




ORDINARY AGENDA

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

DATE: Tuesday, 2 August 2022

TIME: 5.00pm

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:

Nil

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 28 JUNE 2022

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 28 June 2022.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 28 June 2022 as circulated, be taken as read and adopted as a correct record.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 306 (15) TOWER ROAD, MOUNT BARKER – ADDITIONS TO SINGLE HOUSE (CARPORT)

File Ref:	N58550
Attachment:	<u>Location plan</u> <u>Site Plan</u> <u>Floor Plan</u> <u>Elevations</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Adrian Ortega Senior Planning Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to consider an application for a carport addition to an existing approved outbuilding at Lot 306 (15) Tower Road, Mount Barker. The outbuilding contains a Shire approved Micro-Winery.

BACKGROUND

Council records show the registered owners of Lot 306 (15) Tower Road, Mount Barker are Alexi and Hayley Christidis.

The table below depicts the list of Development/Building application history for Lot 306 (15) Tower Road:

Development/Building Application History – Lot 306 (15) Tower Road, Mount Barker
05/2009 – BP 150m ² Shed – issued
04/2010 – BP Dwelling – issued
06/2012 – DA Outbuilding exceeding maximum cumulative floor area – bird aviary – approved under delegation
06/2012 – BP Bird Aviary – issued
06/2020 – DA – Patio 111.3m ² – approved under delegation
07/2020 – BP received for Patio – insufficient information provided
12/2020 – DA – Micro Winery – approved by Council
07/2021 – BP – Patio attached to dwelling – issued
06/2022 – DA – Carport – 224m ² – current application

On 14 December 2020, the Shire issued an approval for a Micro-Winery, it is noted that the proposed carport is not considered to be an expansion of the business or to the outbuilding containing the Micro-winery.

Below is the Council resolution:

'That as the Council is satisfied that the micro-winery is consistent with the orderly and proper planning of the location, the preservation of amenity, and non-compliance will have no adverse effect on the locality.

- 1. The Council, in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, grant Development Approval for a micro-winery at Lot 306 Tower Road, Mount Barker.*
- 2. Approval be subject to:*
 - a) Development being in accordance with the plans dated 23 September 2020.*
 - b) Development being in accordance with the Operational Management Plan dated 23 September 2020.*
 - c) Provision of bin storage areas being designed and constructed to the satisfaction of the Executive Manager Strategic Development.*
 - d) Suitable arrangements being made for the regular collection and disposal of solid and liquid waste to the satisfaction of the Executive Manager Strategic Development.*
 - e) Hours of micro-winery operations being 8:00am to 6:00pm Monday to Friday and 9:00am to 5:00pm Saturdays, with no operations on Sundays and public holidays.*
 - f) No cellar sales being carried out on this site.*
 - g) Maximum wine production being that pressed from no more than 20 tonnes of grapes annually. Records are to be kept under the label integrity program or equivalent and are to be presented to the Executive Manager Strategic Development prior to 30 June annually.*
 - h) Areas surrounding the micro-winery outbuilding being drained and sealed to control spillage from micro-winery to the satisfaction of the Executive Manager Strategic Development.*
 - i) Micro-winery building to be suitably bunded to control spills from escaping the building confines to the satisfaction of the Executive Manager Strategic Development.'*

On 24 June 2020, development approval was granted for a patio; a building permit for a patio was received but this did not progress and the patio was not constructed. The development approval for this has since expired on 24 June 2022.

The current application is for a 224m² carport addition to the existing outbuilding. As long as the carport is open on two sides it does not add to the cumulative area of the outbuildings on-site. This carport addition to the outbuilding (where the Micro-Winery is situated) does not change the existing conditions applied to the Micro-Winery. Figure 1 below depicts the current use of the area to be covered by the new carport.

Figure 1 – Aerial image of the development area.



In any case, the carport extension is not to be used to operate any part of the business and is only to be utilised for parking purposes.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) – zoned Rural Residential 1. Rural Residential Zones are included in Schedule 2 – Special Requirements for Rural Residential Zones.

‘1.0 Objective

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

EXTERNAL CONSULTATION

Consultation with the adjoining neighbour (Lot 307 Tower Road) is required due to the carport being setback 18m from the eastern boundary in lieu of 20m. The proponent has consulted with the neighbour and they have stated that they have no objections to the reduced setback.

FINANCIAL IMPLICATIONS

The application fee of \$160.00 has been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

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 IMPLICATION

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Lot 306 is 1.99ha and is zoned Rural Residential 1 under the Shire of Plantagenet Local Planning Scheme No. 5.

Existing development includes a dwelling with a patio, bird aviary, shed and large water tank.

The property owner has provided justification for the carport as they require vehicles they would like to store under cover and be able to work on, if required. These vehicles include two passenger vehicles, variety bash charity vehicle, light truck, caravan, trailer and ride on mower.

Figures 2, 3 and 4 below depict the site, floor and elevation plans provided to the Shire for consideration.

Figure 2 – Site Plan – Lot 306 Tower Road, Mount Barker.



Figure 3 – Floor Plan – Lot 306 Tower Road, Mount Barker.

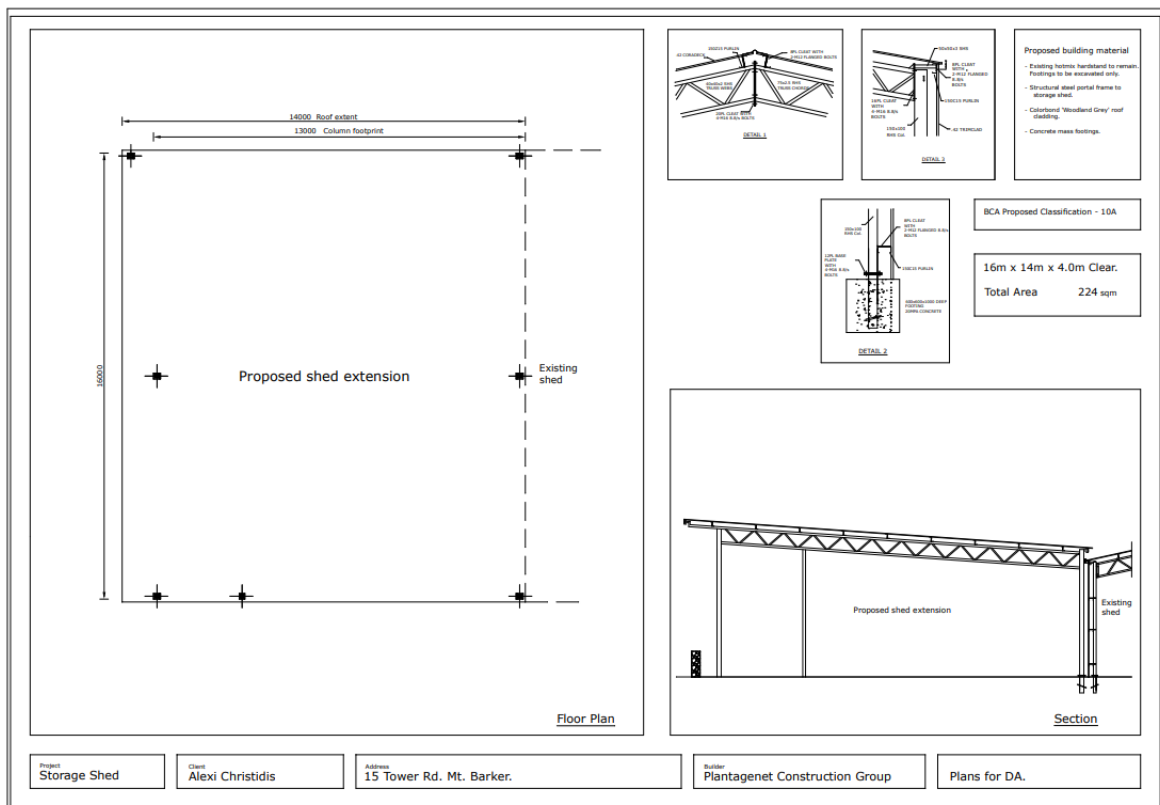
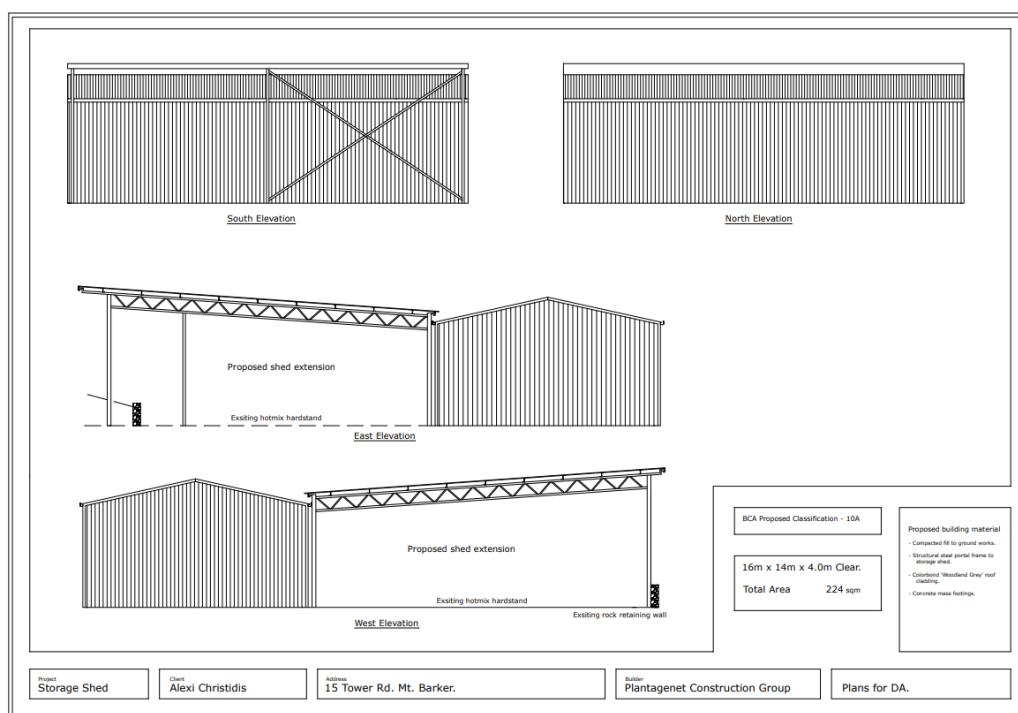


Figure 4 – Elevation Plan – Lot 306 Tower Road, Mount Barker.



Setbacks

The Shire's Local Planning Scheme 5 required a setback of 20m from all boundaries in Rural Residential 1 zoning. All proposed setbacks comply with this requirement for the exception of the proposed 18m setback to the eastern boundary. This variation is considered minor and some of the buildings on the subject lot are closer than 18m to the boundary.

Under LPS5 the objective of Rural Residential 1 zoning is as follows:

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

The proposed setback is considered minor, it is not expected to impact detrimentally the environment or the amenity of the adjoining property and the neighbour's no objection submission supports this.

The proponent consulted with the owners of 25 Tower Road in regard to the proposed setback variation. The owners have said they have no objections to this variation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the proposed carport addition, submitted by Plantagenet Sheds and Steel Pty Ltd, at Lot 306 (15) Tower Road, Mount Barker be supported and development approval be granted subject to:

1. The development being generally in accordance with the approved plans.
2. All stormwater runoff from the new structure to be adequately controlled on-site.
3. The carport extension is only to be utilised for parking purposes and shall not to be used to operate any part of the business.

Advice Notes:

1. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.
2. This development approval does not constitute a building permit.
3. Future use and development are to comply with the Building Code of Australia and relevant Health and Environmental statutes.

**9.1.2 LOTS 947 AND 948 (53) PELLEW ROAD, KENDENUP – USE NOT LISTED
(CONCRETE BATCHING PLANT)**

File Ref:	N58414
Attachment:	<u>Location Plan</u> <u>Application for Development Approval</u> <u>(as advertised)</u> <u>Summary of Submissions</u> <u>DWER – Decision Report and Summary DWER</u> <u>Works Approval</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Adrian Ortega Senior Planning Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to consider an application for a concrete batching plant at Lots 947 and 948 Pellew Road, Kendenup.

BACKGROUND

Council records show the registered owner of Lots 947 and 948 Pellew Road is Hanson Construction Materials Pty Ltd.

Hanson Construction Materials currently operates a quarry covering Lots 948, 949, 950 and 2097 and has been operating for over 30 years.

The concrete batching plant will use hard rock aggregates extracted from the quarry which will be blended with other raw materials to produce concrete.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Environmental Protection Act 1986

Environmental Protection (Noise) Regulations 1997

Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998

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

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Environmental Protection Authority Guidance for the Assessment of Environmental Factors Western Australia No. 3, Separation Distances between Industrial and Sensitive Land Uses 2005

EXTERNAL CONSULTATION

The proposal was advertised for comment to landholders (within a 1km radius of the subject properties boundaries) for a 21-day period closing on 16 June 2022.

