuilding is for the storage of his motor vehicle and caravan. It is also intended to store DIY tools and garden machinery and equipment. The proponent advised that the caravan does not fit into the existing 36m² outbuilding.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

Clause 67 of PDLPS Regs states:

‘Consideration of application by local government

- (2) *In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*
 - (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
 - (g) *any local planning policy for the Scheme area;’*

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) – zoned Residential (R10/17.5)

Clause 32(1) of LPS5 states:

‘Additional site and development requirements

Tables 7 and 8 set out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table 7 - Additional requirements that apply to land in Scheme area

ZONES	MINI-MUM LOT AREA (m ²)	MINIMUM EFFECTIVE FRONTAGE (m)	MAXI-MUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CAR PARKING SPACES	MINIMUM LAND-SCAPING (% of site)	MAXIMUM ADVERTISING (m ²)	OTHER REQUIREMENTS
				FRONT (m)	REAR (m)	SIDES (m)				
Residential	See Clauses (sic) 25 (Residential Design Codes)									

Clauses 34(1) and (5) of LPS5 state:

‘Variations to site and development requirements

- (1) *In this clause —*
 - additional site and development requirements** *mean requirements set out in clause 32.*
- (5) *The local government may only approve an application for development approval under this clause if the local government is satisfied that —*
 - (a) *approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
 - (b) *the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.’*

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

The R-Codes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

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

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

The variation required here relates to 2.5.2(b) above as outbuilding requirements are in part 5 of the R-Codes.

EXTERNAL CONSULTATION

The proposal was advertised for comment to two adjoining landowners for the minimum 14-day period closing on 23 November 2021. At the time of finalising this report, no adverse comments were received from these adjoining landholders.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.3 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m² for Residential zones. The floor area for the new outbuilding is 120m². The proposed outbuilding wall height is 3.0m. The Council must have regard to the Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional risk implications for this report.

OFFICER COMMENT

Lot 320 is 2,023m² in area and is zoned Residential (R10/17.5). The present development at Lot 320 involves a single dwelling and one 36m² Colorbond® outbuilding.

The proposal is for a 120m² (7.5m x 16.0m) Colorbond® steel frame outbuilding. The proposed outbuilding is a gable roof structure involving four bays. The outbuilding front elevation facing the house is open and the remaining elevations are fully enclosed. The construction materials comprise trimdek zincalume roof sheeting and pale eucalypt Colorbond® wall cladding.

The following table outlines the boundary setbacks, height, floor area for the proposed 7.5m x 16.0m outbuilding:

Proposed Boundary Setbacks/Height/Floor Area			
R-Codes Boundary Setback Requirement	Proposed Boundary Setbacks	Height	Floor Area
Primary St – 6.0m	27.0m (behind the house)	Wall – 3.0m	120m ²
Rear (east) - 1.5m	15m	Pitch – 15°	
Side (north) – 1.0m	4.0m		
Side (South) – 1.0m	5.0m		

The proposal meets the boundary setback requirements of the R-Codes.

The existing 36m² Colorbond® outbuilding will be demolished prior to the new outbuilding being constructed.

The proposed outbuilding will not cause overshadowing or privacy issues and is not considered to have any significant adverse effect on the amenity of the locality or neighbouring properties.

No difficulties are seen with the maximum floor area of the outbuilding being 120m² and the wall height of 3.0m given the size of the lot being 2,023m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with clause 2.5.2 of the Residential Design Codes and clause 34(5) of the Shire of Plantagenet Local Planning Scheme No. 5, Town Planning Scheme Policy No. 16.3 (Outbuildings) be varied, and the outbuilding at Lot 320 Hassell Street, Mount Barker be approved resulting in the floor area being 120m² subject to:

1. The development being in accordance with the attached plans dated 19 October 2021.
2. The existing 36m² Colorbond® outbuilding being demolished prior to the new 120m² outbuilding being constructed.

9.1.2 LOT 5711 WATERMANS ROAD, MOUNT BARKER – FREE-RANGE CHICKEN POULTRY FARM

File Ref:	N56746
Attachment:	<u>Regional Location</u> <u>3-D Poultry Production Structure</u> <u>Proposed Operational Areas</u> <u>Site Setting and Separation Distances</u> <u>Summary of Submissions</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Vincent Jenkins Principal Planning Officer
Proposed Meeting Date:	14 December 2021
Applicant:	Milne Agrigroup Pty Ltd

PURPOSE

The purpose of this report is to consider a proposal for an extension to the existing free-range chicken poultry farm at Lot 5711 Watermans Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 571 is Proten Western Australia Pty Ltd. The landowner granted authority to the applicant to submit this Application for Development Approval (DA).

Mount Barker Chicken (MBC) has an extended history of growing free-range chickens in the Mount Barker area. MBC currently has two chicken farms operating within the Shire of Plantagenet. One chicken farm is operated by a local farmer under contract in the Perillup locality. The other chicken farm located at the Fox River property is operated in-house by MBC. The Fox River operation is located approximately 6km north of the Mount Barker townsite on Albany Highway.

The Fox River site has 18 rural residences located within 1km from its property boundary. On establishment of this poultry operation, a number of complaints were received regarding diesel generator noise emanating from poultry operations at this site. However, since this property was connected to the Western Power electricity network no further complaints have been registered with MBC or the Shire of Plantagenet. In addition, no complaints have been registered against the Perillup poultry operation.

On 24 July 2020, the Executive Manager Strategic Development granted development approval for a free-range chicken poultry farm at Lot 5711 Watermans Road. This development approval involved three production units (farms 1, 2 and 3) with all production units consisting of six brooder structures (14m x 100m each) and each brooder structure keeping 23,000 birds. The maximum number of birds at the subject land at any one time will be 414,000 birds once all three production units are fully operational. The annual yield is around 3,312,000 birds produced from eight batches.

On 16 August 2021, the Shire received a fresh application for Development Approval (DA) for the development of an expanded free-range chicken poultry farm. This DA application included supporting information prepared by Milne Agrigroup. Preliminary assessment of the supporting Environmental Management Plan (EMP) revealed the proposal needed to be refined to consider the policy framework for the establishment of free-range poultry farms, the attributes of the subject land, including land capability. The EMP further needed to consider separation distances, buffers, sensitive receptors, nutrient and surface water management and the operational management of the free-range poultry facility.

On 8 September 2021, the Shire received an updated EMP and that proposal is the subject of this report. The latest proposal seeks to increase the number of birds produced at the site. The increase in production numbers will involve the construction of one additional production unit (farm 4) at the site. The new EMP is a revised version of the 2020 EMP document incorporating the location of the new production unit.

The development of the new production unit is similar to the production units previously constructed at the site and will also involve six brooder structures (14m x 100m each) with each brooder structure keeping 23,000 birds.

The maximum number of birds at the subject land at any one time will increase from 414,000 to 552,000. The annual yield will increase from around 3,312,000 to 4,416,000 birds produced from 8 batches. The number of brooder structures will increase from 18 to 24.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (PDLPS Regs)

Schedule 2 deemed provisions for local planning schemes.

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

The proposed free-range poultry use falls into the category Animal Husbandry - Intensive under LPS 5. Animal Husbandry – Intensive is a discretionary (D) use, meaning the use is not permitted unless the Council has exercised its discretion by granting development approval.

Environmental Protection Act 1986

The proposed poultry farm does not constitute a prescribed activity under the Environmental Protection Act 1986 and therefore do not require works approval or licensing from the Department of Water and Environmental Regulation (DWER).

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

The clearing of native vegetation will require a permit unless an exemption applies. No clearing of native vegetation is proposed for this operation.

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances set out in Appendix 1 are based on the experience of the Department of Environment Regulation and other regulatory authorities for industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

Appendix 1

Industry	Description of industry	Buffer distance in metres and qualifying notes
<i>Poultry industry</i>	<i>Intensive farming.</i>	<i>300 - 1,000 depending on size.</i>

The existing rural dwelling at Lot 13 Watermans Road is a distance of 690m from the new production unit (farm 4) location.

Environmental Code of Practice for Poultry in Western Australia in WA

The Environmental Code of Practice for Poultry Farms in WA (Department of Agriculture et al., 2004) provides guidance with respect to the siting and operation of poultry farms. The Code does not prescribe separation distances to single rural dwellings but does provide guidance on minimum buffer distances for new poultry sheds and neighbouring land as follows:

- 500 metres from any existing or future residential zone;
- 300 metres from any existing or future rural-residential zone; and
- 100 metres from the boundary of the poultry farm.

