



ORDINARY AGENDA

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

DATE: Tuesday, 27 September 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.

In certain circumstances, members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission, statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement of intimation of approval made by any member or Officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet advises that anyone who has any application lodged with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.

The Shire of Plantagenet advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

EMERGENCY EVACUATION PROCEDURES

The Evacuation signal is a siren.

On hearing the siren, please leave the building immediately through either of the front doors. Assembly areas are to your right.

A warden will issue you with further instructions.

Obey the instruction of the warden at all times.

Do not re-enter the building at any time, unless under instruction by the Chief Warden.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	3
3	PUBLIC QUESTION TIME	3
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE -.....	3
3.1.1	PRESENTATION – RODNEY HOVELL – REPRESENTING THE ROCKY GULLY PROGRESS ASSOCIATION – 23 AUGUST 2022.....	3
3.1.2	PRESENTATION – ROBYN PAGET – MOUNT BARKER RESIDENT – 23 AUGUST 2022.....	4
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	4
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	4
5	DISCLOSURE OF INTEREST	4
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	CONFIRMATION OF MINUTES.....	5
7.1	ORDINARY MINUTES OF COUNCIL HELD 23 AUGUST 2022	5
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
9	REPORTS OF COMMITTEES AND OFFICERS.....	6
9.1	DEVELOPMENT SERVICES REPORTS.....	6
9.1.1	LOT 4814 ST WERBURGHS ROAD – OUTBUILDING WITH REDUCED BOUNDARY SETBACK.....	6
9.1.2	RESERVE 17394 - TRANSFER OF CROWN LAND.....	10
9.2	WORKS AND SERVICES REPORTS.....	18
9.2.1	POLICY REVIEW – STANDPIPE LOCATION AND REGULATION OF WATER SUPPLY TO USERS	18

9.2.2	LOT 27 PORONGURUP ROAD – REST STOP	22
9.2.3	PORTABLE TRAFFIC CONTROL DEVICE – BUDGET REALLOCATION.....	25
9.3	CORPORATE SERVICES REPORTS	28
9.3.1	FINANCIAL STATEMENTS – AUGUST 2022	28
9.3.2	LIST OF ACCOUNTS – AUGUST 2022	30
9.3.3	POLICY REVIEW - HALL HIRE DONATIONS	32
9.3.4	SALEYARDS - BUDGET AMENDMENT TO PURCHASE SOFT FLOOR MATS	34
9.3.5	POLICY REVIEW - COMMUNITY HALLS AND BUILDINGS	37
9.4	EXECUTIVE SERVICES REPORTS.....	41
9.4.1	PROPOSED SALE OF SEVERAL PROPERTIES SURPLUS TO REQUIREMENTS.....	41
9.4.2	RENEWAL OF LEASE – PLANTAGENET MEN’S SHED	45
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	48
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	48
12	CONFIDENTIAL.....	48
13	CLOSURE OF MEETING.....	48

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Cr S Etherington was granted Leave of Absence for Tuesday 27 September 2022; and

Cr B Bell was granted Leave of Absence for the period 18 September to 18 October 2022 inclusive.

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE -

3.1.1 PRESENTATION – RODNEY HOVELL – REPRESENTING THE ROCKY GULLY PROGRESS ASSOCIATION – 23 AUGUST 2022

Mr Hovell addressed the Council with a brief update from the Rocky Gully Progress Association and asked the following questions of Council:

- 1. Can Rocky Gully residents have full use of the town oval for events?*
- 2. Can we convert the tank on the oval boundary to public conveniences and will the Shire fund a septic system for it?*
- 3. Will the Shire supply and install flashing speed signs to both entrances of Rocky Gully? (attached).*

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

A letter of response was sent to Mr Hovell on 2 September 2022 (copy attached).

3.1.2 PRESENTATION – ROBYN PAGET – MOUNT BARKER RESIDENT – 23 AUGUST 2022

Ms Paget addressed the Council in relation to road safety concerns in Narrikup, specifically that there should be a slipway into Hannan Way, Hannan Way should not be closed and Newman Road should be sealed.

A letter of response was sent to Ms Paget on 30 August 2022 (copy attached).

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

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 23 AUGUST 2022

Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 23 August 2022.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 August 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 4814 ST WERBURGHS ROAD – OUTBUILDING WITH REDUCED BOUNDARY SETBACK

File Ref:	N59017
Attachment:	<u>Location Plan</u> <u>Aerial Plan</u> <u>Lot Plan</u> <u>Site Plan</u> <u>Floor and Elevation Plan</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Adrian Ortega Senior Planning Officer
Proposed Meeting Date:	27 September 2022

PURPOSE

The purpose of this report is to consider an application for an Outbuilding at Lot 4814 St Werburghs Road. The applicant is seeking a reduced rear setback to the eastern boundary from 10m to 1m.