Government agencies had 42 days to provide submissions closing on 7 July 2022.

At the close of the consultation period the Shire had received four submissions from adjoining landholders and three submissions from government agencies. The responses and officer comments are in the Summary of Submissions attached to this report.

FINANCIAL IMPLICATIONS

The application fee of \$1,280.00 has been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Due to current ongoing and future additional use of Pellew Road and Carbarup Road by the business, it is considered appropriate to condition that portions of these two roads be upgraded. There are some signs that the condition of these roads are deteriorating as a result of the continued use by heavy trucks. Both Pellew Road and Carbarup Road should be upgraded to the Shire specifications and at the cost of the developer.

Additionally, the applicant's supporting report doesn't address how road spills are proposed to be managed particularly at the intersection of Carbarup Road and Pellew Road. It is considered that the proponent should address how this is proposed to be managed and whether this will form part of any licences relating to DWER.

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.'

Strategy 2.2.5

'Encourage industry, business and residential development that is consistent with the individual character of towns.'

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

STRATEGIC RISK IMPLICATION

This item has been evaluated against the Shire of Plantagenet's Risk Assessment and Acceptance Criteria. The risk relates to the potential for the applicants to exercise their right to apply for a review by the State Administrative Tribunal (SAT) should they be aggrieved by this determination for a proposed concrete batching plant at Lots 947 and 948 Pellew Road, Kendenup.

In this case, the perceived level of risk is 'Low (2)' based on the 'Minor' consequence (2) of financial impacts and the 'Rare' likelihood (1) that the applicant would challenge the Council's decision to grant development approval subject to standard conditions, in accordance with Local Planning Scheme No. 5. The 'Low' risk rank is considered acceptable with adequate controls, managed by routine procedures.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The proposal relates to Lots 947 and 948. Lot 947 is 11.07ha and Lot 948 is 6.71ha and both are zoned Rural. Lot 948 contains an existing site office and part of the quarry operations. The majority of the new development will be located within Lot 947.

The proposal is for a concrete batching plant with all equipment (plant core, 16.25m high silo, weigh hopper and conveyor belt) to be installed, 2 water storage tanks (23kl each), subsurface wedge pit, stormwater catchment basin with automated transfer pump, vehicle wash down area, bunded admixture storage areas, 4 basic raw material stockpiles, container site office, conversion of existing building for staff amenities, hardstand areas and proposed new bund.

The proposed 3.5m bunding will be located within the east, south and west boundaries of Lot 947.

Lot 947 has an existing residence which is proposed to be converted to staff facilities including a crib room and bathroom. The conversion will need to comply with the Building Code of Australia.