It should be noted that these buffers were based on the State Planning Policy 4.3 (1998), which was current at the time of publication of the Code of Practice (2004) but has since been repealed. The current state government position now suggests that buffer distances prescribed in Government policy and industry standards are subject to the characteristics of particular development applications.

State Planning Policy No 2.5 Rural Planning and Fact Sheet: Poultry farms

State Planning Policy 2.5 – Rural Planning (WAPC, 2016) and the Fact Sheet: Poultry Farms (Dec 2016) recognises animal premises (poultry farming) as an essential rural activity with developments generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed.

The SPP is designed to assist State Government agencies and local government councils in addressing potential environmental issues and land use conflicts between poultry farms and neighbouring land uses. The policy sets a number of parameters including:

- Vehicle Access
- Visual Impact
- Buffers
- Waste Management
- Access to Water

- Biosecurity
- Management Plans

The Poultry Farm fact sheet also notes that the use of new technology, careful site planning and contemporary management techniques may allow substantial reductions to buffer distances prescribed in Government policy and industry standards. Impact minimisation strategies may include:

- vegetation screening and landscaping;
- optimal shed location, building materials and shed design;
- off-site composting and solid waste disposal; and
- mechanised approaches to shed ventilation, climate control and cleaning.

Buffers are also required to protect water quality in nearby waterways and wetlands. The buffer size will depend on the design and layout of the premises, the risk of water contamination, and the technology and management measures used to protect the waterway or wetland. The Watermans Road free range poultry farm design and layout incorporates consideration of location, buffers and visual impacts noted in the SPP.

Shire of Plantagenet Health Local Law 2008, Part 5 - Nuisances and General, Division 5 – Feedlots.

Division 5 – Feedlots reads:

‘Interpretation

5.5.1 For the purpose of this division—

“**feedlot**” means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;

“**animal**” includes sheep, lambs, goats, deer, cattle and buffalo;

“**birds**” includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

Premises to be approved

- 5.5.2 (1) *No premises shall be used as a feedlot unless approved by the local government;*
- (2) *Subject to subsection (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; and*
- (3) *Sites unsuitable to satisfy the separation may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.*

Table 1. Required Buffer Distances for Feedlots

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>

<i>Major water course and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses</i>	<i>100m'</i>

The key issue of concern for feedlots is not to give rise to noise and health nuisances with the recommended buffer distance to isolated rural dwellings being 1,000m.

Discretion exists for the Council to vary standards at clause 5.5.2(3). The Environmental Management Plan addresses the current management methods for this proposal and separation from isolated dwellings is not likely to be an issue. Health Department Guidelines from 2012 (Guidelines for Separation of Agricultural and Residential Land Uses) do not include farmhouses in their current separation standards.

EXTERNAL CONSULTATION

In accordance with Delegation 7.1 the proposal was advertised for public comment for a 42-day period ending on 12 November 2021. Advertising included letters to seven adjoining and nearby landowners within 1,000m from the new production unit (farm 4). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

Further advertising included letters to the Environmental Protection Authority (EPA), Department of Water and Environment Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA), Department of Primary Industries and Regional Development (DPIRD) and the Wilson Inlet Catchment Committee for objections and recommendations for the minimum 42-day period ending on 12 November 2021.

At the close of the advertising period, two submissions had been received from government agencies and one neighbour located approximately 1,300m east of the application site. These submissions are contained in the attached Summary of Submissions.

FINANCIAL IMPLICATIONS

The development application fee of \$15,339.00 has been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Shire of Plantagenet Town Planning Scheme Policy No. 13.1 (Feedlots) (TPS Policy 13.1)		
Policy Requirement	Summary Information	Officer Comment
Buffer Distances		
Townsites – 5,000m	The Mount Barker townsite boundary is 5,000m north of the closest poultry production area.	The free-range poultry farm proposal meets the criteria for this provision.
Policy Requirement	Summary Information	Officer Comment

Isolated rural dwelling– 1,000m	The closest residence is located to the east and is 690m from the proposed production unit location.	The free-range poultry farm proposal does not comply with this policy requirement. The EMP reports the current management methods for this proposal and separation from isolated dwellings is not likely to be an issue.
Road – 100m	The proposed poultry farm enclosures can be set back 100m from constructed roads, including O'Neill Road and Watermans Road.	The free-range poultry farm proposal meets the criteria for this provision.
Property boundary – 50m	Poultry farm infrastructure will be placed at least 50m inside the property boundary.	The free-range poultry farm proposal meets the criteria for this provision.
Water Courses – Permanent – 100m, Minor – 50m	There are no major water courses within 100m of the farms. There is a number of minor (ephemeral) water course that runs through the subject land, as part of the Wilson Inlet Catchment.	All four production farms are setback a minimum 100m from minor water courses.
Stock and domestic watering supplies - 100m	There are no dams on neighbouring properties within 300m which are likely to be affected by the operation.	Water quality in existing dams can be managed through drainage design and operational management.
Groundwater table (wet season) – minimum separation 1.5m	The free-range poultry operation will be located on the elevated portions of the site, that have a groundwater separation of at least 3m.	The free-range poultry farm proposal meets the criteria for this provision.
Gently sloping land (no greater than 1:20 and not less than 1:100).	Earthworks will modify the slope to meet with the slope recommendations.	The free-range poultry farm proposal meets the criteria for this provision.

Environmental Protection (Noise) Regulations 1997, Part 2 — Allowable noise emissions

Division 1 — General provisions

Regulation 7 Prescribed standard for noise emissions reads:

- (1) Noise emitted from any premises or public place when received at other premises -*
- (a) must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and*
 - (b) must be free of —*
 - (i) tonality; and*

- (ii) *impulsiveness; and*
 - (iii) *modulation,*
- when assessed under regulation 9.*
- (2) *For the purposes of subregulation (1)(a), a noise emission is taken to significantly contribute to a level of noise if the noise emission as determined under subregulation (3) exceeds a value which is 5 dB below the assigned level at the point of reception.*
- (3) *A level of a noise emission may be determined by —*
- (a) *measurement.....'*

The existing rural dwelling at Lot 13 Watermans Road is a distance of 690m from the new production unit (farm 4) location. This proposal does not conform to the 300 – 1,000m buffer requirement set in the EPA2005. The proposal also does not conform to the 1,000m buffer requirement included in the Health Local Law 2008 feedlot and TPS Policy 13.1 (Feedlots). Mount Barker Chicken's Paul Burnie has advised that he has met with the landowner of adjoining Lot 13 Watermans Road concerning the 690m setback to his house. The Council has not received adverse submissions from this adjoining landowner. Notwithstanding the landowner not raising any objections, the proposal is required to conform to the Environmental Protection (Noise) Regulations 1997 concerning any noise that may emanate from poultry farm operations.

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.

The Executive Manager Works and Services (EMWS) has advised that a once off financial contribution of \$75,000.00 (ex GST) will be required toward the maintenance and upgrade of the 2.6km section of gravel road between the end of the bitumen seal on O'Neill Rd and the O'Neill Road crossover at the subject land. The EMWS has advised that a further once off financial contribution of \$120,000.00 (ex GST) will be required toward the maintenance and upgrade of Watermans Road for the 3.8km section of gravel road between Albany Highway and Watermans Road. Council Policy I/R/16 (Rural Road Hierarchy) classifies Watermans Road as a class B/C road. The cost to re-sheet a class B/C road (per kilometre) is between \$35,000.00 and \$45,000.00 depending on the terrain.

The maintenance work to these two sections of Watermans and O'Neill Roads include re-sheeting the gravel pavement areas which will extend the life of the road formation. However, it should be noted that future maintenance to these roads would be funded from rates.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

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

STRATEGIC RISK IMPLICATIONS

There are no Strategic Risk Register implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The subject land is located approximately 4.1km south east of the Mount Barker Townsite fronting O'Neill Road to the north and Watermans Road to the south. Lot 5711 is approximately 338.1ha in area and is currently used for broiler chicken production.

A concern raised by the one nearby landowner involves amenity and road safety matters.

The DWER and DPIRD submissions have raised a number of environmental concerns involving soil, nutrient and ground and surface water monitoring, dead bird, solid waste, nutrient and surface water management. Further environmental concerns raised include remnant vegetation and waterway protection, depth to groundwater separation and pasture management within free range areas. Response to these concerns is included in the attached Summary of Submissions.