BACKGROUND

The plans show a 9m x 15m x 4.5m the three-sided steel framed shed. The proposed structure is open to east and will be accessed via the adjoining property.

The applicant owns Lot 4814, 3148 and 244 St Werburghs Road. Of these three lots, only Lot 4814 has direct access to public roads, the other two lots are land locked.

A Building Permit application was initially received in December 2021 indicating the reduced rear boundary setback. The minimum rear setback in a Rural Zone is 10m, the applicant wishes to build the outbuilding setback 1m from the rear eastern boundary.

An application for development approval for the outbuilding with a reduced boundary setback was submitted on 11 August 2022.

Setbacks in the rural zone are a minimum of 5m from the side boundaries and 10m from the front and rear boundaries. The applicant proposes to construct this outbuilding 6m from the southern side boundary and 1m from the eastern rear boundary.

Their justification for this reduced rear setback is that it will provide efficiencies between the new outbuilding and the existing facilities on the adjoining lot and avoids the need for the removal of any existing trees and vegetation.

EXTERNAL CONSULTATION

As the applicant owns three adjoining properties, there has been no external consultation for this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

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

‘Variations to site and development requirements

(1) In this clause –

Additional site and development requirements means requirements set out in clauses 32.

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.’*

POLICY IMPLICATIONS

Local Planning Scheme No. 5 (LPS5) Table 7 states the minimum boundary setbacks required in a Rural zone, these are 10m to the front and rear, and 5m to the side boundaries. Whilst the proposal has a generous setback to the North-Western boundary, the proposed Outbuilding is setback 6m from the side southern boundary and 1m from the rear eastern boundary.

The reduced setback to the eastern boundary does not satisfy the requirements of Shire of Plantagenet’s Annual Bush Fire Mitigation Notice 2022/2023 which specify a 4(w)x4(h) firebreak clearance to allow safe passage for fire trucks, without encroaching the adjoining property.

FINANCIAL IMPLICATIONS

The required development application fee of \$147.00 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 as no assets are being created or acquired.

STRATEGIC IMPLICATIONS

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

At *Outcome 2.2 Infrastructure* the following Strategy:

Strategy 2.2.2:

‘Encourage development that is consistent with the individual character of towns’

Accordingly, the recommended outcome for this report aligns with the Corporate Business 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 4814 St Werburghs Road is located in a Rural zone and is currently vacant. The proposed Outbuilding will be located 6m from the side southern boundary and 1m from the rear eastern boundary where LPS5 requires a 10m setback to the rear boundary.

The construction materials for the proposed 135m² include a steel framed, zincalume roof cladding and colorbond wall cladding.

The LPS5 objectives for Rural zones include:

- ‘1. To provide for the maintenance or enhancement of specific local rural character.
2. To protect broad acre agricultural activities such as cropping and grazing and intensive activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate suitability and compatibility with the primary use.’

The proposed Outbuilding can be considered to provide for the maintenance or enhancement of the specific local rural character, to protect the existing agricultural activities in the area.

Notwithstanding, it is not considered appropriate to vary the 10m rear boundary setback required by LPS5 to 1m. There is insufficient justification for such a significant setback variation, particularly given relatively large lot size and prevailing rural character. In this instance, alternative options for the location and orientation of the building could be considered to avoid vegetation loss. Furthermore, there is no guarantee that land parcels will remain under the same ownership, the encroachment of any asset protection zones and firebreaks could become problematic. The variation could have an adverse effect on the occupiers or users of the development, the inhabitants of the locality and/or future development.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the proposed Outbuilding at Lot 4814 St Werburghs Road, Mount Barker be endorsed, and development approval be granted subject to:

1. The outbuilding being setback 10m from the rear eastern boundary.
2. The development being in accordance with the approved plans dated 9 December 2021.
3. The outbuildings not being used for human habitation.
4. All stormwater runoff from the new building/structure being adequately controlled on-site.

9.1.2 RESERVE 17394 - TRANSFER OF CROWN LAND

File Ref: N59001
Responsible Officer: Delma Baesjou
Executive Manager Development Services
Authors: Laura Adams
Economic Development and Projects Officer
Proposed Meeting Date: 27 September 2022

PURPOSE

The purpose of this report is to seek the Council's consent to apply for a change of purpose and management responsibility for Reserve 17394, being Crown land at the southern end of Mondurup Bushland Reserve.



The rationale for the Shire of Plantagenet seeking the Management Order of this reserve for the purposes of conservation and passive recreation is to carry out a weed-clearing and bush rehabilitation project. The revegetation is required to meet the conditions of a clearing permit for works associated with the DBCA funded Mountain Bike Trails within Reserve 15162, Mount Barker Hill.