Figure 1 – Location Plan

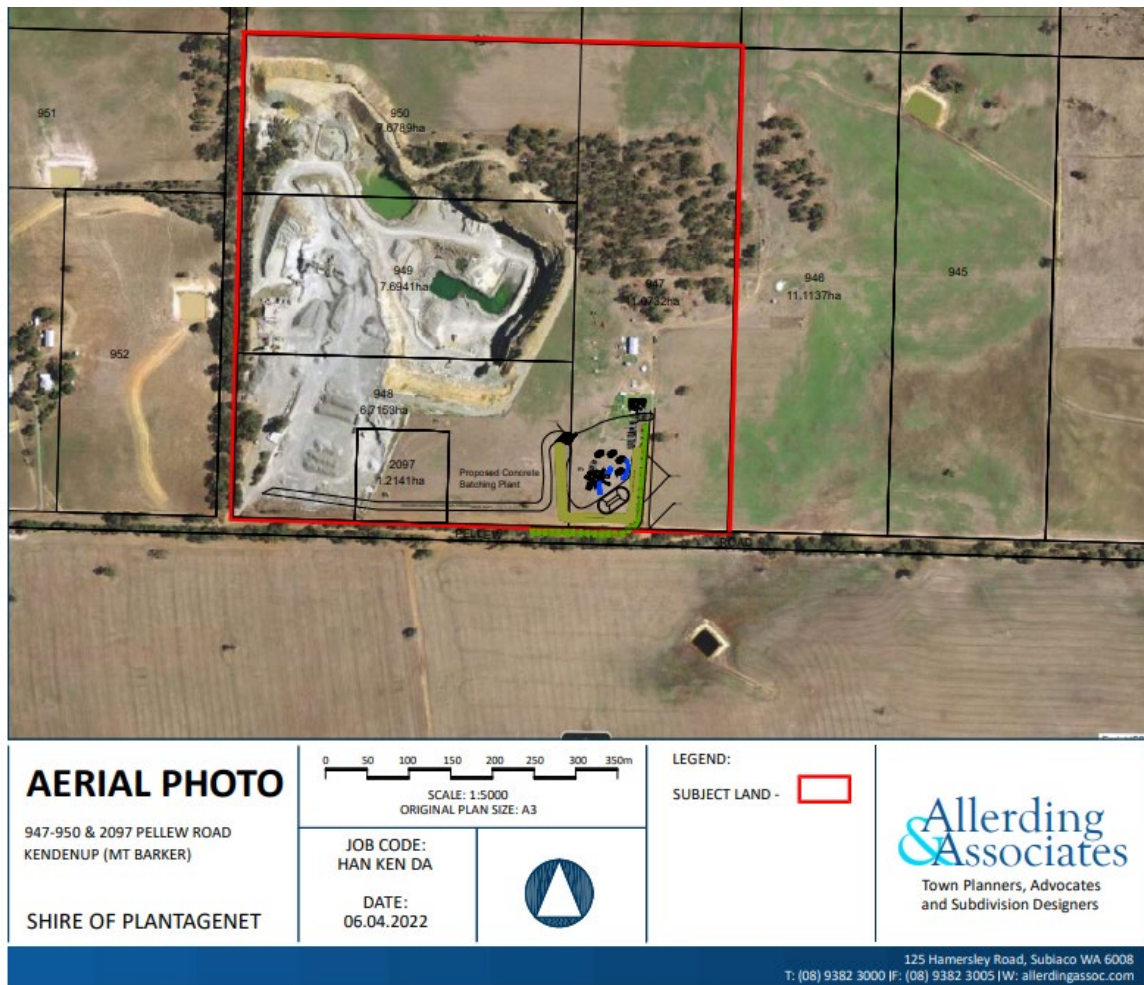


Figure 2 – Site Plan and Elevation

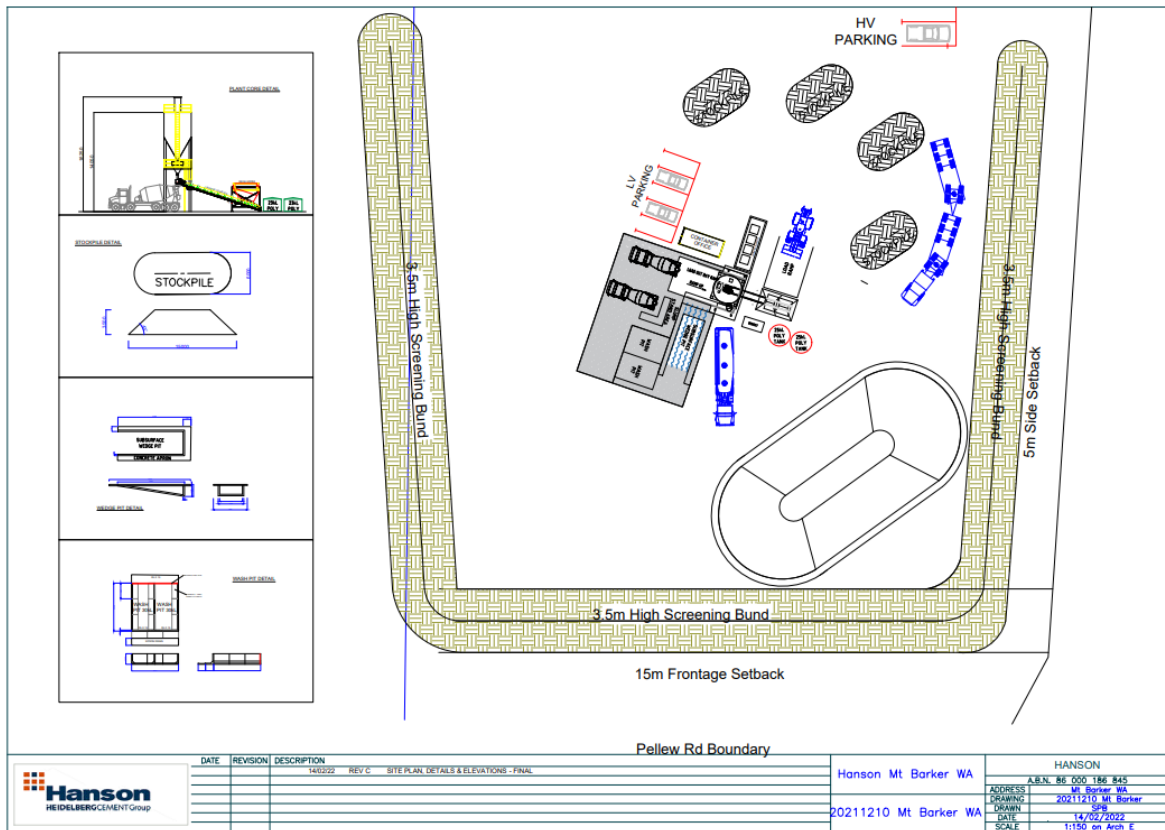


Figure 3 – Wedge Pit

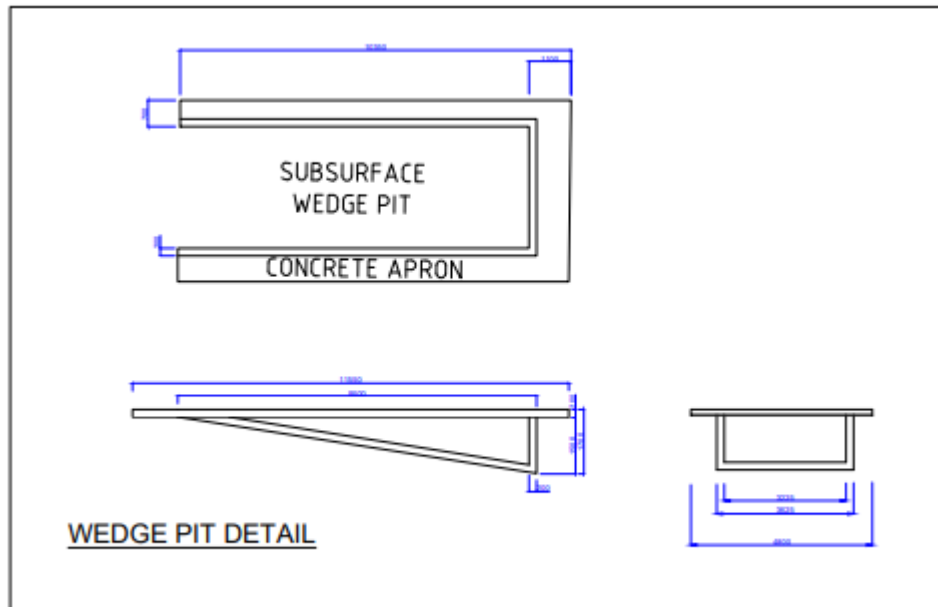


Figure 4 – Wash Pit Detail

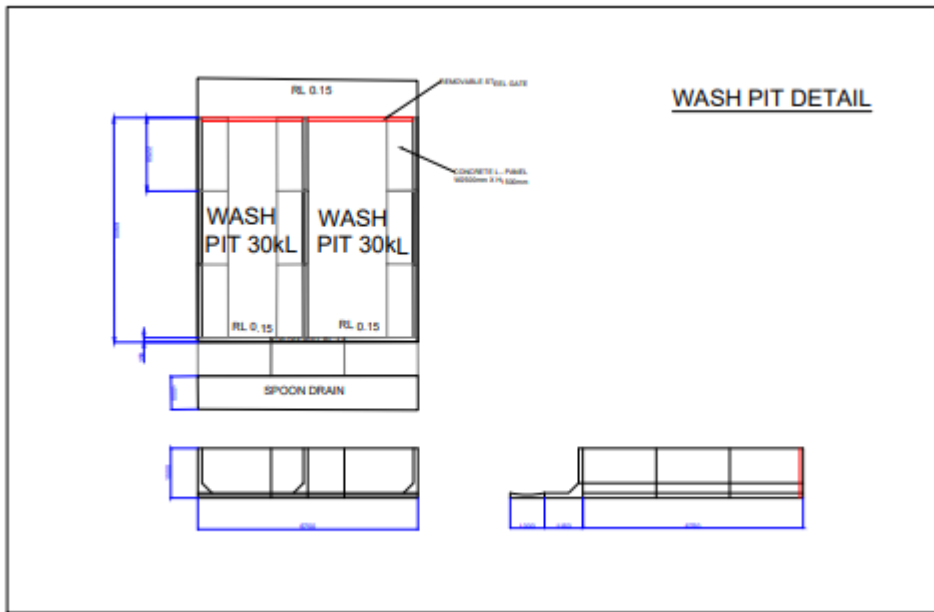


Figure 5 – Batch Control Room/Store

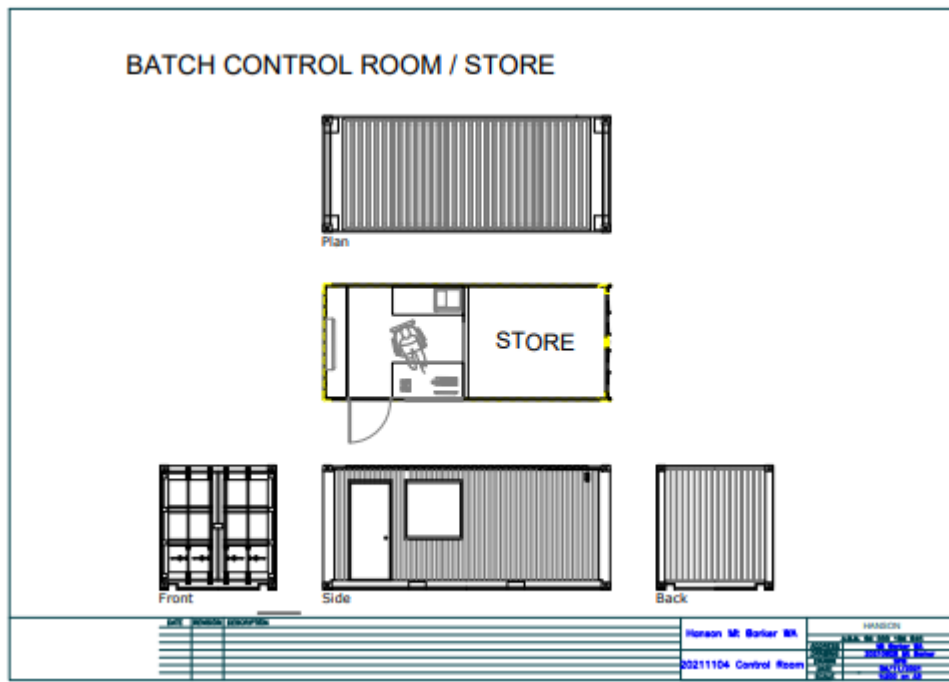
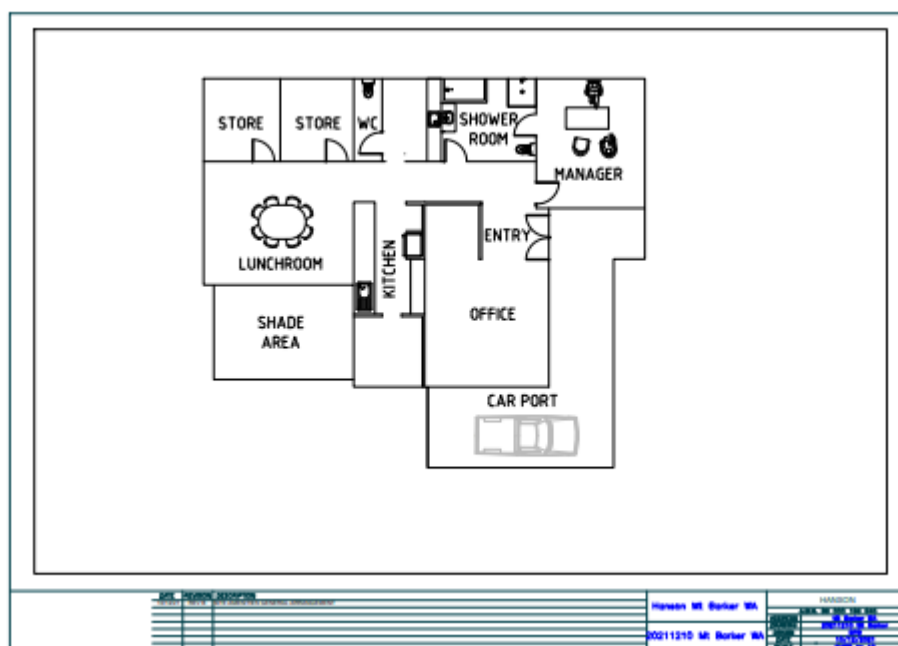


Figure 6 – Site Amenities



BUSHFIRE PRONE AREAS

The site is partially located within a Bushfire Prone Area. The applicant has confirmed that BAL-29 is the determined level for proposed habitable buildings. This is considered an acceptable risk level.

STORMWATER MANAGEMENT

The natural topography of the subject site slopes down to the east. The development will utilise grading of road-based surfaces to carry stormwater to a single drainage basin situated to the south-east of the plant. The basin is designed to contain greater than the 100-year ARI event (approximately 2,427 m³ to contain 1,229 m³). The catchment basin will be installed with a transfer pump to reclaim water for use in the development and be capable of managing greater than 10-year events. Any excess water will be pumped into the quarry pit.

ENVIRONMENTAL CONSIDERATIONS

The Department of Water and Environmental Regulation (DWER) regulates large industries that are licensed under the Environmental Protection Act 1986. The Environmental Protection Act requires the Concrete Batching Plant to obtain a Works Approval before constructing a prescribed premises, makes it an offence to cause emissions or discharge from an existing prescribed premises unless they hold a works approval or licence (or registration), requires that the emissions are in accordance with the conditions with the licence or works approval. DWER are currently assessing a Works Approval for the Concrete Batching Plant.

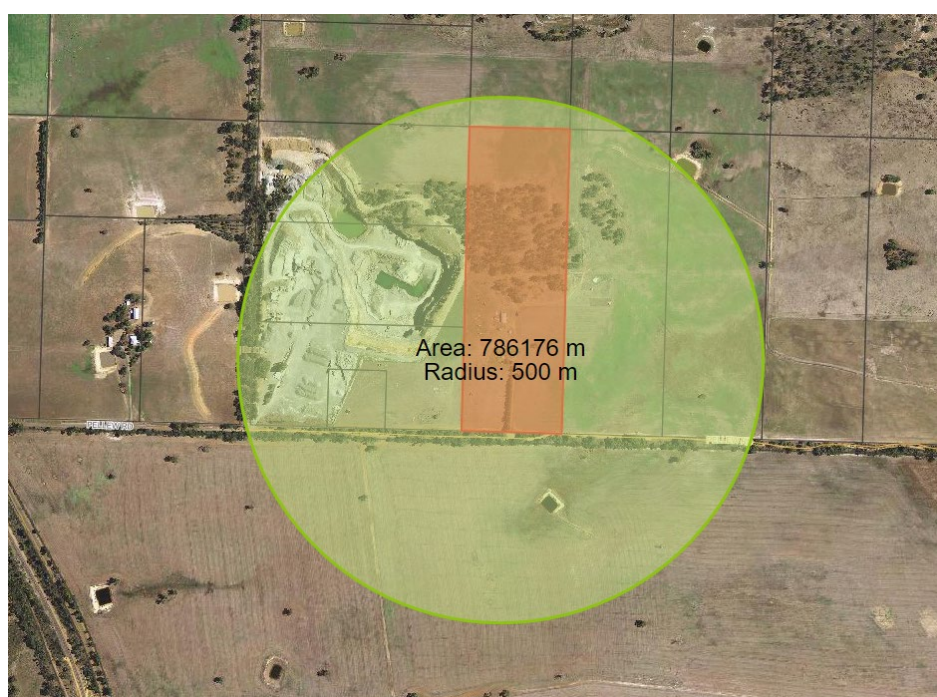
Ongoing compliance of the existing operations and proposed development relating to environmental legislation and requirements are subject licences and approvals from DWER. Any concerns that the operations are not complying with environmental management requirements should be directed to the operators Hanson Construction Materials Pty Ltd and DWER as the relevant authority.

The proposal is required to operate in accordance with the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 as well as other relevant legislation and licences required for the operation.

In accordance with the Environmental Protection Authority - Guidance for the Assessment of Environmental Factors - Appendix 1: Separation Distances between Industrial and Sensitive Land Uses, "Concrete batching plant or cement products (bricks) manufacture" are required to have a separation distance of 300m-500m depending on size of the operation.

Considering that the proponent's expected annual output will be a maximum of 20,000 tonnes, it is considered appropriate to apply a 500m buffer.

Figure 7 – 500m Buffer Area from proposed development area



The applicant has confirmed the following measures will be taken to control dust emissions from the proposed concrete batching plant:

- The proposed vegetated bund will assist in screening dust emissions from the batching plant.
- Dust suppression sprays are fitted to when cement is loaded to agitator trucks.
- Heavy vehicle traffic areas comprise compacted ground.
- Concreted areas are regularly hosed or swept.
- Cement is delivered and in a sealed tanker with pneumatic discharge.
- The silo is fitted with a fabric filter dust collector (FFDC) and the exhaust is ducted to within 1m of ground beside fill point. The silo is also fitted with high-level sensor, visual and audible alarms, and automatic cut-off valves.
- The FFDC has auto-cleaning at the end of each filling cycle and is maintained as per the plant preventative maintenance schedule.
- Cement weigh hoppers are totally enclosed and vented with a FFDC.

- A water truck will be used during construction earthworks if the soil is dry or if the roads are liable to generate dust. The water truck will be used to wet down stockpiles and internal roads as required. Sprinklers and misters are also available for use on internal roads, traffic and loading areas as applicable.
- In the event high winds or other weather conditions which negate dust management, operations will cease until conditions improve; and
- The drop height to stockpiles and loading is minimised.

Subsequent to preparation of this report, DWER granted conditional works approval for the concrete batching Plant on the Pellew Road site. Copies of the DWER assessment and decision summary and Works Approval are attached.

The Department assessed the proposal against the minimum requirements of the *Environmental Protection (Concrete Batching and Cement Products Manufacturing) Regulations 1998* (Concrete Batching Regulations) and has determined that it meets requirements. In reference to residents' concerns regarding dust, potential rainwater contamination and noise it has been determined that as the proposal meets the EPA separation distances (300-500m depending on size and production of plant) to sensitive receptors there is minimal risk.

The works approval itself does have several conditions set against it for the construction phase, all of which relate directly to requirements in the Concrete Batching Regulations. The applicant must also submit a compliance report to the Department within 28 days of completing construction which must provide proof that the specific conditions on the works approval have been completed. Non-compliance with any condition is an offence under the *Environmental Protection Act 1986* (EP Act) for which compliance responsibility lies with the DWER.

Notwithstanding the unexpected issue of the Works Approval prior to determination of the local Government Development Approval, and noting the 21-day comment period for the works approval closes within 24 hours of the scheduled Ordinary Council Meeting, officers consider that the relevant issues and matters have been addressed through the respective procedures.

DWER has an online pollution reporting process by which residents can report concerns (see link below).

<https://www.der.wa.gov.au/your-environment/reporting-pollution/report-pollution-form>

VISUAL IMPACT

The quarry has been present since the 1980's, it is screened from the western, southern and eastern neighbours with bunding in place in almost all these boundaries. The bunds have been planted with trees and will be planted with more trees to elevate the level of screening. Night-time visual impacts from lighting are not considered relevant due to the plant operating mostly during daylight hours (5am to 5pm). The closest sensitive receptor is located 670m to the west from the concrete batching plant.

To address visual concerns, Hanson have constructed a 3.5m high U-shaped screening bund. This, along with vegetation on-site, will assist in screening the plant from adjoining land users.

PARKING

The applicant proposes to provide 5 light vehicle parking bays for plant personnel and any visitors; along with 5 heavy vehicle parking bays within the same parking location. There are 5 additional light vehicle parking bays proposed next to the batching plant. The Shire considers that the parking areas for light vehicles and heavy vehicles should be separated in order to minimise the chances an accident due to light vehicles, heavy vehicles and pedestrians all accessing the same road, sometimes when it is dark.

It is considered that these parking areas should be clearly demarcated, appropriately lit (so as to not cause light spill onto adjoining properties) and accompanied by signage.

Figure 8 – Proposed Parking Layout – Lots 947 and 948 Pellew Road, Kendenup



VEHICLE MOVEMENT AND ACCESS

The applicant states that the average daily truck movements for the concrete batching plant will be 9 one-way. However, officers consider numbers are likely to vary depending on demand. With demand for construction products being high, it is expected that these averages will be exceeded.

The application proposes internal heavy vehicle access to the new batching plant via the existing crossover at the south western corner of lot 948. It is envisaged that this might cause some issues if the properties were to be sold off individually to another party. To address this issue, and because the development footprint for the Batching Plans straddles to common lot boundary, it is considered appropriate to condition that lots 948 and 947 be amalgamated, with the WAPC application being submitted as a prerequisite to applying for a building permit.