Consequently, the EMP will need to be revised to address these concerns.

The Main Roads WA Heavy Vehicle Service Vehicle Network (HVS network) shows Watermans and O'Neill Roads are classified as Tandem Drive Network 4.1 roads involving restrictions. This Tandem Drive Network 4.1 (TDN 4.1) network classification may allow access to vehicles up to a maximum length of 27.5m subject to a maximum speed of 60km/h. The applicant will need to apply to the Council for vehicles up to TDN 4.1 classification to access Watermans and O'Neill Roads. However, the Council does not have authority to issue permits for TDN vehicles. Main Roads WA is the only authority which has the power to issue permits in relation to TDN vehicles.

Revisions to the EMP requiring fencing of riparian vegetation, dead bird, solid waste, nutrient and surface water management and depth to groundwater separation assessment will mean the amended EMP in the main will conform to regulatory and policy requirements and guidelines. Subject to appropriate conditions, the proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That in accordance with clause 5.5.2 of the Shire of Plantagenet Health Local Law 2008 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, development approval be granted for expansion of the free-range poultry farm at Lot 5711 Watermans Road, Mount Barker in accordance with the Environmental Management Plan dated 8 September 2021 subject to:
 - a. A revised Environmental Management Plan for the free-range poultry farm on this property being submitted to the satisfaction of the Executive Manager Strategic Development showing:
 - i. All dead poultry being removed from the property and no dead poultry being buried or composted at the property. All dead poultry being disposed of at an approved licensed facility.
 - ii. All litter waste being removed from the property. All litter waste being disposed of at an approved licensed facility.
 - iii. Sawdust bedding being provided within all chicken free-range areas.
 - iv. Annual water monitoring being undertaken at catchment dams for Chicken Farm Area 4 to measure nutrient build up. The results being submitted to the Council annually.
 - v. Evidence being provided to demonstrate 3m separation to groundwater at Chicken Farm Area 4.
 - vi. Inclusion of a detailed Monitoring Plan.
 - vii. Inclusion of a detailed Nutrient Management Plan.
 2. The revised Environmental Management Plan being submitted within 60 days of the Council granting Development Approval.
 3. A fence being constructed at the creek line to restrict stock access to Sleeman Creek to the satisfaction of the Executive Manager Strategic Development.
 4. Vegetation buffer being installed along the waterway to the south of Chicken Farm Area 4 to the satisfaction of the Executive Manager Strategic Development.
 5. Chicken free-range areas being constructed, drained and sealed to ensure surface water runoff does not escape the free-range areas to the satisfaction of the Executive Manager Strategic Development.
 6. All poultry structure washdown water being directed into catchment dams to the satisfaction of the Executive Manager Strategic Development.
 7. All surface water runoff catchment dams being sealed to the satisfaction of the Executive Manager Strategic Development.
-

8. The crossover at Watermans Road being constructed to Tandem Drive Network 4.1 vehicle standard to the satisfaction of the Executive Manager Works and Services.
9. The payment of a once off financial contribution of \$75,000.00 (ex GST) toward the maintenance and upgrade of the 2.6km section of gravel road between the end of the bitumen seal on O'Neill Rd and the O'Neill Road crossover at the subject land to the satisfaction of the Executive Manager Works and Services.
10. The payment of a once off financial contribution of \$120,000.00 (ex GST) toward the maintenance and upgrade of the 3.8km section of gravel road between Albany Highway and the Watermans Road crossover at subject land to the satisfaction of the Executive Manager Works and Services.
11. Signs being posted identifying truck movements on Watermans and O'Neill Roads in accordance with AS1742.3-2009 to the satisfaction of the Executive Manager Works and Services.
12. Generators not being used to power any of the chicken grow-out structures.

Advice Notes:

1. The applicant is advised to contact the Department of Water and Environmental Regulation's South Coast Water Licensing team concerning requirements under the Rights in Water and Irrigation Act 1914.
2. The applicant is advised to contact the Department of Water and Environmental Regulation concerning requirements under the Environmental Protection (Unauthorised Discharges) Regulations 2004.

9.1.3 NEW POLICY – CONSULTATION AND ENGAGEMENT POLICY

File Ref:	N56810
Attachment:	<u>Consultation and Engagement Policy</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Sonja Parker Community Development Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to seek adoption of new policy CS/CC/1 *Consultation and Engagement Policy*, as attached.

BACKGROUND

At the Council meeting held on 22 June 2021, a key performance indicator (KPI's) as outlined in Schedule 2 of the CEO employment contract was endorsed; namely: 4.1 *'Develop an organisation that is engaged, transparent, respected and committed to our community.'* The adoption of a Community Engagement Charter or Policy was a key measurement in meeting this KPI.

The proposed policy was developed based on best practice in engagement and public participation; risk assessment; and local government practices. The content was formulated using research of other local governments, consideration for implementation by staff on the day to day, and a mechanism for Council's consideration when applied in practice.

The policy also aligns with the series of community engagement principles recommended by the Local Government Act Review 2021 that considers the community being heard and participating in decision making as being vital to the effective functioning of local government.

On the 26 October 2021 Council was provided with a strategic workshop briefing on the proposed Consultation and Engagement policy with positive feedback in support for the proposal received. No amendments or changes were received for consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995 (Western Australia)
Local Government (Model Code of Conduct) Regulations 2021

EXTERNAL CONSULTATION

N/A

FINANCIAL IMPLICATIONS

Any financial implications for the delivery of consultation and engagement measures will be built into project budgets as part of the overall financial commitment. In most cases the expense will be minimal.

POLICY IMPLICATIONS

This report recommends the adoption of a new Council policy.

However, other Council Policies, as follows, relate:

- Policy CE/ES/2 – Communications and Social Media Policy
- A/RM/1 – Record Keeping
- Customer Service Charter

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides:

At Outcome 4 Effective Governance and Organisation the following Strategies:

Strategy 4.1.3:

'Ensure the Council's decision-making process is effective and transparent'

Strategy 4.2.1:

'Keep the community well informed on Council initiatives.'

Strategy 4.2.5:

'Aim to use communication methods and tools preferred by stakeholders and our community.'

Strategy 4.3.4:

'Increase use of new technology to engage with the public and keep them informed.'

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

OFFICER COMMENT

In recent years the Shire has been improving its approach in the consultation and engagement space, working toward greater community involvement and awareness of Shire activities and services. The endorsement of this policy solidifies those practices already in place and creates a mechanism for clearly and consistently identifying when and what consultation measures apply for Shire projects.

This policy will guide the delivery of community and stakeholder engagement activities across the organisation to achieve the following objectives to:

- Provide the public with a clear understanding of Council's commitment to community and stakeholder engagement.
- Achieve good governance by facilitating open and honest communication with stakeholders and the community on programs, projects and initiatives that may impact their lives.
- Raise awareness of Council decisions and community aspirations surrounding programs, projects, and initiatives.
- Allow for informed decision-making to achieve an improved quality of life in the Shire of Plantagenet by planning for projects where they are needed and supported by the community.

- Ensure more members of our community will feel encouraged to build local networks and participate in civic life with a greater understanding of the role of local government.

Council will be able to clearly see the consultation and engagement outcomes via the consultation section of Council Agenda Report Items which also assist in greater transparency to the public on decision-making.

The Policy is founded on a belief that participation in civic life is central to good health, developing strong and supportive networks and creating a positive community spirit. Through the application of this policy the Shire will provide genuine and transparent opportunities for community members to provide feedback about matters of interest to them through Council's decision-forming process. This policy will act on the Shire's Strategic Plan slogan of 'building success through opportunity and participation'.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Council Policy No. CS/CC/1 – Consultation and Engagement Policy, as follows:

'OBJECTIVE

This policy will guide the delivery of community and stakeholder engagement activities across the organisation to achieve the following objectives to:

- Provide the public with a clear understanding of Council's commitment to community and stakeholder engagement.
- Achieve good governance by facilitating open and honest communication with stakeholders and the community on programs, projects and initiatives that may impact their lives.
- Raise awareness of Council decisions and community aspirations surrounding programs, projects, and initiatives.
- Allow for informed decision-making to achieve an improved quality of life in the Shire of Plantagenet by planning for projects where they are needed and supported by the community.
- Ensure more members of our community will feel encouraged build local networks and participate in civic life with a greater understanding of the role of local government.