BACKGROUND

Reserve 17394, as shown on the above aerial and overleaf, is located at the southern end of Mondurup Bushland Reserve running alongside Omrah Road. It is adjacent to and congruent with Reserve 27185, vested in the Shire of Plantagenet for conservation.



LAND PARCELS	
LAND PARCELS	1 OF 1
Polygon Number	613982
Lot Number	
Parcel Area	51257.00m ²
Plan	MTBART 00573
Land Type	CROWN
SYNERGY PROPERTY INFO	
Parcel Number	613982
Owner Name	State Land Services
Address	OMRAH ROAD
Assessment	A136549
BUILDING APPLICATION	
NO DATA AVAILABLE	
PLANNING APPLICATION	
NO	
RESERVE DETAIL	
1 OF 1	
Reserve Name	
Reserve Number	17394
Reserve Class	C
Current Purpose	QUARRY GRAVEL
Vesting	
Responsible Agency	DEPARTMENT OF LANDS (SLSD)



LAND PARCELS	
LAND PARCELS	1 OF 1
Polygon Number	613985
Lot Number	
Parcel Area	19287.00m ²
Plan	R 17394
Land Type	RESERVE
RESERVE DETAIL	
1 OF 1	
Reserve Name	
Reserve Number	17394
Reserve Class	C
Current Purpose	QUARRY GRAVEL
Vesting	
Responsible Agency	DEPARTMENT OF LANDS (SLSD)

The current purpose of Reserve 17394 is a gravel quarry. The 7.4462ha C class reserve was established in 1920 and comprises Lots 201 and 573. There is no associated Management Order/vesting. The former gravel pit is now exhausted, and the site is no longer utilised. Weeds, including *Watsonia* and invasive wattles, have colonised the previously cleared areas of the site. It has also become an unfortunate hot-spot for illegal dumping.

A clearing permit application for Reserve 15162, Mount Barker Hill is currently with the Department of Water and Environmental Regulation (DWER) to clear native bush for the construction of recreational trails. The necessary conditions to this permit have been negotiated with DWER. A key aspect of these conditions is the provision of a clearing offset – an equivalent vegetation type of degraded native bush that will be rehabilitated within a radius of the bush to be cleared. DWER will require a multiple of around 4.5x to be rehabilitated in proportion to the 1ha to be cleared. Mondurup Reserve has been identified as the most appropriate place within the required radius to revegetate.

The protection of Mondurup Reserve through retention of remnant vegetation and encouraging revegetation is consistent with the Shire of Plantagenet Local Planning Strategy; within Appendix, Part 2.7 includes the following objectives:

- To protect significant landscape features such as Mount Barker Hill and Mount Barrow, retain remnant vegetation and encourage revegetation where appropriate; and
- Encourage the revegetation of creek lines and explore opportunities to extend green corridors into and around the townsite.

The Reserve is not identified as suitable for any future townsite growth. The community and conservation benefits of this revegetation project have also been evaluated; this assessment further supports the selection of this area within Mondurup Reserve.

The bulk of the priority areas to rehabilitate are in Reserve 17394 section of the bushland. Additionally, weed eradication efforts in the Mondurup reserve alone would be undermined by the presence of significant infestations in this adjacent reserve, which would re-colonise the cleared areas.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Plantagenet Local Planning Scheme No. 5 - Reserve 17394 zoned Rural under LPS5. Reserve 27185 is Public Open Space.

EXTERNAL CONSULTATION

This revegetation project is strongly supported by the Friends of Mondurup Reserve, who are currently informing the botanist's plans for Reserves 17394 and 27185.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report.

BUDGET IMPLICATIONS

Once the revegetation plan has been finalised, budget allocations will need to be made over the next five years to deliver the activities.

Discussions are underway with the Bushfire Risk Mitigation Coordinator to access existing funding for weed management projects to subsidise the first stages of the rehabilitation project. There is also considerable potential to partner with local landcare groups across the whole project.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

Correspondence was received on 31 August 2022 from the Department of Planning Lands and Heritage (DPLH) seeking comment on the possible transfer of Reserve 17394 into the Noongar Land Estate (NLE) under the South West Native Title Settlement. Transfer of Reserve 17394 through to the NLE is subject to consultation and approvals with stakeholders.

Given the pending revegetation project and the importance of ongoing weed management and fire mitigation, it is considered appropriate for the Shire to oppose/not support transfer of Reserve 17394 to the NLE and to proceed with the request for a change of purpose and management responsibility of the former gravel quarry.

If however this is denied, officers still consider it is appropriate and responsible to undertake the weed management and revegetation of the former gravel pits within the unmanaged Reserve.