SITE VISIT

A site visit by Shire officers revealed that some of the bunding works, grading on-site had already started. Additionally, lot 947 appears to have heavy vehicle access directly on to Pellew Road, along with a built-in gate. This information hasn't been shown on the plans submitted to the Shire. If the proponent intends to have internal road access to lot 947 then the gates should be replaced with fencing.

ECONOMIC BENEFIT

The proposal will assist in creating additional jobs (2 to 4 employees) and ensure that there is a consistent supply of concrete for the construction industry. This also represents further revenue for the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the application for a Concrete Batching Plant at Lots 947 and 948 Pellew Road, Kendenup, submitted by Allarding and Associates, be supported and development approval be granted subject to:

- 1. The development being generally in accordance with the approved plans.**
- 2. The Light Vehicle parking be located closer to the staff room and separate from the Heavy Vehicle parking.**
- 3. Lots 947 and 948 being amalgamated, with the application to WAPC being submitted prior to commencing the use of the plant.**
- 4. A contribution of \$12,500.00 being received from the proponent towards the cost of the road resealing of Pellew Road (including the intersection with Carbarup Road).**
- 5. Heavy vehicles shall only enter and exit the premises via the existing crossover on the south west corner of Lot 948 Pellew Road. No additional heavy vehicle access/egress is permitted.**
- 6. All stormwater runoff from the new structure to be adequately controlled on-site.**
- 7. Onsite operations shall be managed effectively, to the satisfaction of the Shire, so that:**
 - a) Parking, landscaping and road verge areas are not used for storage of materials; and**

- b) Vehicle movements do not result in overflow of traffic (parking or stacking/queuing of waiting vehicles) onto the local road network including the road verge.
8. Prior to applying for a building permit or as part of the building permit, a schedule of materials and colours to be used on the approved buildings/structures shall be submitted to the Shire of Plantagenet for approval. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the Shire of Plantagenet.
 9. The bulk storage of 'high risk' materials is not permitted within the subject site unless otherwise approved by the Shire of Plantagenet.
 10. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but limited to, the emission of noise, vibration, smell, smoke or dust.
 11. Signs shall not be erected on the lot without the prior approval of the Shire of Plantagenet.
 12. A red tube of chemicals and quantities are stored at the premises being located at the entrance to the site.
 13. Any areas used for batching and washdown should be sealed or concrete hardstand to the satisfaction of the Shire of Plantagenet.
 14. Parking spaces shall be clearly marked and signposted. Vehicles should leave the site in forward gear.
 15. A Lighting Plan showing lighting to pathways, car parking and communal areas shall be submitted to and approved by the Shire of Plantagenet. All lighting shall be installed and operated as per approved plan.
 16. A Spill Procedure shall be provided to the Shire addressing how possible spills particularly at the intersection of Carbarup Road and Pellew Road will be remediated to the satisfaction of the Shire of Plantagenet.
 17. A Landscaping Plan stating the species and location on proposed vegetation to the satisfaction of the Shire. These should be planted at a minimum height of 1.5m and before the development can be used.
 18. All conditions not of an on-going nature to be satisfied prior to commencement of operations.
 19. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of the approval, the approval shall lapse and be of no further effect.

Advice Notes

1. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.
2. Any alterations or upgrading of the crossover to be in accordance with the Shire of Plantagenet specifications and requirements.
3. This Development Approval does not constitute a Building Permit.

4. Future use and development are to comply with the Building Code of Australia and relevant Health and Environmental statutes.
5. The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997. (DWER)
6. This approval, while otherwise current and effective as a planning approval from the date of this approval, can only be acted upon from the date that the Department of Water and Environmental Regulation issues a works approval in respect of the facility. (DWER)
7. The development is to operate in accordance with the requirements outlined under the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.
8. The development is to operate in accordance with the Environmental Protection (Unauthorised Discharges) Regulations 2004.
9. In regard to condition 8 (schedule of materials and colours) the new development shall complement the existing development and minimise reflectivity.
10. In regard to condition 9, a high-risk material is considered any material, which may lead to the potential ignition, prolonged duration and/or increased intensity of a bushfire.

9.1.3 PUBLIC ART PROPOSALS – RESERVE 29661 ALBANY HIGHWAY, LOT 151 (1) LOWOOD ROAD AND LOT 702 ALBANY HIGHWAY, MOUNT BARKER

File Ref:	N58581
Attachment:	<u>Lot 702 - Site plan</u> <u>Lot 702 - Representation of proposed mural</u> <u>Mount Barker Proposed Mural Painting</u> <u>Workshop</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Delma Baesjou Executive Manager Development Services
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to consider three proposals from the Mountains and Murals committee for murals on Shire of Plantagenet managed properties in the Mount Barker townsite.

BACKGROUND

It is proposed to paint Murals on the eastern wall of the Archive Repository at the Museum, Reserve 29661 Albany Highway; and on the western/back wall of the Library/CRC, Lot 151 (1) Lowood Road.

A development application has been received for the installation of a 4.3m x 7.8m free standing frame and 3m x 7.2m mural on Lot 702 Albany Highway, Mount Barker.



Reserve 29661 Albany Hwy



Image of Archive Repository wall



Library/CRC, Lot 151 (1) Lowood Road



Western/back wall – proposed Mural



Subject land - Lot 702 Albany Hwy



State Heritage Registered Place 2318

The Mountains and Murals project commenced in in 2019 with a total of six murals painted around the Mount Barker townsite. The project was paused due to COVID. However, has recommenced and a festival is scheduled for 16 – 20 November 2022.

At its meeting held 7 December 2021, the Tourism and Arts Advisory Committee (TAAC) considered a preliminary request from the Mountains and Murals committee (M&M) to locate a freestanding mural within Lot 702 south of the crane at the visitor centre. At that stage, details on the structure and mural dimensions were not provided.

The TAAC resolved:

‘That the Development Approval for the proposed mural on the east side of the railway on Lot 702 Albany Highway be considered by the Tourism and Arts Advisory Committee at the proposed February meeting in 2022 and that the applicant be invited to speak to the application.’

At the TAAC meeting held 15 February 2022, the M&M Chairman provided an update on the project, including the Mural theme, proposed materials and dimensions, and timeframes for submission of the Development Application and installation. The Committee noted the presentation.

EXTERNAL CONSULTATION

No formal referral is necessary. However, because of the proximity of the mural to Albany Highway, it is proposed to forward a copy of the application to Main Roads WA.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

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

Reserve 29661 and Lot 702 are designated as local scheme reserve 'Civic and Community'. Lot 151 is designated as local scheme reserve 'Public Open Space'.

Applications within the local scheme reserves would typically be assessed against the Reserve objectives set out in Table 1 of LPS5, as follows:

Civic and Community

- To provide for a range of community facilities which are compatible with surrounding development.
- To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

Public Open Space

- To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s.152.
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.

The northern portion of Reserve 29661 is Place 2268 on the State Heritage Register, and Place No. 1 on the Shire of Plantagenet Heritage List.

Portion of the Reserve containing the Second Police Station and Archive Repository addition is Place No. 35 on the Local Heritage Survey/Municipal Heritage Inventory.

The Mount Barker Railway Station (fmr) including the Visitor Centre and surrounding curtilage is Place 22318 on the State Heritage Register, and Place No. 3 on the Shire of Plantagenet Heritage List.

POLICY IMPLICATIONS

There are no policy implications for this report.

Although the proposed Public Artworks are not regarded as 'Advertising', elements of the Shire of Plantagenet Town Planning Policy No. 22 - Advertising Signs (TPP22) provide some relevant guidelines, particularly in regard to visual impact, streetscape character and Heritage Buildings. Selected extracts from TPP22 are reproduced below:

'Where a proposed advertising sign or device is to be located within a reserve set aside under the Scheme, Council will determine applications on their merits based on the principles embodied in this policy.'

'When considering proposals ... the Council will have regard to whether it:

- complements or detracts from the dominant character of the surrounding landscape;*
- complements or detracts from the architectural style and character of the building, site or area;*
- compromises surrounding land uses due to its size, design, location or the use of illumination or devices such as flashing or moving elements;*
- may be hazardous to vehicular or pedestrian traffic; and*
- if on or attached to a heritage building' is discreet and complements the building and area.'*

FINANCIAL IMPLICATIONS

The Mural on the wall of the Museum Archive Repository is a joint project between M&M and the Southern Art and Craft Trail. The two-day event on 1 and 2 October 2022 will be the middle week of the Art Trail. (Refer attached flyer)

A request has been received for \$1,500 sponsorship towards the ArtSouthWA Mount Barker 'Walldog' Mural Painting Workshop.

The Shire of Plantagenet has provided financial support to the Great Southern Art and Craft Trail since 2008, starting with \$500 'sponsorship'. More recently, annual Financial Assistance Grants have been provided: 2018/19 - \$1,000 (#O52085); 2019/20 - \$2,000 (#O55075) and 2020/21 - \$2,000.

Should the Council wish to support the request from ArtSouthWA for a contribution of \$1,500 towards the Mount Barkerr 'Walldog' Mural Painting Workshop, Account Number 2110725 'Other Culture – Festivals & Events' of the draft budget includes an allocation of \$10,000.

The development application fee of \$147 has been waived under delegated authority.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The M&M Committee has advised its members will maintain the proposed artworks, all of which are on Shire of Plantagenet managed land or buildings.

The proposed Mural and supporting frame on Lot 702 has an estimated value of \$4,000 so does not meet the Asset Capitalisation threshold.

STRATEGIC IMPLICATIONS

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

Strategy 2.2.3

‘Develop, maintain and enhance town streetscapes and public spaces.’

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

STRATEGIC RISK IMPLICATIONS

This item has been evaluated against the Shire of Plantagenet’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be ‘Low’ and can be managed by routine procedures and is unlikely to need specific application of resources.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The proposed Murals are considered to be consistent with the intent of TPP22 in terms of visual amenity and safety. The artworks are considered to be complementary to the character of the respective buildings and surrounding areas.

The Mural on the Museum Archive Repository on Reserve 29661 will cover over the modern-coloured bricks which are not well matched to the brickwork of the original building. In this regard, the Mural is more in keeping with the heritage character of the precinct.

The proposed Mural on Lot 702 will be 4.3m in height and a total of 7.2m in length. The frame is proposed to be constructed of standard gauge railway track iron for the uprights with treated pine sleepers placed horizontally with 600mm spacings between. The mural will be painted on 3mm aluminium composite material panel sheeting in 2 panels and mounted onto the frame. The final design of the mural will be revealed at the launch of the Mountains and Murals festival in November 2022.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The proposals from the Mountains and Murals Committee to paint murals on the eastern wall of the Archive Repository at the Museum (Reserve 29661 Albany Highway) and on the western/back wall of the Library/CRC (Lot 151 (1) Lowood Road), be noted and supported.
2. The proposed mural to be located on Lot 702 Albany Highway, Mount Barker, be supported and development approval be granted subject to:
 - a) The development being generally in accordance with the approved plans.
 - b) The structure and all associated works and activities being located entirely within Lot 702 and shall not encroach the adjoining Rail Corridor or Main Roads Reserve or areas under their care and control.

9.1.4 CONSULTATION ON PROPOSED CHILD SAFE AWARENESS POLICY

File Ref:	N58607
Attachment:	<u>Draft Child Safe Awareness Policy Template</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Sonja Parker Community Development Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to seek Council support for the proposed draft Child Safe Awareness Policy. This is a template provided by Department of Communities for local government to adopt in response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) Final Report emphasised that members of the public, children and young people, parents, carers, families and communities should feel confident that organisations working with children provide safe environments in which children's rights, needs and interests are met.

There were a series of recommendations made for the local government sector including:

- Ten child safe standards be adopted to foster child safety and wellbeing across Australia.
- That local governments should designate child safety officer positions to promote child safety within organisations and support smaller local organisations to develop capacity to create child safe environments.

Consultation was undertaken by WALGA on behalf of the sector in response to the report recommendations, with member feedback noting a raft of opportunities and issues, one of such challenges was the resourcing constraints in designating specific child safety officer positions.

Building on this consultation, further engagement was recently undertaken with the local government sector to co-design a child safe policy. This would support local governments to introduce and integrate the recommended child safety functions into existing roles, as an alternative to establishing a designated position.

Local government authorities and relevant stakeholders' feedback is now being sought on the draft Child Safe Awareness Policy.

EXTERNAL CONSULTATION

No external consultation is required at this stage.

STATUTORY ENVIRONMENT

Children and Community Services Act 2004 (WA)

POLICY IMPLICATIONS

Should the draft policy be endorsed and adopted by the Department of Communities, it is recommended the Shire of Plantagenet adopt its own version of this child safe awareness policy. Consultation will be undertaken according to policy and procedure should this occur.