POLICY

The Shire of Plantagenet commits to the implementation of this Policy to ensure that:

1. As an organisation, we understand wider community views when making decisions.

2. The community can express their views and participate in the decision-making process.
3. We regularly reach out and stay up to date with changing opinions and situations our community is living and working in each day.
4. We can be a responsive organisation.

In planning a community engagement process, the Shire will determine the potential impact of the proposal (table 1 below) and at which level they will engage and what corresponding commitment they will make to the community and/or stakeholders (table 2 below).

High – Level 3
<ul style="list-style-type: none"> • There is a <i>high level of impact of risk</i> (perceived or real) on the Plantagenet region; or sections of the communities. • There is <i>potential for decisions to create controversy</i> and / or have varying levels of acceptance within the community.
Medium – level 2
<ul style="list-style-type: none"> • There is a <i>medium level of impact or risk</i> (perceived or real) on the Plantagenet region; or sections of the communities. • It is <i>likely that the decision will be accepted by the majority</i> of the community impacted; however, the decision may be an inconvenience for some sections of the community.
Low – Level 1
<ul style="list-style-type: none"> • There is a <i>low level of impact or risk</i> (perceived or real) on the Shire of Plantagenet Region, or section of the communities. • It is <i>likely that the decision will be widely accepted</i> by the community and seen as having a positive outcome or being required.

Table 1: Potential Impact Table

The application of the community engagement levels listed below and applying the associated engagement tools will be utilised to ensure that community members have genuine opportunities to participate in Council decision-forming processes about matters that affect them.

Our engagement activities will be accessible and inclusive and include online and offline methods that are designed to suit the project and its stakeholders.

Level	What the language sounds like	Examples of engagement tools
Inform	‘Here’s what’s happening’	<i>website notice, facebook posts, fact sheets, information sessions</i>
Consult	‘Here are some options, what do you think?’	<i>Letters to residents, written submissions, focus groups, surveys, public meetings, Plantagenet News advert</i>

Involve	'Here's a problem, what ideas do you have?'	<i>Workshops, resident voting, deliberative polling, expert panels</i>
Collaborate	'Let's work together to solve this problem'	<i>Advisory Committees, expert working group</i>
Empower	'You care a lot about this issue and are leading an initiative, how can we support you?'	<i>Citizen Juries, ballots, delegation decision</i>

Table 2:

The selection of those which are relevant will be determined by Shire staff using the Community Engagement Toolkit. This decision is likely to impact the nature and methods of engagement, the final decision rests with the Shire of Plantagenet Officers.

Council decision-making processes are influenced by several factors such as financial and resource considerations, political directives, and environmental and social concerns. As such, if a difference occurs between the engagement outcomes and the Council's final decision, the reasons will be clearly stated.

The impact rating and consultation level rating will be included within Council reports for information and consideration by Council.

Scope

Council will undertake community engagement activities for any of the following purposes:

- When community input can enhance decision making or project outcomes.
- To gain new information about community needs, aspirations, and concerns.
- When there will be a real or perceived change to existing services, programs or the use of public spaces and facilities.
- When community members, business communities or other groups would have a particular interest in the outcome of a decision, project or development.
- When Council resolves to consult the community.
- When legislation, policy or other agreement mandates.

Council will seek participant feedback to monitor and evaluate engagement and continue to adapt and improve our processes.'

be endorsed.

9.1.4 NEW POLICY – DEALING WITH UNREASONABLE BEHAVIOUR POLICY

File Ref:	N56894
Attachment:	<u>Internal Procedure Dealing with Difficult Customers PM/135/15</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Andrus Budrikis Executive Manager Strategic Development
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to seek adoption of new policy CE/RS/UB/1 *Dealing with Unreasonable Behaviour*.

BACKGROUND

The Shire of Plantagenet procedure *Dealing with Difficult Customers PM/135/15* (attached) was last updated on 17/8/2015. The procedure does outline the actions to take when staff encounter issues dealing with difficult customers. In particular the procedure states

'Where a Supervisor/Manager is satisfied that every effort has been made by staff to address a customer's needs, they may make a decision that there is no reasonable prospect of reaching a position where a particular customer is satisfied. In this instance the Supervisor/Manager may decide to stop or limit responses to the customer in relation to the issue in question.

Where this decision has been made, the Supervisor/Manager is to ensure that this is communicated in writing to the customer and that the customer is given the opportunity to make representations to the Council about the proposed course of action.'

The Shire of Plantagenet does not have a policy addressing this issue and as the actions may involve Council, through a customer appealing a decision to restrict responses or take other action, a policy should be adopted by Council on the procedures to be taken in these circumstances.

STATUTORY ENVIRONMENT

Local Government Act 1995 (Western Australia)
Local Government (Model Code of Conduct) Regulations 2021

EXTERNAL CONSULTATION

The City of Albany policy *Dealing with challenging behaviour* and the Ombudsman Western Australia guidelines *Dealing with unreasonable complaint conduct* have been consulted in the preparation of this policy.

FINANCIAL IMPLICATIONS

There are no financial implications

POLICY IMPLICATIONS

This report recommends the adoption of a new Council policy.

However, other Council Policies/procedures as follows, relate:

- *Shire of Plantagenet Customer Service Charter*
- *Dealing with Difficult Customers PM/135/15*

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides:

At Outcome 4 Effective Governance and Organisation the following Strategies:

Strategy 4.1.6:

‘Provide a community oriented organisation that delivers high quality services and delivers outcomes that are in the best interests of our ratepayers.’

Strategy 4.5.4:

‘Maintain and develop human resource management policies, procedures and systems for current and future workforce needs.’

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

OFFICER COMMENT

The current internal administrative procedure requires that customers who continue unreasonable behaviour as defined in the procedure, may be informed that their requests will no longer be responded to, or limited responses made to the issue in question. The procedure requires that if this action is taken the customer must be informed of the right to appeal to Council.

The procedure also does not address the wider range of behaviours where restricted or managed responses will be required.

The Minister for Local Government is seeking feedback from the sector in relation to local government reform. One of the proposed reforms relates to the establishment of a process for dealing with vexatious complaints.

The reform proposes, that if a person makes repeated complaints to a local government CEO that are deemed vexatious, the CEO will have the power to refer that person’s complaint to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious.

By adopting a policy to deal with customers unreasonable behaviour prior to the adoption of the reforms, the Council will be establishing transparent clarity on how staff are to respond to these situations.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

Council Policy No. CE/RS/UB1 – Dealing with Unreasonable Behaviour, as follows:

OBJECTIVE

This policy will guide staff on how to deal with unreasonable behaviour from customers.

POLICY

Council representatives are expected to treat customers with courtesy and respect at all times and to make every reasonable effort to address the needs of customers, even when they are being difficult. However, sometimes there are customers whose issues cannot be dealt with to their satisfaction.

1. Customers who cannot be satisfied:

The Chief Executive Officer can determine that a customer does not accept that the Shire is unable to assist them. Where a Supervisor/Manager is satisfied that every effort has been made by staff to address a customer's needs, the Chief Executive Officer may make a decision that there is no reasonable prospect of reaching a position where a particular customer is satisfied. In this instance, the Chief Executive Officer may decide to stop or limit responses to the customer in relation to the issue in question.

The Chief Executive Officer is to ensure that this is communicated in writing to the customer and that the customer is given the opportunity to make representations to the Council about the proposed course of action. The Chief Executive Officer will continue to monitor any further contact with the customer over the issue.

2. Customers who make unreasonable demands:

Customers who make unreasonable demands can result in a significant diversion of Shire staff resources away from other functions and staff requirements. They can also create an inequitable allocation of resources.

The Chief Executive Officer can determine to write to the customer requesting that they limit and focus their requests and that if the unreasonable requests recur, staff may not respond to such requests where in the opinion of the Chief Executive Officer no new specific, substantial and serious issues have been raised.

The Chief Executive Officer may also determine to limit responses to a fixed number of responses in a given period.

3. Customers who consistently raise the same issue with different staff:

If the Chief Executive Officer determines that a customer is constantly raising the same issue with different staff or elected members, the Chief Executive Officer can determine that only a nominated staff person will deal with the

customer, that an appointment must be made for any discussions required, or that all future contact with the Shire must be in writing.

4. Customers who are rude, abusive or aggressive:

Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or against a person.