A draft response to the nine (9) issues identified by DPLH is provided below:

South West Native Title Settlement - Land Base Consultation		
Subject Land		Lots 201 and 573 Reserve 17394, Omrah Rd, Mount Barker
SoP Ref/File		R17394 (Lot 201) and A136549 (Lot 573)
DPLH Ref/Parcel ID:		Land List 121 – 613985 & 613982
Issue		Comment/Response
1	Is the Shire of Plantagenet supportive of the transfer of this land to the Noongar People under the Settlement?	Transfer to NLE is not supported given the pending revegetation project and the importance of ongoing weed management and fire mitigation.
2	Does the Shire have any interest in the land?	The Shire proposes to undertake weed management and revegetation of the former gravel quarry and will continue with fire mitigation activities.
3	Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, provide details and advise if access to this infrastructure will need to be maintained	N/A
4	Is the land parcel subject to any mandatory connection to services?	Development would require upgraded road access and installation of a constructed crossover to LG specifications, at proponent's cost. Refer to the Water Corporation for capacity, availability and connection requirements for mains water and reticulated sewer.
5	Are any future proposals for the land identified?	The subject land is within the 'Mondurup Bushland Reserve' as identified in the Shire of

	Provide detail In what timeframe?	<p>Plantagenet Local Planning Strategy; within Appendix 1, Part 2.7 includes the following objectives:</p> <ul style="list-style-type: none"> To protect significant landscape features such as Mount Barker Hill and Mount Barrow, retain remnant vegetation and encourage revegetation where appropriate; and Encourage the revegetation of creeklines and explore opportunities to extend green corridors into and around the townsite. <p>The protection of Mondurup Reserve through retention of remnant vegetation and encouraging revegetation is consistent with community expectations.</p> <p>The land is zoned Rural under Local Planning Scheme No. 5. This is inconsistent with the overarching planning strategy and current community expectations. Land clearing for use and development for rural purposes is unlikely to be supported. Accordingly, rezoning from Rural to Public Open Space local reserve is proposed through the upcoming Omnibus Amendment to address the anomaly.</p>
6	Future proposals for adjoining land? If so, in what timeframe?	<p>The adjacent Reserve 27185 is designated as Public Open Space under the Local Planning Scheme. It is within the 'Mondurup Bushland Reserve'.</p> <p>It serves as a significant bushland, conservation and landscape feature. The Shire of Plantagenet will be undertaking an extensive program of weed management and revegetation. The revegetation efforts in Reserve 27185 will be compromised if corresponding works are not carried in the former gravel quarry.</p>
7	Proposed planning scheme amendments that may affect zoning the change proposed, and when will it come into effect?	<p>In light of the quality of the remnant vegetation and strategic importance of the bushland on Reserve 17394, the Shire of Plantagenet is seeking to rezone the subject land from Rural to Public Open Space local reserve as a component of the Omnibus Amendment to Local Planning Scheme No. 5.</p>
8	Land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land	<p>The former gravel quarry contains considerable weed infestation.</p>

	use and environmental considerations (such as inundation or similar site constraints)	<p>The property has been used for illegal dumping, potential including asbestos-containing materials.</p> <p>The subject land is designated as Bush Fire Prone Area (BFPA) as identified by the Fire and Emergency Services Commissioner. Additional planning and building requirements will apply to future development.</p> <p>The site contains significant remnant vegetation.</p>
9	Additional comments on the proposed transfer of this land as part of the Settlement.	<p>Rates may be levied by the Local Government.</p> <p>The requirements and obligations set out in the Shire of Plantagenet Annual Bush Fire Mitigation Notice pursuant to Section 33 of the Bush Fires Act 1954 will apply.</p>

ASSET MANAGEMENT IMPLICATIONS

Reserve 17394 fire mitigation works are already undertaken by the Shire of Plantagenet, and in this regard, accepting management responsibility will not incur any additional responsibilities. Existing fire management breaks and tracks will lend themselves to 'mosaic' fire management, thereby assisting in protecting the recently revegetated sections of the reserve whilst reducing the fuel load of the reserve overall.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/36 provides at Strategy 2.3.1 (Protection of natural environment) the following Actions:

Action 2.3.1.1:

'Engagement with and support DBCA, NRMs, catchment and Friends of Reserve groups.'

Action 2.3.1.2:

'Advocate for and support weed management and dieback management facilities.'

Action 2.3.1.3:

'Pursue revegetation of degenerated areas.'

Action 2.3.1.3:

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

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial / Reputational</i> Expending funds and resources on land for which the Shire does not have management responsibility	<i>Possible</i>	<i>Minor</i>	<i>Low</i> <i>Moderate</i>	<i>Support Officer Recommendation</i>
<i>Project (time and cost) and Reputational</i>	<i>Likely</i>	<i>Moderate / Major</i>	<i>High</i>	<i>Seek change of purpose and management order for reserve 17394 and undertake revegetation</i>
Opportunity: Improving environmental values of a degraded reserve				

STRATEGIC RISK IMPLICATIONS

The key strategic risk of not proceeding with the revegetation plan is inability to fulfil the criteria for the Pwackenbak clearing permit within the required timeframe, potentially jeopardising the MTB Trails project.