FINANCIAL IMPLICATIONS

There are no financial implications to the Shire for the development of this policy.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022 – 2032 contains the following Strategic Priorities:

‘Provide and promote appropriate and accessible facilities and activities for youth.’
‘Continuous improvement in service delivery’.

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

STRATEGIC RISK IMPLICATION

The Shire’s Strategic Risk Register provides a review of ‘Failure to Fulfil Compliance Requirements (Statutory, Regulatory)’ with Ineffective policies and processes; and Ineffective monitoring of, or ability to cope with changes to legislation, listed as potential cause of disruption.

The key controls to manage Failure to Fulfil Compliance Requirements include ‘policy and procedure developed for legislative compliance’ to which this report proposes.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

One of the key recommendations from the Royal Commission Final report regarding the local government sector was that local government should designate child safety officer positions. Based on feedback to Department of Communities by the local

government sector, it was noted that this action had limited feasibility due to resource constraints of some local governments and alternatives should be sought.

In response to this feedback, the Department of Communities with the local government sector has co-designed a child safe policy. This is proposed as an alternative to establishing a designated position. The Shire commends this approach as a less resource intensive and more consistent approach to integrating child safety.

Feedback provided on the draft Child Safe Awareness Policy is outlined below in response to the requested focus questions from Department of Communities:

*Do you have any comment/feedback in relation to the **purpose of the policy** as explained in the policy statement?*

The Shire supports the purpose of the policy. It agrees that local government can take a leadership role in ensuring our own facilities, programs and governance structures are 100% committed to child safety. It is acknowledged that local government already provides an extensive support role to local community groups and organisations and the provision of access to resources, support, awareness raising and sharing information on child safety is of benefit to the community overall.

*Do you have comment in relation to the **principles** guiding the policy?*

The Shire supports the principles outlined in the policy in guiding child safety outcomes in local government operations, planning and governance.

*Do you have comment in relation to the **roles and responsibilities** within the policy?*

The Shire commends the policy approach in managing expectations and limits regarding the extent to which a local government can be responsible or accountable for another organisation's actions. Further the Shire believes it is a realistic expectation that a leadership role can be taken by local government in 'getting its own house in order' and demonstrating good practice in this area.

The Shire acknowledges that it should ensure its own facilities and events should promote child safe messaging. However, to address resource constraints, the provision of templates to deliver this messaging is requested. This would simplify the process, ensure consistency and understanding by the community and ensure success of this outcome.

It is acknowledged that local government already plays a key role acting as a conduit between community groups and various agencies, organisations and service providers. The Shire regularly passes on information and provide advice on governance matters to clubs and community groups and connects them with necessary information when requested. The provision of information regarding the roll out of child safety awareness can fall within this process and is possible within existing organisational resources.

What cannot be catered for is the employment of additional staff or the expectation to directly deliver child safe compliance for clubs or community groups due to lack of resources in an already resource constrained environment.

*Do you have any **concerns** about the policy?*

No other concerns.

*Is there any **other feedback** you would like to provide?*

The Shire gives credit to the Department of Communities for developing a template model that can be applied by individual councils. This offers those councils less resourced to adopt a preferred and best practice format while delivering consistency in approach between local governments.

*What is needed to **support the implementation** of the policy by Local Governments?*

It is essential that pre-made marketing and communication materials which can be modified and branded by individual councils are provided by Department of Communities in the roll out of the model policy. This will enable councils to provide information to community groups, organisations and clubs on their requirements, direct them to verified information to be used and applied in meeting child safety principles and outcomes.

Provision of training and workshops for clubs and groups would support the implementation of these required by clubs and groups. A similar model is already offered by DLGSC in their club development space which currently focus on club governance, social media, volunteer management. Adding child safety to this set of workshops which could be promoted by local government would enable all parties to comply with the outcomes of the draft template policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council support the draft Child Safety Awareness Policy as provided by Department of Communities and requests that essential marketing and communication materials and the provision of training be provided to local governments once the policy is adopted.

9.2 WORKS AND SERVICES REPORTS

Nil Reports

9.3 CORPORATE SERVICES REPORTS

9.3.1 PROPERTY RATES – 2022/2023

File Ref:	N58650
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to set the property rates; establish the early payment incentive scheme; establish payment instalment options and set the interest rates for overdue and late payments in readiness for the adoption of the 2022/2023 budget.

BACKGROUND

It should be noted that, due to the impact of the Covid-19 pandemic, the Minister for Local Government has issued a Ministerial Order limiting the level of interest on overdue rate payments or on rates that are paid by instalment in the 2021/2022 financial year. These have been extended to the 2022/2023 budget and are as follows:

- Penalty interest reduced from a maximum of 11% to 7% (in-line with ATO penalty rates)
- Instalment interest to remain at 5.5% if a Local Government has a Hardship Policy, and to be a max of 3% if a Local Government does not have a hardship policy. (The Shire of Plantagenet has a policy for rates debt collection – hardship.)
- For those that are in hardship and meet the Local Government Hardship policy eligibility, then no penalty interest or instalment interest rate applies. Each Local Government decides on approving the application for hardship.

Level of Rates

As a result of the economic downturn associated with the Covid-19 pandemic, the Shire did not increase rates in 2020/2021 and increased rates by 3% in 2021/2022.

In line with the Budget Preparation policy, consideration has been given to economic growth and likely Shire wage growth over the next two years to assist Council in determining the annual % rate increase.

WALGA forecasts the Local Government Cost Index (LGCI) to increase 5.7% in 2021/2022. Given the current levels of CPI and LGCI, in order to keep pace with predicted economic growth a rate increase of 5% is recommended.

The general minimum rate will increase by around 5% to 970.00.

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. As in previous years, it is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. Only ratepayers who have paid their rates in full and by 13 September 2022 will be entered into the draw.

For the 2022/2023 year, the following prizes are on offer:

First Prize - \$750.00 bank account with the Bendigo Community Bank.

Second Prize - A two-night weekend stay for two people including full buffet breakfast each morning, at the Quality Ambassador Hotel Perth in a premium deluxe room.

Third Prize - One carton of mixed wine donated by Mount Barker Wine Producers Association at a retail value of \$240.00.

Instalments

It is recommended that the following three payment options be offered as in previous years.

- (1) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
- (2) Two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date.
- (3) Four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee

It is recommended that an instalment fee of \$7.50 be charged for each instalment reminder issued after the first instalment is paid. A special payment arrangement administration charge of \$25.00 (excluding pensioners) will again apply, for those people who wish to pay rates through an instalment plan, but do not qualify for a standard instalment plan, due to late payment or other circumstances. This is the same as that charged in recent years.

Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that late payment penalty interest be charged at 7% per annum, in line with the Ministerial Order.

It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments.

STATUTORY ENVIRONMENT

Section 6.25 to 6.82 of the Local Government Act 1995 and Sections 52 to 78 of the Local Government (Financial Management) Regulations relate to property rating requirements and procedures.

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget with a 5% increase on the 2021/2022 rate revenue, as well as minor increases to rubbish collection charges and waste rate.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Policy A/PA/8 Rating – Rate Incentive Prize applies.

Policy F/FM/12 Budget Preparation applies.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

A revaluation of unimproved value rates base has been carried out by the Valuer General's Office for the 2022/2023 financial year. The movement is as follows.

	2021/2022	2022/2023	Movement
Total UV Valuation	\$631,909,400	\$736,821,800	18%

In line with Council Policy F/FM/12, a ratio has been used to determine the proportion of rates raised between property valuation categories, regardless of re-valuations. This has been combined with adjustments in the respective rates in the dollar to reflect a proportionate increase in rates.

This has resulted in the rates in the dollar being adjusted as follows:

- Unimproved Value – 0.7626 to 0.6867 (decrease of 10.0%).
- Gross Rental Value – 10.3543 to 10.8627 (increase of 4.7%).

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. For the purpose of yielding the deficiency disclosed by the 2022/2023 Municipal Fund Budget, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, the following general and minimum rates be imposed on Gross Rental and Unimproved Values.
 - 1.1 General Rates

a) Rural Townsites (GRV)	10.8627 cents in the dollar
b) Rural (GRV)	10.8627 cents in the dollar
c) Mount Barker Townsite (GRV)	10.8627 cents in the dollar
d) Strata Titles (GRV)	10.8627 cents in the dollar
e) Rural (UV)	0.6867 cents in the dollar
f) Mining (UV)	0.6867 cents in the dollar
 - 1.2 Minimum Rates

a) Rural Townsites (GRV)	\$970.00
b) Rural (GRV)	\$970.00
c) Mount Barker Townsite (GRV)	\$970.00
d) Strata Titles (GRV)	\$970.00
e) Rural (UV)	\$970.00
f) Mining (UV)	\$970.00
2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, the following due dates be nominated for the payment in full by instalments:
 - a) Full payment and 1st instalment due date 13 September 2022;
 - b) 2nd half instalment due date 16 January 2023;
 - c) 2nd quarterly instalment due date 14 November 2022;
 - d) 3rd quarterly instalment due date 16 January 2023;
 - e) 4th and final quarterly instalment due date 20 March 2023.
3. No discount be offered for the early payment of property rates.
4. Incentive prizes for the payment of property rates in full by the due date be offered as follows:
 - a) First prize – Bank Account to the value of \$750.00, donated by the Bendigo Community Bank;
 - b) Second Prize - A two-night weekend stay for two people including full buffet breakfast each morning, at the Quality Ambassador Hotel Perth in a premium deluxe room.
 - c) Third prize – One carton of wine with a retail value of in excess of \$240.00 donated by the Mount Barker Wine Producers Association.
5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, an instalment administration charge of \$7.50 be adopted where the owner has elected to pay rates through an instalment option for each instalment after the initial instalment is paid.
6. Pursuant to section 6.16(2) of the Local Government Act 1995, a special payment arrangement administration charge of \$25.00 be adopted (excluding pensioners) where the owner wishes to pay rates through an

instalment plan, but does not qualify for a standard instalment plan, as detailed in Clause 5 above.

7. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, an interest rate of 5.5% be adopted where the owner has elected to pay rates through an instalment option.
8. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, an interest rate of 7% be adopted for general rates, Waste Rate and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
9. That pursuant to section 6.13 of the Local Government Act 1995, an interest rate of 7% be adopted for rubbish collection charges that remain unpaid after becoming due and payable.

9.3.2 ADOPTION OF 2022/2023 BUDGET

File Ref:	N58681
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to recommend the adoption of the annual budget and fees and charges for the 2022/2023 financial year.

BACKGROUND

The 2022/2023 budget has been prepared as a balanced budget with significant input from staff and elected members. The Council considered the list of fees and charges for the 2022/2023 financial year as part of its budget workshop process.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an annual budget prior to 31 August in each year. Sections 6.15 to 6.19 of the Local Government Act 1995 relate to the imposition of fees and charges for a local government.

FINANCIAL IMPLICATIONS

The adoption of the budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

BUDGET IMPLICATIONS

This report enables the adoption of the budget for 2022/2023.

POLICY IMPLICATIONS

The budget was framed in line with Council Policy F/FM/12 – Budget Preparation.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The budget comprises expenditure of \$25.7 million including operating expenditure of \$18.3 million and capital expenditure of \$6.9 million.

Projects include funding for the commencement of a redevelopment of the youth precinct at Wilson Park, subject to a consultation phase and the extension of the dam at Frost Park under the Community Water Supply Program.

The budget maintains a focus on road renewal as well as on renewing and developing new assets. Capital roadworks (new projects) totalling over \$3.0 million are proposed, with over \$1.48 million (49%) being directly funded from State and Federal sources. There will also be a focus on improving roads which continue to experience flood damage, with a view to mitigating future issues.

Proposed plant purchases include the replacement of the CAT 12M grader, Isuzu NPR 250/300 crew cab, Isuzu NPR 300 tipper and Evertrans side tipper, turf vertimower as well as five passenger vehicles.

The Shire has received substantial grant funding from the Commonwealth Government over the last two years, under the Local Roads and Community Infrastructure Programs. In 2022/2023, phase 3 of that program totalling \$1.2 million will be spent on a reconstructing a portion of Lowood Road and Mead Street, Mount Barker, improving Woodlands Road, substantial footpath improvements in Mount Barker, further development of the O'Neill Road trail, lighting of Public Open Spaces, as well as preliminary works at the swimming pool for the next phase of its development.

The Council will also return almost \$80,000.00 to the community through its Community Grants Program.

VOTING REQUIREMENTS

See individual recommendations.