On the Telephone

1. If, in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in the telephone conversation, the staff member is to:
 - a) Warn the caller/customer that if the behaviour continues, the conversation will be terminated; and
 - b) Terminate the conversation if the rude, abusive or aggressive behaviour continues after a warning has been given.
2. Where a conversation is terminated, the staff member is to inform his/her Supervisor/Manager of the incident.
3. The staff member involved must make file notes of exactly what has happened and these should be recorded in the Electronic Records Management System (ERMS).

In Person

1. At the Shire Office - If a staff member is dealing with a customer at the front desk and feel that they or other customers or staff may be placed in a dangerous situation, the staff member is to use the duress alarm and another member of staff may call the police if required.
2. At all other Shire Outstations/Workplaces - If a staff member is dealing with a customer and feels that they or other customers or staff may be placed in a dangerous situation, a staff member is to call the Shire Office front desk and ask them to inform the relevant Supervisor/Manager of the situation.
 - If the relevant Supervisor/Manager is not there, then any available Supervisor/Manager should be informed. That Supervisor/Manager should then go to the assistance of the staff member immediately.
 - Where assistance is required outside of normal working hours the Emergency Call Out Phone (Works and Services) should be called and if required, call the police immediately.

5. Documentation and reporting:

In all situations, staff are to document the incident and a record must be made and maintained in the ERMS.

6. Review: 2 years

7. Legislative and Associated Documents Relating to this Policy:

This policy is complimented by the following documents and resources;

- Local Government Act 1995
- Local Government (Model Code of Conduct) Regulations 2021
- Freedom of Information Act 1994
- Public Interest Disclosure Act 2003
- Shire of Plantagenet Customer Services Charter
- Dealing with Difficult Customers PM/135/15.'

be endorsed.

9.2 WORKS AND SERVICES REPORTS

9.2.1 ROADWISE COMMITTEE – REPLACEMENT OF MEMBER

File Ref:	N56812
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Officer Works and Services
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to note the resignation of two members of the Plantagenet RoadWise Committee and to consider the appointment of replacement members.

BACKGROUND

The Plantagenet RoadWise Committee was created with the following functions.

- ‘1. To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
- 2. To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.’*

STATUTORY ENVIRONMENT

Local Government Act 1995, ‘Section 5.8 ‘Establishment of committees’

The Plantagenet RoadWise Committee was formed under Section 5.9 (2)(c) which provides that a Committee is to comprise ‘...council members, employees and other person.’ These appointments must be adopted by an Absolute Majority.

Sections 5.10 and 5.11 refer to ‘Appointment of committee members’ and ‘Tenure of committee member’ respectively.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.4:

'Investigate and respond to road safety and traffic issues throughout the District'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications in relation to this report.

REGIONAL IMPLICATIONS

There are no regional implications in relation to this report.

OFFICER COMMENT

Pursuant to Section 5.11 of the Local Government Act 1995, earlier this year the Mount Barker Police advised of Senior Constable Ken Brown's resignation from the Western Australian Police Force.

Also, Mr Carl Beck has ceased his position as the RoadWise representative on the committee and can no longer be considered a member. Ms Vivienne Gardiner who is now the Regional RoadWise Road Safety Advisor for the Great Southern can fill the committee member position.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

- 1. The resignation of Mr Carl Beck from the Plantagenet RoadWise Committee be noted and Ms Vivienne Gardiner be appointed as a committee member on the Plantagenet RoadWise Committee.**
- 2. The resignation of Senior Constable Ken Brown from the Plantagenet RoadWise Committee be noted and Senior Constable Alan Somerville be appointed as a committee member on the Plantagenet RoadWise Committee.**

9.3 CORPORATE SERVICES REPORTS

9.3.1 ASSET MANAGEMENT STRATEGY - MOUNT BARKER PATHWAYS IMPROVEMENT PROGRAM

File Ref:	N56722
Attachment:	<u>Pathways Improvement Program Proposal</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Robbie Monck Asset Management Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to seek endorsement of a proposal to able to improve a total of 19 footpaths within the Mount Barker townsite classified as poor or very poor over the next two years.

BACKGROUND

This proposal aims to make substantial progress towards the Footpath Asset Management Plan, presented to councillors on 29 June 2021. The 10 year draft footpath renewal schedule was presented to that workshop (attached). At that workshop, it was agreed to consider an allocation of LRCIP-3 funding towards the plan.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

This proposal would involve funding available from the LCRIP-3 totalling \$156,036.00 and a contribution from the annual Council budget averaging approximately \$65,000 per year for the next two years for a total of approximately \$286,059.00. Actual municipal budget allocations would be \$70,000.00 in 2021/2022 and \$60,023.00 in 2022/2023.

The 10-year draft footpath renewal schedule noted in years 1 and 2 alone, the following differences between the total to upgrade some paths and dispose of duplicated path or those that are in a low traffic environment versus the total to renew all paths:

Year	Cost of renewal with some disposal	Cost of renewing all pathways
Year 1	\$71,300	\$116,800
Year 2	\$72,600	\$121,200

From 1 January 2022, the Shire will be able to access funding through LRCIP Phase 3, with projects under the Program to be delivered by 31 December 2023. The Shire's allocation under this program is \$1,206,028.00, none of which has been formally committed at this stage.

BUDGET IMPLICATIONS

The 2021/2022 budget incorporates a sum of \$70,000.00 for footpath renewal.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.1:

'Maintain and further develop Shire roads, drainage and pathways at appropriate standards and continue to seek to maximise grant funding to support this aim.'

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

STRATEGIC RISK IMPLICATIONS

The Strategic Risk Register notes a risk under the heading of Asset Sustainability Practices. A key control is a routine maintenance schedule: Hard Infrastructure (Roads, bridges, drainage, footpaths)

OFFICER COMMENT

The current pathways in Mount Barker are in various states of deterioration with over 30% of them being in poor or very poor condition. This program aims to prioritise the works required to upgrade the existing network over a two-year period using a combination of municipal and LRCIP-3 program funding. By rationalising, upgrading and construction new footpaths to a standard that will meet the requirements of all users into the future.

With funding available from the LCRIP-3 totalling \$156,036.00 and a contribution from the annual Council budget averaging around \$65,000.00, a total of \$286,059.00 will be available to undertake the required works on 18 footpaths within the Mount Barker townsite.

The attached the Mount Barker Pathways Improvement Program provides the detailed proposals to improve the footpaths. This is summarised in the table below:

Road	Program	Year	Total	Running Total
Mount Barker Rd	Upgrade	2021/22	\$24,774	\$24,774
Ormond St	Upgrade	2021/22	\$57,861	\$82,635
Ingoldby St	Upgrade	2021/22	\$36,532	\$119,167
Montem St	Disposal	2021/22	\$4,972	\$124,139
Margaret St	Disposal	2021/22	\$2,200	\$126,339
Mount Barker Rd	Disposal	2021/22	\$2,156	\$128,495
Parsons St	Disposal/Upgrade	2021/22	\$20,906	\$149,401
Deane St	Disposal/Upgrade	2021/22	\$18,099	\$167,500
Hassell St	New	2022/23	\$40,508	\$40,508
Nunarrup St	Upgrade	2022/23	\$27,138	\$67,646

Menston St	Upgrade	2022/23	\$13,858	\$81,504
Narpund / Osborne Rd	Upgrade	2022/23	\$9,731	\$91,235
Narpund Rd	Disposal	2022/23	\$2,134	\$93,369
Eaton Ave	Disposal	2022/23	\$2,156	\$95,525
Lord St	Disposal	2022/23	\$2,376	\$97,901
Hassell St	Disposal	2022/23	\$6,468	\$104,369
Bonnyup St	Disposal	2022/23	\$2,464	\$106,833
Langton Road	Disposal	2022/23	\$11,726	\$118,559
TOTAL				\$286,059

As shown in the table, the type of work recommended is described below:

New

Construction of a new foot path to a 2-metre x 25mm asphalt surface on a minimum 100mm compacted gravel base with a tack coat applied prior to the asphalt being laid.

Upgrade

Improving the current serviceability of the path. The upgrade plan is to apply a 25mm asphalt overlay to the existing bituminous surface at 2 metres wide over the existing length.

Disposal

There a number of footpaths in town that also serve as a verge treatment, this is where the verge has been sealed with a 7mm chip seal (bituminous seal) from the property boundary to the roadside kerbing. On the steeper sections of the verge the verge treatment will be renewed so that it will assist in controlling erosion issues from these areas.