REGIONAL IMPLICATIONS

The development of recreational trails at Reserve 15162 is a project of regional significance, with State government project partners funding the trails construction.

OFFICER COMMENT

Undertaking this weed management and revegetation project within Reserves 17394 and 27185 will facilitate the granting of a clearing permit for Reserve 15162 and enable immediate commencement of construction of the Mountain Bike Trails.

The change in purpose of Reserve 17394 from quarry to conservation and passive recreation better reflects the conservation values and intended land use. It will also assist in achieving the strategic and community objectives for the Mondurup Bushland Reserves.

The land is zoned Rural under Local Planning Scheme No. 5. This is inconsistent with the overarching planning strategy and current community expectations. Land clearing for use and development for rural purposes is unlikely to be supported. Accordingly,

rezoning from Rural to Public Open Space local reserve is proposed through the upcoming Omnibus Amendment to address the anomaly.

While it is considered preferable for the Shire of Plantagenet to have management responsibility for Reserve 17394, regardless of whether the subject land is transferred into the Noongar Land Estate under the South West Native Title Settlement, remediation and revegetation is warranted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. **The Chief Executive Officer be authorised to seek a change in the purpose of Reserve 17394 from quarry gravel to conservation and passive recreation and the Shire of Plantagenet be listed and the responsible agency on the Management Order.**
2. **Reserve 17394 be rezoned from Rural to Public Open Space local reserve as a component of the Omnibus Amendment to Local Planning Scheme No. 5.**
3. **The Department of Planning Lands and Heritage be advised the Transfer of Reserve 17394 to Noongar Land Estate under the South West Native Title Settlement is not supported given the pending revegetation project and the importance of ongoing weed management and fire mitigation.**

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY REVIEW – STANDPIPE LOCATION AND REGULATION OF WATER SUPPLY TO USERS

File Ref:	N59118
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Works and Services
Proposed Meeting Date:	27 September 2022

PURPOS

The purpose of this report is to review Council Policy No I/OA/1 Standpipe Location and Regulation of Water Supply to Users.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 16 June 2020.

The Council owns and manages standpipes at the following locations:

- Jutland Road, Kendenup
- Beech Street, Narrikup
- Marmion Street, Mount Barker and
- Warburton Road, Mount Barker.

Members of the public are able to access these standpipes.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.1 'Imposition of fees and charges'

EXTERNAL CONSULTATION

There has been no external consultation relating to this report.

FINANCIAL IMPLICATIONS

The pricing of water from standpipes is set annually and is included in the Council's fees and charges. The fees for the 2022/23 financial year are as follows:

Standpipe Location	2022/23 Fees \$/kL
Kendenup, Narrikup and Marmion Street – potable	\$10.25
Warburton Road, Mount Barker – non-potable	\$4.25

A standpipe card costs \$21.00 to purchase and is necessary to users to access water and for Shire billing purposes.

The following table shows the Council's expenditure and cost recovery for water usage for the last two years.

Year	Cost to Council of Actual Water Consumption	Costs Recovered by the Council	Recovered %
2020/21	\$117,869	\$120,961	102%
2021/22	\$81,169	\$82,573	102%

The positive recovery rates reflect the additional loading on standpipe charges to cover maintenance costs and future upgrades (Section 4(b) of the policy). The current balance of the Standpipe Reserve account is \$27,762.00.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022/23 – 2032/33 contains the following Strategic Priority:

‘Ensure Council buildings facilities and public amenities are provided and maintained to an appropriate standard.’

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

The Shire of Plantagenet Corporate Business Plan 2022/2023 – 2025/2028 provides at Outcome 2.4 (Council Facilities) the following:

Strategy 2.4.2:

‘A range of community facilities that cater for all’.

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

It was previously reported that the Warburton Road standpipe which supplies non-potable water sourced from Bolganup Dam was to be decommissioned by the Water Corporation in 2020/21. In November 2020, the agreement between the Shire and the Water Corporation to provide this non-potable water was renewed and extended to 4 December 2025.

The current policy is adequate and should be retained. No changes are recommended to the policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy I/AO/1 Standpipe Location and Regulation of Water Supply to users as follows:

OBJECTIVE

To provide clear guidelines regarding the facilitation, monitoring and management of water standpipes in order to:

1. Introduce a fair and equitable system for measuring and charging standpipe water use, thereby encouraging better water management practices in the Shire of Plantagenet.
2. Provide guidance and service to customers who wish to use water from Shire standpipes.
3. Monitor and review water consumption patterns and assist in the planning of water supply infrastructure.
4. Achieve full cost recovery including:
 - a) The actual cost of water used for Council purposes and fire fighting and other volunteer brigade activities.
 - b) With the implementation of a 10% loading on standpipe charges, future costs of maintenance and upgrades, such funds being placed in a Standpipe Reserve Account.
5. Eliminate water theft.