OFFICER RECOMMENDATION

- A. That pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget as attached for the 2022/2023 financial year which includes the following:**
- a) Statement of Comprehensive Income by Nature and Type on page 2;**
 - b) Statement of Cash Flows on page 3;**
 - c) Rate Setting Statement by Program on page 4;**
 - d) Index of Notes on page 5;**
 - e) Note 1(a) - Basis of Preparation on page 6;**
 - f) Note 1(b) - Key terms and Definitions (N & T) on page 7;**
 - g) Note 1(c) - Key terms and Definitions (Programs) on page 8;**
 - h) Note 2 - Rates and Service Charges on pages 9 to 11;**

- i) Note 3 - Net Current Assets on pages 12 to 13;
 - j) Note 4 - Reconciliation of Cash on page 14;
 - k) Note 5 - Fixed Assets on pages 15 to 16;
 - l) Note 6 - Asset Depreciation on page 17;
 - m) Note 7 - Borrowings on pages 18 to 19;
 - n) Note 8 – Lease Liabilities on page 20;
 - o) Note 9 - Cash Backed Reserves on page 21;
 - p) Note 10 - Revenue Recognition on page 22;
 - q) Note 11 – Program Information on page 23;
 - r) Note 12 - Other Information on page 24;
 - s) Note 13 – Elected Members Remuneration on page 25;
 - t) Note 14 – Trust Funds on page 26;
 - u) Note 15 - Fees and Charges on page 27;
 - v) Note 16 - Capital Works Program on pages 28 to 32;
 - w) Supplementary Information Notes on pages 33 to 37;
 - x) Detailed operating programs on pages 38 to 99;
 - y) Schedule of Fees and Charges on pages 100 to 123.
- be adopted.

ABSOLUTE MAJORITY REQUIRED

- B. That the following financial assistance grants be made to community groups and organisations, as further detailed on page 34 of the attached 2022/2023 Budget:

Organisation	Grant purpose	Amount
Mt Barker Wildflower Photo Cttee	Frost Park building hire costs (in kind)	\$2,340
Porongurup Promotions Ass'n	Cash (\$3,000) and in-kind traffic management support (\$1,500)	\$4,500
Mountains and Murals Mt Barker Inc	Advertising Mountains and Murals event (carry forward)	\$5,000
Wine Show of WA	Contribution for 45 years of the show	\$2,500
Rotary Club of Mount Barker	Australia Day Breakfast / Senior's Lunch - Frost Pavilion Hire	\$1,200
Empowering Plantagenet Seniors	Water filtration equipment for EPS facility	\$5,000
Kendenup Tennis Club	Contribution to installation of court lighting	\$10,000
Mount Barker Golf Club	Purchase of replacement flags and cups for golf course	\$1,500
Plantagenet Arts Council	Purchase of Inverter Split System Air Conditioner (Shire project)	\$3,850
Mount Barker CWA	Contribution to replacement of dividing fence	\$1,000
Plantagenet Village Homes	Purchase of a Hydrosmart Descaling Water System	\$5,088
Anglican Op Shop	Waste Disposal	\$416

Forest Hill-Denbarker Community Hall	Insurances (\$977) and replace lights on east side of hall (\$832).	\$1,809
Mount Barker Speedway Club	Repairs to Tractor	\$1,500
Mt Barker Toy Library	Operating costs	\$1,500
Mt Barker Turf Club	To assist with cost of maintaining racetrack	\$5,000
HorsePower Plantagenet (RDA)	Purchase of rugs, bridles and halters for horses	\$600
Plantagenet Players	Purchase of cookery and cutlery and water jugs	\$1,000
Plantagenet Scouts	Purchase of life jackets, back packs and personal locator beacons	\$1,000
Mount Barker Tourism	Funding to support Visitor Centre wages	\$28,840
Youthcare Mount Barker	Contribution towards Chaplain Service	\$6,000
TOTAL		\$89,643

ABSOLUTE MAJORITY REQUIRED

- C. That pursuant to section 6.16 of the Local Government Act 1995, the Fees and Charges included at pages 100 to 123 inclusive of the attached 2022/2023 Budget be adopted.

ABSOLUTE MAJORITY REQUIRED

- D. That pursuant to section 6.11 of the Local Government Act 1995, the following Reserve Accounts be established for the 2022/2023 budget, incorporating the following names and purposes of reserve accounts:

- a) **Name: Employee Entitlements Reserve**
Purpose: To fund sick, annual and long service leave entitlements for former staff and unplanned payments of annual leave and long service leave
- b) **Name: Plant Replacement Reserve**
Purpose: To fund the purchase of vehicles, plant and machinery
- c) **Name: Drainage and Water Management Reserve**
Purpose: To fund the purchase of land for drainage purposes and carry out major drainage works and projects identified in the Shire of Plantagenet Water Strategy 2020
- d) **Name: Waste Management Reserve**
Purpose: To fund waste management infrastructure and major items of associated plant and equipment
- e) **Name: Computer Software and Hardware Upgrade Reserve**
Purpose: To fund the upgrade of business system software and hardware with latest versions and additional functionality
- f) **Name: Mount Barker Regional Saleyards Capital Improvements Reserve**

-
- Purpose:** To fund capital works and purchases at the Mount Barker Regional Saleyards
- g) **Name:** Mount Barker Regional Saleyards Operating Loss Reserve
Purpose: To retain a proportion of Saleyards operating surpluses to fund operating deficits
- h) **Name:** Outstanding Land Resumptions Reserve
Purpose: To fund old/outstanding obligations for land resumptions associated with road realignments and the like
- i) **Name:** Natural Disaster Reserve
Purpose: To fund the Council's proportion of natural disaster events in the Shire of Plantagenet
- j) **Name:** Building Renewal Reserve (Formerly Plantagenet Medical Centre Reserve)
Purpose: To fund renewal, refurbishment and improvements to Shire buildings
- k) **Name:** Spring Road Roadworks Reserve
Purpose: To fund roadworks in Spring Road, Porongurup as required by the relevant subdivision condition
- l) **Name:** Mount Barker Swimming Pool Revitalisation Reserve
Purpose: To fund planning and capital works associated with the revitalisation of the Mount Barker Memorial Swimming Pool
- m) **Name:** Hockey Ground Carpet Replacement
Purpose: To contribute towards the planned replacement of carpet at the Sounness Park Hockey Ground
- n) **Name:** Community Resource Centre Building Reserve
Purpose: To contribute to the maintenance, renewal, refurbishment and improvements to the Mount Barker Community Resource Centre
- o) **Museum Complex Reserve**
Purpose: To fund the refurbishment of buildings at the Mount Barker historical museum complex
- p) **Standpipe Reserve**
Purpose: To fund the repair, renewal and upgrade of water standpipes.
- q) **Paths and Trails Reserve**
Purpose: To fund the development of new pathways, cycleway infrastructure and trails
- r) **Major Projects Reserve**
Purpose: To fund concept planning / working drawings and capital costs of major projects, as determined by the Council (formerly included building renewals)
-

s) **Public Open Space - WAPC 99183**

Purpose: To hold the cash in lieu of open space contribution held against the subdivision in WAPC reference 99183 until approval is granted to use those funds, pursuant to Section 6.11 of the Local Government Act 1995

t) **Community Grants Reserve**

Purpose: To fund community grants for jointly funded capital works on buildings assets leased by community groups

ABSOLUTE MAJORITY REQUIRED

E. That pursuant to:

- 1. Section 53 of the Cemeteries Act 1986, the fees and charges for Shire of Plantagenet cemeteries shown on pages 112 to 113 of the attached 2022/2023 Budget;**
- 2. Section 53(2) of the Building Regulations 2012, a swimming pool inspection fee and a reinspection fee of \$58.45 (including GST); and**
- 3. Section 67 of the Waste Avoidance and Resources Recovery Act 2007, the charges for the removal of domestic and commercial waste (and domestic recycling) included at page 105 of the attached 2022/2023 Budget;**

be adopted.

SIMPLE MAJORITY REQUIRED

- F. That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, the materiality threshold for 2022/2023 be set at \$10,000.00 and 10%.**

SIMPLE MAJORITY REQUIRED

- G. That pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 the charges for the deposit of domestic and commercial waste included at pages 105 to 107 inclusive of the attached 2022/2023 Budget be adopted.**

ABSOLUTE MAJORITY REQUIRED

H. That:

1. Pursuant to Sections 66(1)-(3) of the Waste Avoidance and Resources Recovery Act 2007, the provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates, Section 6.35 of the Local Government Act 1995 relating to minimum payments and Section 53 of the Local Government (Financial Management) Regulations 1996 relating to the amount prescribed for minimum payment, a 'Waste Rate' be imposed for 2022/2023; and
2. In respect to the Waste Rate, the following general and minimum rates apply on Gross Rental and Unimproved Values:

2.1 General Rate

a) Rural Townsites (GRV)	0.01 cents in the dollar
b) Rural (GRV)	0.01 cents in the dollar
c) Mount Barker Townsite (GRV)	0.01 cents in the dollar
d) Strata Titles (GRV)	0.01 cents in the dollar
e) Rural (UV)	0.00065 cents in the dollar

2.2 Minimum Rate

a) Rural Townsites (GRV)	\$60.00
b) Rural (GRV)	\$60.00
c) Mount Barker Townsite (GRV)	\$60.00
d) Strata Titles (GRV)	\$60.00
e) Rural (UV)	\$60.00

ABSOLUTE MAJORITY REQUIRED**I. That:**

1. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, elected members be paid 85% of the maximum Salaries and Allowances Tribunal allowance in lieu of individual meeting attendance fees.
2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, a Telecommunications Allowance of \$2,000.00 for elected members be adopted.
3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, an annual local government allowance of 85% of the maximum Salaries and Allowances Tribunal allowance be paid to the Shire President in addition to the annual meeting allowance.
4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, an annual local government allowance of 85% of the maximum Salaries and Allowances Tribunal allowance be paid to the Deputy Shire President in addition of the annual meeting allowance.

ABSOLUTE MAJORITY REQUIRED

9.3.3 CORPORATE BUSINESS PLAN - ANNUAL REVIEW

File Ref:	N58711
Attachments:	<u>Corporate Business Plan</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to review the Corporate Business Plan for the Shire of Plantagenet.

BACKGROUND

At its meeting held on 7 July 2020, the Council resolved to adopt a Corporate Business Plan for the Shire of Plantagenet for the period 2020/21 – 2023/24. During 2021, the Strategic Community Plan was under development, so a formal review of that plan was not carried out.

At its meeting held on 24 May 2022, the Council adopted the Shire of Plantagenet Strategic Community Plan for the period 2022/23 – 2032/33. Following the completion of a community scorecard survey in May 2022, a revised Corporate Business Plan has now been developed and presented for approval.

STATUTORY ENVIRONMENT

Local Government Act 1995 (Section 5.56) and Local Government (Administration) Regulations 1996 Section 19DA of the Regulations states (in part) that:

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to –*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning;*
- (4) A local government is to review the current corporate business plan for its district every year.*

- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

...

** Absolute Majority required.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan for the period 2022/23 – 2032/33 was adopted on 24 May 2022. The strategic priorities from that Community Plan flow into this Corporate Business Plan document, with further detail on actions planned over the next four years.

OFFICER COMMENT

This Corporate Business Plan together with the Strategic Community Plan, comprises the Shire of Plantagenet's Plan for the Future and has been prepared to achieve compliance with the Local Government (Administration) Regulations 1996.

The highest level of plan is our Strategic Community Plan 2022/23 – 2032/33, which sets out the visions, aspirations and objectives for our community over a 10-year period. This plan guides the work, advocacy and partnerships that are undertaken by the Council.

While the Strategic Community Plan guides the overall direction of the Council, it is important that this aspirational plan be translated into concrete operational priorities. The Corporate Business Plan sets out the Council's operational priorities and their resourcing over the next four years.

This Plan identifies our community's aspirations and describes how the Shire can work towards achieving these. Many of the directions and approaches within the Plan apply to core business areas of the Shire, while larger projects and initiatives continue to be assessed and implemented on a progressive basis, subject to external funding.

The plan has been reviewed with particular reference to the results of the community scorecard survey undertaken in May 2022. It has also been reviewed in line with priorities identified in future planning workshops and the 2022/2023 budget process.

The plan will guide the delivery of the Council's and community's shared vision and be used to inform the Shire's budget over the next four years.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

- 1. The annual review of the Shire of Plantagenet Corporate Business Plan be endorsed; and**
- 2. The Shire of Plantagenet Corporate Business Plan 2022/2023 to 2025/2026 as attached, be adopted.**

9.3.4 FINANCIAL STATEMENTS – JUNE 2022

File Ref:	N58647
Attachment:	<u>Financial Statements – June 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

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

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

9.3.5 LIST OF ACCOUNTS – JUNE 2022

File Ref:	N58611
Attachment:	<u>List of Accounts – June 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

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

STATUTORY ENVIRONMENT

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

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

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

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 June 2022 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Cheques Electronic Payments and Direct Debits totalling \$2,620,579.94;
and
2. Municipal Cheques 47228 - 47230 totalling \$981.25.

9.3.6 REQUEST TO AUSPICE PHOTOCOPIER PURCHASE - PLANTAGENET HISTORICAL SOCIETY

File Ref: N58677
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 2 August 2022

PURPOSE

The purpose of this report is to consider a request from the Plantagenet Historical Society (PHS) to purchase a photocopier on its behalf under state government common use arrangements, to be fully reimbursed by the PHS.