In areas that do not require a verge treatment as the road verge is relatively flat, there are three options:

- a) Reinststate the verge to gravel with the current surface blended with 1% concrete.
- b) Renew the current area outside of the path alignment with a 7mm chip seal. or
- c) Leave as is, install signage to alert users that it is a verge treatment and not a footpath, direct pedestrians to path on opposite side of the road where applicable.

It is recommended that where there is a need for verge treatment, the current surface should be patched to maintain the current surface to assist in controlling erosion on the steeper road verges.

Duplicate assets would be treated by blending the existing surface with a 1% concrete mix to aid in stabilisation.

The cost of the project is divided between Council resources (\$130,023.00) and LRCIP-3 funding (\$156,036.00). The LRCIP-3 funded projects are those which are in the 'upgrade' category, as using grant funds to dispose of assets are unlikely to meet the guidelines.

Other works to improve Langton Road have been considered but not included in the tables above. The additional estimated cost required to undertake the extra works proposed to complement the footpath improvement would be:

- Remove trees and renew existing path \$31,713.00.
- Additional streetscape works including construction of a swale drain and small check dams on verge uphill from intersecting road - \$248,061.00.

These additional works are not contained in the recommendation at this stage.

A Council workshop was held on 7 December 2021, where the following was endorsed:

- All roads within the plan (other than the retail centre) that currently have one or two existing paths, will have at least one good path, with the exception of Eaton Avenue.
- We aim for Australian standards for footpaths however if a power pole (or the like) prohibits this than we will make the best outcome with existing constraints.
- Any street (or part of a street) may be not be included in the first tranche of works if the geographic status is not clear. The Streetscape working group will look at these inclusive of street width, curbing, landscaping and other matters to provide a solution with a structured plan.
- Any street that is identified for disposal will require some level of community engagement.
- No trees to be removed or verge reconstruction without the support of a streetscape working group which will involve community consultation.
- That the LRCIP contribution be utilised for a tender (or EOI) for preparation and completion of new asphalt to priority footpath upgrades (paths rated as poor or very poor) as listed. This should ensure the best value for money in a single construction option by a suitable contractor.
- A comment was made to close sections of the urban grid network when works required to reduce the need for expensive traffic control. This should be considered in the project scope for the individual paths. There are several options available; putting extra traffic and heavy traffic through residential streets may introduce other safety concerns.
- Existing footpaths that identified for disposal may be stabilised as a road verge with a variety of options including grass, seal and stabilised gravel as a second stage.
- Menston Street to be removed from the current program as the footpath in this street may be enhanced as part of an adjoining development. (This reduces the program total to \$272,201.00 and 2020/2022 budget requirement to \$46,165.00).

Note that the current streetscape working group has been established for the Albany Highway beautification works. The scope of this working group would therefore need to be formally amended to achieve two of these points.

It is proposed that tenders would be called to undertake the upgrade work, whereas 'disposals' are likely to be done by the works crew. Following consideration by a

streetscape working group and community consultation, detailed proposals can be recommended for review in 2020/2021 or included in the 2022/2023 draft budget.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The Mount Barker Pathways Improvement Program be endorsed in principle, which incorporates upgrades to eight footpaths and one new footpath, in addition to the disposal of the following footpaths:
 - a) Montem Street from No. 10 Montem Street to Mount Barker Road and Menston Street to Marmion Street.
 - b) Margaret Street from Menston Street to No. 12 Margaret Street.
 - c) Mount Barker Road from Marion Street to Montem Street.
 - d) Narpund Road from Hassell Street to the western boundary of Lot 569.
 - e) Eaton Avenue from Langton Road to Marion Street.
 - f) Lord Street from Muir Street to Langton Road.
 - g) Hassell Street from Muir Street to Langton Road.
 - h) Bonnyup Street from Hassell Street to Hassell Street.
 - i) Langton Road from the eastern boundary of Lot 212 to Eaton Avenue.
 - j) Parsons Street from Deane Street to Fellows Street (north side).
 - k) Deane Street from Ormond Street to Parsons Street.
2. The footpath 'disposals' listed in Part 1 above be referred to the Streetscape Working Group with a request that it considers matters including type of verge reconstruction, tree removal, street width, curbing and landscaping and to make recommendations on an overall plan, including consultation with affected residents and land owners.
3. The following projects within the Mount Barker Pathways Improvement Program be endorsed for funding under the Local Roads and Community Infrastructure Program Phase 3.

Footpath Upgrade Project	Total
Mount Barker Rd (Montem St to Mondurup St)	\$24,774
Ormond St	\$57,861
Ingoldby St	\$36,532
Nunarrup St	\$27,138
Narpund / Osborne Rd	\$9,731
Total	\$156,036

4. An allocation of at least \$46,165.00 be made in the 2022/2023 budget to finalise the two-year Mount Barker Pathways Improvement Program.

9.3.2 FINANCIAL STATEMENTS – NOVEMBER 2021

File Ref:	N56739
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Diana Marsh Senior Finance Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to present the preliminary financial position of the Shire of Plantagenet for the period ending 30 November 2021.

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Financial Statements for the period ending 30 November 2021 be received.

9.3.3 LIST OF ACCOUNTS – NOVEMBER 2021

File Ref:	N56848
Attachment:	<u>List of Accounts – November 2021</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of November 2021.

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 (25 May 2021). 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.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 November 2021 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$895,003.50; and
2. Municipal Cheques 47207 to 47210 totalling \$403.81.

9.3.4 POLICY REVIEW - RATES DEBT COLLECTION – HARDSHIP

File Ref:	N56724
Attachment:	<u>Rates Debt Collection – Hardship Policy</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Abigail Bartell Rates Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to review Council Policy F/RR/1 - Rates Debt Collection - Hardship.

BACKGROUND

This policy was adopted by the Council at its meeting held on 3 December 2019.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996. Regulation 5 provides (in part) as follows:

- '(1) Efficient systems and procedures are to be established by the CEO of a local government —*
- (a) for the proper collection of all money owing to the local government;'*

FINANCIAL IMPLICATIONS

Where applications are approved, there would be a loss of revenue raised from the interest charges on rates arrears. Since the policy was adopted, there has been three applications received and approved. Of those, two are paying in line with the agreement and one has defaulted. The loss of penalty interest income on those assessments is approximately 400.00 per annum.

To our knowledge, less than five other ratepayers would be eligible under this policy, if they applied.

BUDGET IMPLICATIONS

The 2021/2022 budget includes \$28,000.00 for penalty interest income.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle. The following related policies and delegations are also relevant:

- Debt Collection Policy F/FM/15;
- Delegation 2.10 Rates Issues – General Delegation; and
- Delegation 2.11 Rates – Recovery where unpaid.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

It is important to ensure that money owed to the Shire of Plantagenet is collected in a consistent and timely manner. It is also important to acknowledge that some ratepayers may, at times encounter difficulty in paying rates and charges.

It is considered that the intent of debt recovery procedures is not to cause hardship to any ratepayer and that consideration be given to cases of genuine extreme financial hardship where the interest on outstanding rates will cause the ratepayer further hardship.

The policy was developed to provide a reprieve to ratepayers in financial hardship from interest accumulation on their rates (and charges) arrears. It allows them an opportunity to begin to clear their arrears with the incentive that they are actually clearing arrears instead of just interest charges each year. The aim is to limit the number of properties that have more than three years' worth of arrears, which may be subject to possible sale for non-payment of rates under Section 6.64 of the Local Government Act 1995.

The statutory responsibility to make decisions surrounding 'hardship' falls with the CEO and the CEO has sufficient delegation to proceed. The intent of the policy direction is to give further direction to the CEO how to proceed in those few instances of genuine financial hardship, as evidenced by supporting documentation.

The policy has been applied on three occasions and has worked well for two of those ratepayers. The only recommended change is to delete clause 5. This clause gives the impression that hardship arrangements will be automatically extended at their conclusion. Ratepayers in these circumstances should not assume that the hardship circumstances are permanent and they should be making plans to make payment on future rates debt in a timely way.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That policy F/RR/1 - Rates Debt Collection – Hardship as follows:

OBJECTIVE

To acknowledge that ratepayers may at times encounter genuine financial hardship and to provide a level of relief for those ratepayers by not adding additional debt recovery charges and penalty interest, subject to conditions.