POLICY**1. Scope**

This policy applies to water standpipes provided by the Shire of Plantagenet for public use in the following locations:

- a) Kendenup – corner of Jutland Road and Carbarup Road
- b) Narrikup – corner of Hannan Way and Beech Road
- c) Mount Barker – Marmion Street
- d) Mount Barker – Warburton Road.

2. Legislation

Local Government Act 1995, Section 6.1 'Imposition of fees and charges'

3. Application of Policy

- 3.1 Standpipe controllers are installed on all standpipes, which ensures water can only be taken by approved customers using a swipe card.
- 3.2 Pricing per kilolitre is to be set annually and included in the Council's fees and charges. Pricing shall be fixed for the full financial year and is to be reviewed annually.
- 3.3 Fire/Emergency Services have access to standpipes free of charge for the provision of emergency services only.
- 3.4 Standpipe stations are to be left in a tidy condition after use.

- 3.5 The Council encourages all unit failures and leaking outlets to be reported to the Shire of Plantagenet as soon as possible.**
- 3.6 The Council reserves the right to deny access to the standpipes if a user is found to have caused damage to, or tampered with a standpipe.**
- 3.7 Accounts for electronic standpipe cards are to be paid within 30 days. The Council reserves the right to cancel a card if the account is not paid.'**

be endorsed.

9.2.2 LOT 27 PORONGURUP ROAD – REST STOP

File Ref:	N59135
Attachment	<u>Site Map</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Works and Services
Proposed Meeting Date:	27 September 2022

PURPOSE

The purpose of this report is to obtain approval to include approximately 6,240m² of Lot 27 Porongurup Road within the adjacent Porongurup Road reserve for the purpose of rest stop/viewing area.

BACKGROUND

A Council workshop on 28 June 2022, discussed an offer of a portion of land from Mr Jack Shiner of 1512 Porongurup Road to use as a parking bay for visitors to the area to view the nearby Porongurup and Stirling Ranges.

The area of land is approximately 6,240m² and is situated on Lot 27 Porongurup Road as shown at Attachment One.

STATUTORY ENVIRONMENT

Planning and Development Act 2005, Section 168 – ‘Road, creation of etc on subdivision etc’

Land Administration Act 1997, Section 55 – ‘Property in and management etc of roads’

EXTERNAL CONSULTATION

Consultation has taken place with a local surveyor and staff from DPLH who have confirmed that the application for road widening can proceed.

FINANCIAL IMPLICATIONS

The costs for road widening are in the vicinity of \$10,000.00 which include surveyor fees, application fees and settlement agent fees.

BUDGET IMPLICATIONS

The 2022/2023 Council budget has a line item of \$30,000.00 for legal expenses (account 2120285).

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The 6,240m² of land to act as a viewing area would become part of the Porongurup Road reserve and hence a Shire asset requiring maintenance.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> Managing landowner expectations	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Proceed with Officer Recommendation</i>
<i>Compliance</i> Creation of a site for unapproved camping	<i>Possible</i>	<i>Minor</i>	<i>Moderate</i>	<i>Signage and ranger patrols</i>
Opportunity: Development of strategically located rest stop that reduces traffic conflict				

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022/23 – 2032/33 contains the following Strategic Priorities:

‘Maintain and further develop Shire roads, drainage and pathways at appropriate standards.’

‘Tourism that capitalises on our natural assets without exploiting them.’

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

The Shire of Plantagenet Corporate Business Plan 2022/23 - 2025/28 includes Action 2.1.1.1:

‘Design, construct and maintain roads to safety best practice’.

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Mr Shiner has offered the section of land from his property on Porongurup Road to the Shire of Plantagenet at no cost due to his concern about road safety. He has observed vehicles stopping on the shoulder area opposite his driveway entrance to view both the Porongurup and Stirling Ranges respectively and wishes to provide land for a rest stop/viewing area.

Officers have inspected the site and advised that it is suitable to act as a rest stop. The existing crossover at 6m wide is suitable for light traffic and caravans to access. Some future works to install suitable signage, trim verge vegetation, fence the site and provide an access gate for Mr Shiner will need to be considered. Depending on the popularity of the site some gravel sheeting may also need to take place to provide a suitable surface for vehicles.