STATUTORY ENVIRONMENT

Contracts, otherwise known as Common Use Arrangements (CUAs), exist for goods and services commonly bought by WA government agencies. CUAs, deliver savings through pre-negotiated pricing. Western Australian local governments are able to access goods under CUAs.

EXTERNAL CONSULTATION

There has been consultation with the PHS and the photocopier supplier.

FINANCIAL IMPLICATIONS

There are no financial implications for this report, as the purchase will be fully reimbursed by PHS.

POLICY IMPLICATIONS

Policy implications do not apply for this report. The Council's attitude to this approach will guide future requests.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

The PHS requires a new colour photocopier as its current model had ceased to function. The PHS has a quote from an Albany supplier for an appropriate model which would normally cost in the region of \$5,000.

The PHS has requested the Shire to purchase the photocopier on its behalf under government CUAs, to be fully reimbursed by the PHS (including the GST component). Significant savings can be achieved if the purchase can be made through the Shire under the state government CUA.

The supplier has advised that the CUA may apply in this case as the Shire is seen as a 'patron' of the organisation via building ownership and the fact that the PHS is a not-for-profit organisation.

No objections are raised to the request.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the request from the Plantagenet Historical Society to purchase a photocopier on its behalf under State Government Common Use Arrangements, with the purchase price (including GST) to be fully reimbursed by Plantagenet Historical Society, be endorsed.

9.3.7 POLICY REVIEW - RECORD KEEPING

File Ref:	N58653
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Lisa Berry Records Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to review Council Policy A/RM/1 - Record Keeping.

BACKGROUND

The State Records Act 2000 governs the obligations and responsibilities of local governments in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records, but also records in electronic format.

The Shire has developed a Record Keeping Plan (RKP) to comply with the State Records Act 2000 and from this has developed a Record Keeping Policy to ensure compliance with the Act and the RKP.

The policy was last reviewed on 16 June 2020.

STATUTORY ENVIRONMENT

To ensure compliance with State Records Act 2000, the Council must have an endorsed RKP from the State Records Office (SRO) and as part of that, a Council endorsed Records Keeping Policy.

Government organisations are bound by the State Records Act 2000 which establishes rules for best practice for recordkeeping in WA Government, encouraging transparency and accountability. Local governments are identified as government organisations under the Act. Councillors are subject to the State Records Act 2000 when they create or receive 'State records'.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

Document management is a key potential strategic risk. The Shire has a number of controls in place, although effective management of the risks somewhat relies on staff and councillors managing records in line with this policy.

OFFICER COMMENT

This policy provides the policy framework for the Council to effectively fulfil its obligations and statutory requirements under the State Records Act. The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

Further, the State Records Commission policy regarding the records of local government councillors requires the creation and retention of records of the *'communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business'*. This policy applies regardless of a record's format or where it was received.

Councillors must create and keep records of communications or transactions which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

The SRO has provided the following guidance in determining which records should be captured.

YES – forward to Central Records	NO – do not need to forward to Central Records
<p>Communications from ratepayers, such as:</p> <ul style="list-style-type: none"> • complaints and compliments; • correspondence concerning corporate matters; • submissions, petitions and lobbying; • information for the Council's interest relating to local government business activity and functions. 	<p>Duplicate copies – of Council meeting agenda, minutes and papers.</p>
	<p>Draft documents or working papers – which are already captured at the local government.</p>
	<p>Publications – such as newsletters, circulars and journals.</p>
	<p>Invitations – to community events where a councillor is <i>not</i> representing Council or the local government.</p>
<p>Telephone, meetings and other verbal conversations – between a councillor and another party, regarding local government projects or business activities.</p>	<p>Telephone, meetings and other verbal conversations which:</p> <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government business or functions.

Work diaries – containing information that may be significant to the conduct of the councillor on behalf of the local government.	Electioneering – or party political information.
Presentations and speeches – delivered as part of a councillor’s official duties.	Personal records – not related to a councillor’s official duties.

It should be noted that the procedure for mail addressed to the Shire President or a councillor was changed recently. Such mail is date stamped and forwarded to the Executive Officer for distribution. The Shire President or councillor (person receiving the item) should open, date stamp and determine if the item is a record. All incoming records are to be forwarded to the Records Officer for indexing and registering.

It should be noted that the Council holds its archives at the Broomehill Regional Archive Repository, a facility jointly established with the Shires of Broomehill-Tambellup, Cranbrook and Kojonup.

A Memorandum of Understanding (MOU) sets out the rights and responsibilities of each of the signatories regarding the use of the repository and apportioning of costs relating to the operation and maintenance. The MOU commenced on 1 July 2013 and ends on 30 June 2034.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy A/RM/1 – Record Keeping, as follows:

‘OBJECTIVE:

To establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

POLICY:

1. Scope

1.1 This policy applies to all Council business and relates to both physical and electronic Council records. It applies to all Council staff, councillors, and contractors undertaking outsourced functions on behalf of the Council.

2. Definitions

2.1 Record

A record can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, file note of conversations and social media messages.

2.2 State Record

A State Record means a record created or received by:

a) A government organisation; or

- b) A government organisation employee in the course of the employee's work for the organisation, but does not include an exempt record.

2.3 Employee

An employee means all people employed by the Shire of Plantagenet whether permanent, fixed term or casual contract of service, apprentice or trainee.

3. Policy Principles

3.1 Creation of Records

Councillors and staff will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

3.2 Capture and Control of Records

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required supporting data, into appropriate record keeping and business systems that are managed in accordance with sound record keeping principles.

3.3 Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

3.4 Access to Records

Access to the Shire's records by staff will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and other applicable legislation. Access to the Shire's records by Councillors will be via the Chief Executive Officer.

3.5 Appraisal, Retention and Disposal of Records

All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the SRO.

4. Record Keeping Responsibilities

4.1 All Council employees and Councillors need to be aware of record keeping requirements. The record keeping obligations of Council staff and Councillors include:

- a) Learning how and where records are kept;
- b) Making records to support the conduct of business activities;
- c) Creating records as evidence of Council operations that are otherwise not created;
- d) Forwarding records to the Central Records for capture into the official Records Keeping System;
- e) Not destroying Council records;
- f) Following appropriate records management procedures.

5. Outsourcing of Service Delivery

- 5.1 Contracts should provide that the contractor create records that meet the Shire's accountability requirements, in relation to the functions performed or services provided for the Shire. Such contracts should also provide that the contractor maintain those records according to standards acceptable to the Shire, for as long as the records are required and return them to the Shire when the contract expires.'**

be endorsed.

9.3.8 POLICY REVIEW - PAYMENT OF COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES

File Ref:	N58652
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Senior Administration/Human Resources Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to review Council Policy F/FM/10 – Payment of Councillors' Attendance Fees and Allowances.

BACKGROUND

Council Policy F/FM/10 was last reviewed by the Council at its meeting held on 14 June 2020.

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Administration) Regulations

Sections 5.98 to 5.102 of the Act and Regulations 30 to 34 provide the framework for the payment of expenses and allowances to elected members.

FINANCIAL IMPLICATIONS

The following attendance fees and allowances were paid in 2021/2022, which represents 80% of the maximum Salaries and Allowances Tribunal allowance. The policy position for 2022/2023 is that allowances will be 85% of the maximum, subject to the adoption of these fees and allowances in the budget.

	2021/2022	2022/2023
Councillors' Sitting Fees	\$125,026.00	\$136,156.00
Shire President's Allowance	\$ 29,565.00	\$ 34,093.00
Deputy Shire President's Allowance	\$ 7,392.00	\$ 8,523.00

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

OFFICER COMMENT

It is considered that the current policy is an equitable method of paying attendance fees and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy F/FM/10 – Payment of Councillors' Attendance Fees and Allowances, as follows:

OBJECTIVE:

To put in place an equitable system for payment of Councillors' attendance fees and the Shire President's and Deputy Shire President's allowances.

POLICY:

- 1. Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position.**
- 2. Fees and allowances are to be paid monthly in arrears.'**

be endorsed.

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 EXPRESSION OF INTEREST AND FINANCIAL SUPPORT FOR A GREAT SOUTHERN DESIGNATED AREA MIGRATION AGREEMENT (DAMA)

File Ref:	N58680
Attachments:	<u>Information Papers as presented to the Great Southern Zone WALGA June 24th 2022</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	2 August 2022

PURPOSE

A Designated Area Migration Agreement (DAMA) is a labour agreement allowing businesses/employers to sponsor skilled and semi-skilled overseas workers to fill labour shortages in specific areas that cannot be filled with Australian workers.

This report seeks a commitment from the Council to support the establishment of a regional DAMA that covers all of the 11 Local Governments in the Great Southern region. Further, the report seeks a financial commitment to fund the business case necessary for the DAMA application.

Establishment of a Great Southern Region DAMA has both in-principle support and financial commitment from Regional Development Australia (RDA) and the Great Southern Development Commission (GSDC).

BACKGROUND

A regional Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. Operating under an agreement-based framework, a DAMA provides access to more overseas workers than standard skilled migration programs (Temporary Skills Shortage (TSS) 482 visa or Regional 494 visa) by allowing variations to standard occupations and skills lists.

Establishing a DAMA in the region requires the support of various stakeholder groups as well as an in-depth analysis of relevant employment markets with verified evidence to support the application. Once established, a DAMA is reviewed annually and may be varied yearly.

A DAMA is a two-tier framework covering a defined regional area. The framework is:

- first tier - an overarching five-year head agreement with the region's representative (e.g. Regional Development Australia Great Southern). A region representative is called the Designated Area Representative (DAR).
- second tier - DAMA labour agreements with businesses/employers under the head agreement for the region.

Under the framework the DAR forms the first tier and negotiates a DAMA on behalf of businesses/employers within its region. Negotiations provide the most significant benefit of a DAMA and encompass standard occupations, including skill lists and any

concessions that may be appropriate to a specific occupation. Examples of negotiated concessions include an extension of the age criteria, relaxation of English skills requirements or modification to the skills and experiences required. The result is flexibility for regions to respond to their unique economic and labour market conditions.

The framework's second tier formalises the individual DAMA labour agreement. A business/employer applies for a DAMA Labour Agreement to the DAR. The business/employer must first demonstrate via Labour Market Testing (LMT) that it cannot employ suitable Australian employees. (A LMT is a business case presented to a DAR and the Department of Immigration that provides solid evidence and includes advertising on the Australian Government's Jobactive website and other search methods.)

If an application satisfies the DAMA's terms and conditions, and is supported, the DAR provides endorsement of the application through an approval letter. Once endorsed, applications are then subject to assessment by the Department of Home Affairs and Minister of Immigration, Citizenship and Multicultural Affairs.

If an occupation is unavailable under the standard visa programme, or the DAMA program, a business may negotiate its own Labour Agreement with the Minister, separate from a regional DAMA. Negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.

It is noted most regional businesses do not have the capacity to individually negotiate a labour agreement due to lack of capacity, expense and time constraints. A regional DAMA would provide a more attractive option to support business owners in the Great Southern.

Benefits of a DAMA

A DAMA could provide a community with economic benefits through population growth and increased output.

The key value opportunity is that immigrant workers cannot move from the area of their DAMA, but can move between businesses within that area. Effectively migrant workers are secured to the region.

Another benefit of a DAMA is that the semi-skilled occupations, that are in shortage in the particular region, could be available under a DAMA, while they are not available under the standard visa program. Some examples of such occupations are truck drivers, wait staff, bar attendants, drillers, driller assistants, earthmoving/mobile plant operators and horticultural workers such as process and field workers.

DAMA concessions

English Language Concession:

The English language test scores required under a DAMA can be lower than under the standard visa program making it easier for the applicant's visa to be processed. This is especially the case where a person is generally a good English communicator but perhaps not able to meet the requirements of a stringent English test for a visa.

Temporary Skilled Migration Income Threshold (TSMIT) Concession:

The TSMIT value is set by legislation to ensure that migrant workers can financially support themselves in Australia and acknowledges the additional costs temporary residents incur, such as health care and education costs. The current value of the TSMIT is \$53,900, excluding superannuation.

When calculating whether the salary paid by an employer meets the TSMIT, annual earnings may consist of the base salary plus guaranteed earnings such as housing, company car, and guaranteed overtime where this is an industry standard. If an employer intends to include these guaranteed earnings to meet TSMIT requirements, they must be valued and written into the agreed employment contract.

The use of concessions must not undermine relevant industrial awards, nor market salary rates for an equivalent Australian employee in the same location.

Skills Concession:

Every occupation requires an assessment of education, qualifications and employment experience to determine comparability against the assessment standards of a DAMA.

Permanent Residency requirements:

Upon an approval of the subclass 482 visa, there may be a pathway to permanent residency, subject to satisfying the criteria and availability, through the subclass 186 scheme Employer Nominated Scheme Visa.