POLICY

1. This policy outlines the criteria for assessing applications of cases of financial hardship.
2. An application from a ratepayer claiming extreme financial hardship will be assessed by the CEO. No further debt recovery action will be taken while the application is under consideration.
3. If in the opinion of the CEO, the ratepayer is experiencing genuine extreme financial hardship, cessation of further debt recovery action and cancellation of interest accruing on overdue amounts may be permitted, subject to:
 - a) The ratepayer's circumstances being supported by a written application and an original letter from a financial counsellor or a qualified financial body (a fully accredited member of Financial Counsellors Association of Western Australia or Bank).
 - b) A payment arrangement approved by the CEO being entered into on the basis that the total debt outstanding at the date the arrangement is made will be extinguished within three years or less from the date of that arrangement. This amount does not include future rates and charges.
 - c) The applicant being the owner or co-owner of the property and liable for payment of rates and charges and also occupy the property as his/her main place of residence.
 - d) The ratepayer not being a company or trustee;
 - e) The ratepayer not being bankrupt or subject to a bankruptcy petition;
 - f) No revenue being derived from the property that is the subject of the application.
4. Should the ratepayer default on the agreed arrangement by three payments or more, the agreement will be terminated, interest charges will be reapplied and debt recovery proceedings will resume.'

be endorsed.

9.3.5 POLICY REVIEW - CEMETERY MEMORIALS

File Ref:	N56637
Attachments:	<u>Policy – Cemetery Memorials</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to review Council Policy No. A/CA/2 – Cemetery Memorials.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 8 October 2019.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle and also to review subsequent Council direction.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy:

Strategy 2.3.3

‘Provide appropriately maintained cemeteries for our community’

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

RISK IMPLICATIONS

There are no risk implications for this report.

OFFICER COMMENT

There are several changes recommended to this policy.

There are a number of dimensions specified in the policy which need to be slightly changed to reflect current practice.

The policy has been amended to clarify:

- That double niches will incorporate a backing plate of dimensions 280mm x 117mm and two plaques of dimensions 128mm x 83mm (Mount Barker (East) and Kendenup Cemeteries).
- The maximum length and width of grave monument bases, which is the combined total length of a head kerb, side kerb and end kerb (Mount Barker (East), Kendenup and Rocky Gully Cemeteries).
- The maximum dimensions of the memorial plaque that may be attached to the concrete foundation in Section E of the Mount Barker Cemetery (West).

Some niches in the Mount Barker Cemetery and Kendenup Cemeteries vary in size from the standard and proximity to each other. As a result, backing plates and some instances, plaques also need to be of non-standard sizes to suit. The standard sizes will be used where possible.

Clause 2.2.1 (d) has been amended to remove the part about no portion of the plaques being above ground level in the lawn section of the Mount Barker Cemetery (West). Having plaques at around ground level is problematic for mowing and a proposal will be presented about having those plaques on a plinth to prevent damage from lawn maintenance activities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy No. A/CA/2 Cemetery Memorials, as follows:

‘OBJECTIVE:

To ensure that the memorials and monumental work in Shire of Plantagenet cemeteries conforms to certain standards, is constructed from materials and erected in a manner that:

- 1. Does not present a risk to members of the public and employees of the Shire of Plantagenet;**
- 2. Is acceptable to the environment; and**
- 3. Maintains appropriate aesthetic standards.**

POLICY:

- 1. Mount Barker (East), Kendenup and Rocky Gully Cemeteries**

1.1 Niche Wall Memorial Plaques

1.1.1 All memorial plaques placed on a niche wall shall be supplied and installed by the Shire and shall –

- a) be made of admiralty bronze, granite or glass; and**
- b) where possible, be of dimensions 145mm x 120mm for single niches, depending on actual niche size.**

- c) where possible, incorporate a backing plate of dimensions 280mm x 117mm and two plaques of dimensions 128mm x 83mm for double niches, dependent on actual niche size.

1.2 Headstones

1.2.1 All monuments and headstones shall -

- a) be made of bronze, granite, slate or marble and may include a glass fascia;
- b) be placed on proper and substantial foundations;
- c) comply with the following specifications –
 - i. All Graves:
 - A. The overall height of the monument above the original surface of the grave shall not exceed 1,550mm; and
 - B. The height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 305mm;
 - ii. Single Graves:
 - A. The length of the head kerb shall not exceed 1,250mm and the width shall not exceed 380mm;
 - B. The length of the headstone shall not exceed 1,120mm and the width shall not exceed 380mm; and
 - C. The length of the base of the monument shall not exceed 2,500mm and width not exceed 1,250mm.
 - iii. Double Graves:
 - A. The length of the head kerb shall not exceed 2,500mm and the width shall not exceed 380mm;
 - B. The length of the headstone shall not exceed 2,370mm and the width not exceed 380mm; and
 - C. The length of the base of the monument shall not exceed 2,500mm and width not exceed 2,450mm.

1.2.2 No gravesites bigger than a double grave will be permitted.

2. Mount Barker Cemetery (West)

2.1 All memorials, except for monuments and headstones in Section E, shall be purchased from and installed by the Shire.

2.2 Section A – Burials in the Lawn with Ground Memorial Plaques

2.2.1 Memorial plaques in Lawn Section A –

- a) shall be made from admiralty bronze (and may incorporate coloured elements and photos) or vitreous enamelled stainless steel;
- b) shall not exceed 20mm in thickness.
- c) shall be of the dimensions 380mm x 280mm; and
- d) shall be affixed to a substantial foundation.

2.3 Section E – Burials in the Lawn with Above Ground Level Headstones

2.3.1 All monuments and headstones shall -

- a) be made of bronze, granite, slate or marble and may include glass or vitreous enamelled stainless steel fascias;

- b) be placed on a concrete foundation provided by the Council. Such concrete beam footings shall be 330mm wide, to accommodate a line of single headstones.
- c) comply with the following specifications –
 - i. All Graves-
 - A. The overall height above the original surface of the grave shall not exceed 1,050mm;
 - B. The length of the headstones shall not exceed 920mm and width not exceed 300mm; and
 - C. The height of the base of the monument above the surface of the concrete plinth shall not be less than 150mm nor more than 305mm.
 - ii. Single Graves-
 - A. The length of the head kerb shall not exceed 920mm and width not exceed 300mm; and
 - iii. Double Graves-
 - A. The length of the head kerb shall not exceed 1,840mm and width not exceed 300mm; and

2.3.2 No gravesites bigger than a double grave will be permitted. An admiralty bronze memorial plaque may be attached to the concrete foundation, in lieu of a headstone. Such plaques shall not exceed 380mm in width and 280mm in length.

2.4 Garden Niche (for placement of ashes)

2.4.1 Garden Niche plaques -

- a) shall be made from admiralty bronze (and may incorporate coloured elements and photos) or vitreous enamelled stainless steel;
- b) shall not exceed 20mm in thickness;
- c) shall be of the dimensions 145mm x 120mm;
- d) shall be aligned against the inside of the garden kerbing; and
- e) shall be affixed to a garden kerb.

2.5 Gardens of Remembrance (No ashes)

2.5.1 Plaques in Gardens of Remembrance–

- a) shall be made from admiralty bronze (and may incorporate coloured elements and photos) or vitreous enamelled stainless steel;
- b) shall not exceed 20mm in thickness;
- c) shall be of the dimensions 136mm x 75mm;
- d) shall be affixed to a garden kerb.

2.6 Memorial Shrubs and Trees

2.6.1 Plaques at Memorial Shrubs and Trees –

- a) shall be made from admiralty bronze (and may incorporate coloured elements and photos) or vitreous enamelled stainless steel;
- b) shall not exceed 20mm in thickness;
- c) shall be of the dimensions 229mm x 229mm or 145mm x 120mm;
- d) shall be placed in conjunction with an individual shrub or tree; and
- e) shall be affixed to a substantial foundation or a memorial rock.

- 2.7 Memorial Rocks (Ashes may be placed in conjunction with such rocks in memorial gardens or at a memorial tree, but ashes are not permitted in gardens of remembrance)
- 2.7.1 Plaques on Memorial Rocks –
- a) shall be made from admiralty bronze (and may incorporate coloured elements and photos) or vitreous enamelled stainless steel;
 - b) shall not exceed 20mm in thickness;
 - c) shall be of the dimensions 229mm x 229mm; and
 - d) shall be affixed to the memorial rock.
3. All Cemeteries
- 3.1 All monuments, headstones and plaques shall:
- a) not display any trade names or marks of any manufacturers; and
 - b) have the number of the grave / site displayed.'

be endorsed.