It is intended that once the statutory process is underway, discussion will take place with the Mount Barker Tourism Inc (MBT), Porongurup Progress Association (PPA) and the Department of Biodiversity Conservation and Attractions (DBCA) regarding signage and interpretation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. The offer from Mr J Shiner for approximately 6,240m² of Lot 27 Porongurup Road for the purpose of rest stop/viewing area be accepted and he be acknowledged for his gift.**
- 2. Pursuant to Section 168 of the Planning and Development Act 2005, application be made to the Western Australian Planning Commission for the portion of Lot 27 Porongurup Road to be included within the adjacent Porongurup Road reserve (shown at Attachment One) and all costs incurred in this process are to be borne by the Council.**
- 3. Authorise the Chief Executive Officer to commence consultation with Mount Barker Tourism Inc., Porongurup Progress Association and the Department of Biodiversity Conservation and Attractions in relation to a signage and interpretation plan.**

9.2.3 PORTABLE TRAFFIC CONTROL DEVICE – BUDGET REALLOCATION

File Ref: N59109
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Senior Administration Works and Services
Proposed Meeting Date: 27 September 2022

PURPOSE

The purpose of this report is to recommend the purchase of two trailer mounted portable traffic lights with solar panels.

BACKGROUND

In May 2022, Main Roads WA (MRWA) published the latest version of the 'Code of Practice – Traffic Management for Works on Roads' (Code). This document describes MRWA requirements for managing traffic at work sites on roads.

Within this Code, MRWA have included an amendment at Section 6.8.3 Portable Traffic Control Devices (PTCD) which states:

'It is intended to have PTCDs as the preferred method of traffic control on all roads in WA by early 2023.'

Following the release of the Code, research by Shire Officers indicates there is the opportunity to reduce the number of traffic controllers at a roadworks site by using traffic lights and consequently save on the traffic control budget.

STATUTORY ENVIRONMENT

Local Government Act 1995

Road Traffic Code 2000, Part 20 – 'General'

Code of Practice – Traffic Management for Works on Roads, May 2022, Main Roads Western Australia

EXTERNAL CONSULTATION

External consultation has taken place with traffic control device suppliers.

FINANCIAL IMPLICATIONS

Plant purchases are normally funded from the Plant Replacement Reserve. Nevertheless, it is envisaged that this proposal will result in savings in road maintenance, so a corresponding reduction in the main road maintenance account has been recommended instead of funding from that reserve.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The purchase of the PTCD would create a new asset which would be included in the Shire's Asset Register.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Health</i> Existing risks of injury / fatality remain	<i>Rare</i>	<i>Severe</i>	<i>Moderate</i>	<i>Purchase PTCDs which reduces the current risk</i>
Opportunity: Ongoing savings to salaries in traffic control				

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 - 2025/26 includes Action 1.5.2:

'Safety on roads and public open space.'

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The use of PTCDs on quiet gravel roads would reduce the need for traffic controllers to one per roadwork site.

As of 30 March 2022, a casual traffic controller employed through a contractor is charged at \$47.44/hour (incl GST). Over a five (5) month construction period one traffic controller could be saved, which would be \$47.44 x 9.5 hours = \$450.68/day. This equates to \$40,561.12 for a five (5) month construction period.

In addition to the construction season, there would be many other tasks for PTCDs during the year where only one (1) internal staff member would be required for traffic control. This would eliminate the need for a second staff member to put out signs and provide active and safe traffic control.

Recent serious and fatal incidents at road work sites have highlighted the high-risk nature of working on or near roads. The use of PTCDs significantly reduces the traffic controller's exposure to risk by enabling traffic control from a safe location.

Despite being the most expensive option, the recommended trailer mounted lights with a vehicle sensor and solar panels are the most useful. Both individual units can be hooked together for transport by a single vehicle and are light enough to be maneuvered easily by two people.

With the 2022/2023 construction period approaching and an indicative wait time of six to eight weeks for delivery, the EMWS is seeking Council endorsement to purchase the trailer mounted lights as soon as possible.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the following budget reallocation be authorised to enable the purchase of two trailer traffic lights with solar panels and sensor at a cost of \$28,600.00 (excl GST):

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
4120330	PLANT - Plant & Equipment (Capital)	(\$796,330)	(823,130)	(\$26,800)
2120213	Road Maintenance Outside BUA	(1,391,500)	(1,364,700)	\$26,800

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – AUGUST 2022

File Ref:	N59039
Attachment:	<u>Financial Statements – August 2022</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	27 September 2022

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 August 2022.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Financial Statements for the period ending 31 August 2022 be received.

9.3.2 LIST OF ACCOUNTS – AUGUST 2022

File Ref: N59081
Attachment: List of Accounts - August 2022
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Hillman
Accounts Officer
Proposed Meeting Date: 27 September 2022

PURPOSE

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

RISK MITIGATION IMPLICATIONS

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

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

1. Electronic Payments and Direct Debits totalling \$969,202.28; and
2. Municipal Cheques 47232 to 47233 totalling \$3,000.00.

9.3.3 POLICY REVIEW - HALL HIRE DONATIONS

File Ref: N59102
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 September 2022

PURPOSE

The purpose of this report is to review Council Policy A/PA/4 – Halls – Hall Hire Donations.