Age Concession:

To transition into permanent residency, every applicant must meet the age criteria, being under the age of 45.

DAMA requirements

Advice from the office of Rick Wilson, Federal Member for O'Connor, states that a request for a DAMA must contain, as a minimum, the following:

1. A letter of endorsement from the relevant stakeholders.
2. A Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement.
3. A business case if any additional concessions are being requested to the minimum requirements outlined for a company specific labour agreement.
4. An explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example – provision of information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer).
5. Supporting documentation, which may include:
 - a. Profit and loss statements.
 - b. Other applicable financial statements; and
 - c. Relevant supporting information.

An example of a region in Western Australia currently covered by a DAMA, since 21 March 2019, is the Goldfields region. The City of Kalgoorlie-Boulder is the DAR and represents other regional and nearby shires.

The Goldfields region aimed to secure permanent labour so as to avoid constantly retraining employees, such as backpackers. The Pilbara region had also applied for a DAMA before the Goldfields was secured, however they were unsuccessful in their application due to not being able demonstrate eligibility.

It is important to note the Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semiskilled workers under visa subclasses 482, 494, and 186. This is the same model proposed by the Great Southern region.

The process of becoming a DAMA took the City of Kalgoorlie-Boulder 12 months, once the application was submitted. A financial consultancy business was engaged to undertake their business case, which can take between 3 and 6 months to establish.

From a human resource perspective, the City of Kalgoorlie-Boulder provided a 0.5 FTE (full time equivalent) staff member to liaise with the consultant throughout the formation of the Business Case.

In addition, the following on-going human resource tasks, required as the DAR, include:

1. Dealing with an approximate average of 1 to 2 business applications per month. A charge of \$250 is levied for each nomination for endorsement. This includes Statutory Declarations and ensures businesses are financially viable and stable.
2. Answering queries from prospective businesses, which can be very time consuming.
3. Seeking guidance from a team within the Department of Immigration.
4. Undertaking of an Annual Report for the Department and Minister.
5. Negotiation of ongoing Terms and Conditions of the DAMA.
6. Surveys and analysis of the regional labour market.
7. Monthly meetings with a Department of Immigration representative to discuss the DAMA programme. Note: The Department also liaises with businesses directly.

Other points of note, gained through research with external organisations, include:

1. A subclass 491 visa, for highly skilled and desired occupations, requires nomination by the State Government, or an eligible family member and doesn't require a sponsor. This type of visa cannot be included in a DAMA.
2. The City of Kalgoorlie-Boulder has a population of approximately 30,000.
3. The more local government authorities involved, the better the chance of securing a DAMA.
4. A larger organisation, such as a Regional Development Authority is best positioned to take on the role of regional representative (DAR) and offers the application a stronger opportunity for success, indicating collaboration between communities.

Creating a DAMA is an extensive process, particularly for the lead organisation (DAR) involved in the application and consultancy phase. Furthermore, there are significant resources required to manage ongoing applications which require liaison with the Department of Immigration for the five-year term.

This type of project requires the support of many stakeholders including regional Local Governments, Chambers of Commerce, Regional Development Australia (RDA), Development Commissions and members of parliament. All stakeholders must endorse the organisation that is capable and willing to accept the responsibility of being a Designated Area Representative.

Regional Development Australia (RDA) Great Southern have offered to act as the Designated Area Representative (DAR) which will meet this ongoing administrative requirement.

Alternative Visa Options to DAMA

Pacific Labour Mobility Scheme

This Scheme enables citizens of partner countries to take up low-skilled and semi-skilled work opportunities in all sectors in rural and regional Australia for up to 3 years. Partner countries include: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Seasonal worker Program (Agriculture and Accommodation)

This Scheme enables citizens of partner countries to take up unskilled and low-skilled work opportunities in the Australian agriculture and accommodation sectors in selected rural and regional locations of Australia for up to 9 months. Partner Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Industry Labour Agreement

Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available.

Industry labour agreements are for a specific industry with fixed terms and conditions. The industry is required to show ongoing labour shortage and extensive consultation within the industry. Various approved industry labour agreements include dairy, aquaculture, fishing, meat and livestock, advertising, hospitality, labour-hire and religion.

Standard Business Sponsorship -482 (For highly skilled occupations)

This temporary visa lets an employer sponsor a suitably skilled worker to fill a position for which they are unable to find a suitably skilled Australian. Based on the occupation, this visa is generally granted for 2-4 years.

STATUTORY ENVIRONMENT

Statutory Dependency Migration Act 1958

EXTERNAL CONSULTATION

A West Australian Local Government Association (WALGA) Great Southern Country Zone meeting was held in Jerramungup on 24 June 2022. All 11 Local Governments of the region were represented.

The Great Southern Development Commission Chief Executive Officer Natasha Monks also attended and participated in the briefing on a proposed DAMA for the region.

The meeting resolved:

'That the Great Southern Country Zone of WALGA supports the concept of the Designated Area Migration Agreement (DAMA) as follows:

- 1. The Great Southern Country Local Governments are to report back to the Zone Executive Officer by Wednesday, 17 August 2022 as to their interest in joining the DAMA.*

2. *The Great Southern Country Zone acknowledge the Regional Development Australia office will act as the Designated Area Representative (DAR), and*
3. *The Great Southern Country Zone acknowledges that funding will be required from each Local Government.'*

FINANCIAL IMPLICATIONS

As outlined in Table 1 below, a proposed funding model identifies the relative cost proposed by all stakeholders in the development of a DAMA in the Great Southern. It is expected that between \$80,000 to \$100,000 is required to develop the business case in order to be successful. This includes the cost of a consultant to conduct a survey of regional employers, research and provide statistics, and to identify any occupations that may fit the criteria for inclusion in a DAMA application. The direct costs of the consultant are estimated to be circa \$60,000 to \$80,000, with the balance required for project contingencies.

It is noted that a designated team member resource is required to liaise with the consultant. In the case of Kalgoorlie-Boulder, it was estimated that a staff member to the value of 0.5 FTE basis was required for the purpose of establishing their DAMA. Following the successful DAMA application, a further 0.5 FTE investment with ongoing tasks has been required.

RDA Great Southern have indicated they are prepared to fund the ongoing 0.5 FTE employee costs relating to the DAR for the proposed five-year period. On this basis each local government in the Great Southern is only required to fund the upfront business case. Each employer that makes application in the Great Southern will fund the ongoing administration costs of the DAR. There may also be a proportion of the application fees over the five-year period that recoups some or all of the original local government investment. This will be determined if the Great Southern zone local governments make a commitment to the business case and DARMA application. RDA Great Southern will lead this process and report back to the zone.

Table 1. Proposed Funding Model

		Estimated Population	Contribution based on Population	Adjusted Contribution
	Total Funds		\$111,803	\$100,000
	Organisation			
1	GSDC		\$10,000	\$10,000
2	RDA		\$10,000	\$10,000
	LGA's	\$1.50	\$20,000	\$20,000
		Per head of pop		
3	City of Albany	38,000	\$57,000	\$40,000
4	Shire of Denmark	6422	\$9,633	\$8,000
5	Shire of Plantagenet	5079	\$7,619	\$8,000
6	Shire of Katanning	4200	\$6,300	\$7,000
7	Shire of Kojonup	1985	\$2,978	\$5,000
8	Shire of Gnowangerup	1215	\$1,823	\$2,500
9	Shire of Broomehill-Tambellup	1144	\$1,716	\$2,500
10	Shire of Jerramungup	1109	\$1,664	\$2,500
11	Shire of Cranbrook	1089	\$1,634	\$2,500
12	Shire of Kent	550	\$825	\$1,000
13	Shire of Woodanilling	409	\$614	\$1,000
		61,202	\$91,803	\$80,000

The Council has surplus funds in the South Coast Alliance annual contribution. If the Council decides that up to \$10,000 should be allocated to this program, it can be funded from that budget item.

POLICY IMPLICATIONS

Policy implications do not apply for this report.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no known significant social implications relating to the report or officer recommendation. In terms of reputational risk of not adopting, if the Council does not support, employers in our LGA cannot access workers via the DARMA.

OFFICER COMMENT

On the basis of the current employment conditions, the development of a Great Southern regional DAMA offers part of a solution for those businesses who are currently experiencing staff shortages. While it is unlikely a regional DAMA will be the panacea for all businesses it could provide an avenue to assist larger businesses with the capacity to invest in the program.

While a DAMA could produce potential employees, it must also be understood that housing considerations must be taken into account. While housing availability is easing, it is still a significant consideration and is likely to continue for another 12-24 months. Employers will need to address this consideration in the development of their business case when preparing their DAMA applications.

On the basis of the relatively low cost, matched against the potential to provide businesses with increased access to new labour markets the author recommends the Shire signal its intent to participate at the next WALGA Great Southern Country Zone meeting on 26 August 2022 in Katanning.

Whilst the intent is for the entire Great Southern zone to be include in the DARMA prescribed area this can only be guaranteed if each of the 11 local governments agree both in principle and support the business case with a level of funding considered commensurate with their population and financial circumstances.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council:

- 1. Supports the development of a Great Southern Designated Area Migration Agreement.**
- 2. Requests the Chief Executive Officer to advise the Western Australian Local Government Great Southern Country Zone Meeting, by 17 August 2022, of the Shire of Plantagenet intent to participate, subject to:**
 - a) Regional Development Australia Great Southern undertaking the role of the Designated Area Representative; and**
 - b) A contribution of up to \$10,000, be confirmed as the Shire of Plantagenet's contribution, with the Chief Executive Officer authorised to commit funding up to this amount.**

**9.4.2 LEASE RENEWAL – LOT 105 FIRST AVENUE, KENDENUP – ST JOHN
AMBULANCE**

File Ref:	N58610
Attachments:	<u>Draft Lease</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	2 August 2022

PURPOSE

The purpose of this report is to recommend the renewal of the lease agreement with St John Ambulance WA LTD (St John) for Lot 105 First Avenue, Kendenup.

BACKGROUND

The Shire of Plantagenet owns Lot 105 First Avenue, Kendenup, Freehold.

A lease agreement was originally entered into with the Kendenup First Responders (KFR) in 2009, when a shed was constructed on the property by KFR to house first aid equipment and provide a first aid service to Kendenup residents.

Subsequently, in order for the site to also house an ambulance, the lease was transferred to St John in 2012. The transfer of the lease was supported by KFR and the Kendenup Mortigallup Bushfire Brigade (the Brigade), who are located near to Lot 105 First Avenue. As part of the lease conditions, the Brigade has access to the premises with the appropriate notice to St John.

EXTERNAL CONSULTATION

Consultation has taken place with Gemma Lee, Project Support Officer, St John WA.

STATUTORY ENVIRONMENT

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

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

As such, the lease to the St John would be an exempt disposition.

POLICY IMPLICATIONS

Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land - Rateability provides that an organisation leasing or renting land and/or facilities

from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.

Under the Policy, St John falls into the category of Charitable Status. Organisations in this category are to be given a 100% waiver on their rates due to charitable or public purpose status.

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

FINANCIAL IMPLICATIONS

Rental received from St John will be \$10.00 per annum (excluding GST).

St John is responsible for all outgoings, and all building and grounds maintenance on the leased area.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022 – 2032 contains the following Strategic Priorities:

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

‘Advocate for medical and hospital services within the region.’

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

STRATEGIC RISK IMPLICATION

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

With the housing of a dedicated ambulance, the facility located at Lot 105 First Avenue is now a branch of St John and provides the community of Kendenup and surrounds with an important first aid service.

The facility is also used by both St John and the Brigade to facilitate the training of volunteers. Under the new lease the facility will continue to be accessible to the Brigade.

The existing lease agreement allows for parts of Lot 105 Frist Avenue not subject to the leased area to be used for parking if required. This parking area is used by the Brigade on occasions that they require overflow parking from their Brigade shed site. It is recommended that this arrangement continues.

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

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

Further, it is recommended that pursuant to Policy A/PA/14 the rate subsidy be set at 100% due to the charitable status of St John.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease agreement (as attached) between the Shire of Plantagenet and St John Ambulance WA LTD for Lot 105 First Avenue, Kendenup under the following terms and conditions:**
 - a) **Rental to be set at \$10.00 per annum (excluding GST).**
 - b) **The term of the lease to be five years with an option to renew for a further five years.**
 - c) **all outgoing will be the responsibility of St John Ambulance WA LTD.**
 - d) **St John Ambulance WA LTD be responsible for all building and grounds maintenance over the area applicable to the lease.**
 - e) **for the purpose of housing the emergency response vehicles, first aid equipment and training; and**
 - f) **access of the non-leased area of Lot 105 to be maintained for parking purposes.**

2. **For the term of the lease referred to in part one above, the Shire shall be responsible for 100% of land rates levied under the Local Government Act 1995 and the Emergency Services Levy under the Fire and Emergency Services Act 1998.**

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

Nil

13 CLOSURE OF MEETING