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 POLICY REVIEW - COUNCILLORS - EX OFFICIO MEMBERSHIP

File Ref:	N56379
Attachment:	<u>Policy with amendments</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Nolene Wake Executive Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to review policy CE/CS/7 – Councillors – Ex Officio Membership.

BACKGROUND

This policy was adopted by the Council on 6 November 2019.

STATUTORY ENVIRONMENT

The term ex officio is not a term that is used in the current Local Government Act.

By way of explanation, the term 'ex officio' is defined by Renton's 'Guide for Meetings and Organisations' volume 2 (1994) as:

'The Latin expression 'ex officio' means 'by virtue of her or his office'.

The expression is used when individuals are automatically given a position on one body because they hold certain positions in another body or because they are the formal holders of some specified position in the same body. Thus the rules may give the Chair of a social subcommittee or the immediate past president ex officio positions on the committee. Unless the rules provide otherwise, ex officio members have full voting rights and are counted in the usual way for quorum purposes.

The rules can, however, be drawn to give ex officio members any desired voting strength from none at all to a complete right of veto...'

Ex officio does not necessarily mean that the ex officio cannot vote. This is a matter entirely up to the rules of the organisation of which the ex officio representative is a member. That is, not the Council.

EXTERNAL CONSULTATION

N/A

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

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

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

OFFICER COMMENT

The Council currently holds two 'ex officio' positions. These are on the Mount Barker Community Resource Centre Board and the Mount Barker Community College Council Board.

Minor formatting updates have been made to the policy, along with the reference to the Local Government (Rules of Conduct) Regulations 2007 being replaced with the Model Code of Conduct Regulations 2021.

Otherwise, it is considered that this policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That new policy CE/CS/7 – Councillors - Ex Officio Membership as follows:

OBJECTIVE

To advise Councillors, who have been appointed by the Shire to outside organisation committees, regarding their voting responsibilities when representing the Council as an ex officio.

POLICY

That whenever a Councillor is appointed by the Council to an external organisation committee as an ex officio, that Councillor will:

- a) Always represent the interests of the Council, as set out in the Council's policies, procedures, directions, resolutions and the Local Government Model Code of Conduct Regulations 2021.
- b) Act in an ex officio/non-voting capacity if the organisation's own rules allow such a position to be adopted.
- c) Ensure that the Minutes of the organisation are provided either, to the Councillor representative who should then provide these Minutes to the CEO, or by the organisation to the CEO for distribution to all Councillors.'

be adopted.

9.4.2 SWIMMING POOL FEES - REQUEST FOR FEE WAIVER

File Ref:	N56808
Attachment:	<u>Letter from the Mount Barker Amateur Swimming Club Inc (Separate Confidential attachment)</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	14 December 2021

PURPOSE

The purpose of this report is to present a request from the Mount Barker Amateur Swimming Club Inc to waive fees for After Hours Group Bookings and to provide guidance to the administration in determining the terms and conditions relating to the Swimming Club use of Stage 1A club rooms and ongoing expectations in relation to future development and fees and charges.

BACKGROUND

A letter dated 19 November (attachment 1) has been received by the CEO from the Mount Barker Amateur Swimming Club Inc requesting the Council to:

1. Waive After hours Group booking fees to the value of approximately \$3,500 per annum.
2. Clarify the conditions of use, including any fees and charges relating to the new club rooms.
3. Clarify the expectations in relation to any capital or operating contributions and fees and charges with the future development stages of the pool.

As the fee waiver request is outside the CEO delegation this report has been prepared for Council consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.12 Power to defer, grant discounts, waive or write off debts.

EXTERNAL CONSULTATION

N/A

FINANCIAL IMPLICATIONS

The Council's 2021/2022 annual budget provides a fee of \$94.00 per hour to be paid for After Hours Group Bookings. To continue with the current programs run by the Club, this fee translates to an increase of running costs to the Club of an estimated \$3,500.00 per year.

POLICY IMPLICATIONS

Policy implications do not apply for this report. However, Council has a shared use and user pay principle that aligns with the Department Of Sport and Recreation principles for CSRFF funding. Council and the administration would benefit from future policy development in relation to community facilities provision and use to guide the administration and clubs to avoid future conflict and uncertainty.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

This report relates to revenue derived from Council owned assets which in turn can be reinvested without the need for additional funding from municipal funds.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategies:

Strategy 1.5.2:

'Promote sporting, recreation and leisure facilities and programs in the District'.

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

OFFICER COMMENT

On July 9, the CEO and Andrus Budrikis, Executive Manager Strategic Development, met with representatives from the Mount Barker Amateur Swimming Club Inc. to explain the new fees and charges as approved at the Council meeting held on June 22, 2021.

At this meeting, the changes to the fees and charges were discussed, along with pool upgrades and the fact that the pool would open this season as normal.

Feedback from the Club President with regards the new fees was positive. He indicated the club could see the rationale and the merit of the approach and he considered it would not adversely impact membership to the club.

The \$94.00 per hour After Hours Group Booking fee is an existing fee which was not altered during the 2021/22 budget process. No club exemption is recorded in the fees and charges, but it appears the club has not previously been charged this fee and it has been common practice for the club to book after-hours access without being charged. This booking does incur staff costs as it is outside of current public operating hours.

When the issue was identified, staff were advised to cease opening extended hours to cater for this exclusive use (if payment was not fourth coming) and to encourage the club to align their activities during the approved public opening hours.

The club indicated that they could make some changes to accommodate this for mid-week early morning sessions but would still require additional afterhours access.

The club, having set the fees to members earlier in the year without knowing the charges would be enforced, are now requesting consideration of a fee waiver and have estimated the waiver to total approximately \$3500.00 this year.

The swimming pool is a community asset that operates at a considerable subsidy to the rate payer. The majority of rate payers are non-users of the facility and are supportive of an appropriate and sustainable subsidy for those that do frequent the facility.

Any request for exclusive use of the facility, particularly out of normal staffed hours, without payment for the privilege is out of touch with what is a reasonable and normal practice.

A similar request was refused by Council to the Mount Barker Turf Club for the hire fees associated with the Frost Park Pavilion during race meetings.

However, given the fact that the club has set its fees and charges and was unaware that this fee was going to be charged, it is recommended that the fee be waived for this season. This would be subject to the club and administration reviewing the clubs exclusive use request and attempting to align some of the activities within normal operating hours such as in periods of low public use.

In relation to the club's request for clarity in relation to the terms and conditions and fees for the use of Stage 1A club rooms, it is recommended that given no capital or fit-out funds have been provided by the club, that staff meet with the club to determine hours of use and expectations so that an appropriate fee and conditions of use can be determined prior to the club rooms being completed.

These negotiations are to be guided by the following principles:

- a) The club room will be a community meeting room space and as such available to all community groups by completing a booking request and paying the appropriate fees.
- b) Fees and charges will apply and should seek to cover maintenance and renewal costs per square meter as well as energy costs.
- c) After hours use (outside of pool opening hours) will only be permitted if the control systems can be put in place to prevent access to the swimming pools.

In relation to ongoing fees and charges it is not possible to provide the certainty requested by the club or to commit future Councils to fees and charges. However, it is reasonable to assume that CPI could be added to the existing fees and charges over time.

With respects to future capital funding for Stage 1B it is recommended that dialogue should commence with the club as early as possible should the Council commit to the future stages.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

- 1. The request by the Mount Barker Swimming Club for the \$94.00 per hour After Hours Group Booking fee be waived for this season only, subject to the club and administration reviewing the club's after hours request and attempting to reduce the total hours of afterhours use.**
- 2. The CEO be authorised to develop a draft set of fees and charges and conditions of use for the new club rooms, noting the principles of shared use and user pay, and to commence consultation with the club prior to bringing back to a future Council meeting or budget.**
- 3. The CEO be authorised to write to the club advising them that no certainty can be provided in relation to future fees and charges.**
- 4. The club be contacted to make a financial contribution to Stage 1B when Council has determined a commitment to the future stage.**

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**12 CONFIDENTIAL****12.1.1 PLANTAGENET MEDICAL – CONSENT FOR SUB-LEASE**

File Ref: N56723
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: Donna Fawcett
Human Resources/Leasing Coordinator
Proposed Meeting Date: 14 December 2021

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council on a Deed of Sub-Lease between the Shire of Plantagenet, Prima Stella Pty Ltd and Sonic Healthcare Limited, for a portion of the medical centre situated at Reserve 49690 (70 Marmion Street) Mount Barker.

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:

(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;

13 CLOSURE OF MEETING