BACKGROUND

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

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

This policy provides proper fiscal control of hiring of Council controlled venues.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

This policy provides for some recourse for recoup of damage from the hiring of Council controlled venues.

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 sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy A/PA/4 – Halls – Hall Hire Donations:

‘OBJECTIVE

To enable the Council to encourage use of Council venues, properly account for both hall and equipment hire charges and to protect assets from misuse or inadvertent damage.

POLICY:

- 1. That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.**
- 2. As the Council has set hall hire fees at a rate designed to encourage greater use of such facilities the Council will not consider further donations of hall hire except during the budget grants process.’**

be endorsed.

9.3.4 SALEYARDS - BUDGET AMENDMENT TO PURCHASE SOFT FLOOR MATS

File Ref: N59101
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 September 2022

PURPOSE

The purpose of this report is to consider a recommendation from the Saleyards Advisory Committee for a budget reallocation to enable an opportunity to purchase 216 (equivalent to half a container load) of soft floor mats.

BACKGROUND

The current soft floor mats in the saleyards were purchased and installed over ten years ago. Over 1,000 'Surefoot' soft floor rubber mats were installed by staff throughout the facility over two years. The mats cover six receival ramps and all of the 144 selling pens.

The benefits of the mats relate to leg stress being virtually eliminated and better overall temperament of cattle. Cattle on soft floor are more attractive to buyers especially feedlotters with a quicker recovery period through the selling process. The mats are particularly beneficial for younger cattle.

The mats are becoming badly worn in some areas, particularly where the concrete grooves underneath are deeper than average. Saleyards staff have raised this matter and a purchase of a container load of mats has been under budget consideration for the last two years. The cost of a full container load has been cost prohibitive in comparison to other budget priorities.

Stock agents have raised the matter at recent meetings as the current state of the mats in some areas is causing cattle to trip over.

At its meeting held on 23 August 2022, the Saleyards Advisory Committee resolved to recommend to the Council:

'That a budget reallocation be authorised to enable an opportunity to purchase half a container load of soft floor mats at a cost of \$34,500.00 (ex GST), plus freight.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The cost of the mats will be \$34,500.00 (ex GST), plus freight estimated at \$2,000.00.

BUDGET IMPLICATIONS

This report recommends a budget review which will add a Saleyards capital budget item, to be funded by the Saleyards Capital Improvements Reserve. The current balance of that Reserve is \$294,549.00, with an expected closing balance at the end

of 2022/2023 of \$50,737.00. This proposal almost exhausts the estimated year end balance of the reserve fund, but the facility does have the backup balance of the Saleyards Operating Loss reserve to fall back on if necessary.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

When purchased over ten years ago, it was recognised that the soft floor mats would need to be gradually replaced over the life of the saleyards. If wasn't known at that time how long the mats would last, however there is now a clearer picture about the lifespan of mats, which have a minimum of ten years' life depending on their location within the facility.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2022/23 – 2032/33 provides at 'Our Infrastructure and Facilities':

Service Objective

'To provide a modern, well maintained and self-supporting cattle saleyards for the beef industry in the Great Southern Region'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational / Compliance</i> Not purchasing and laying mats in the worst affected areas will likely result in more cattle slippage and potential injuries which will impact on stakeholders	<i>Possible</i>	<i>Minor</i>	<i>Moderate</i>	<i>Endorse the purchase now</i>

<i>Financial</i>	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Endorse the purchase now</i>
That this opportunity will not arise again and will result in some additional cost, and that a whole container load of mats will need to be purchased				

OFFICER COMMENT

Earlier this year, it came to the Shire's attention that, as part of infrastructure upgrades for Boyanup saleyards, a purchase of several container loads of soft floor mats are being purchased by the facility operators, Western Australian Livestock Markets Association. The option is open for the Shire to purchase half of a container load at cost. There would also be the cost of freight as well as installation.

There is no current budget allocation, but this is an opportunity that may not become available again. The Saleyards Advisory Committee agreed that this was a worthwhile opportunity as a bulk purchase is the most cost effective purchase option and in this case, the Shire would not have to incur the cost of an entire container.

VOTING REQUIREMENTS

Absolute Majority

SALEYARDS ADVISORY COMMITTEE RECOMMENDATION

That the following budget reallocation be authorised to enable an opportunity to purchase 216 soft floor mats at a cost of \$34,500.00 (ex GST), plus freight:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
OC802J	Saleyards – Soft Floor Mats	\$0	(\$36,500)	(\$36,500)
5130481	Transfer from Saleyards Capital Improvements Reserve	\$322,810	\$359,310	\$36,500

9.3.5 POLICY REVIEW - COMMUNITY HALLS AND BUILDINGS

File Ref:	N59103
Attachment:	<u>Policy with amendments</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	27 September 2022

PURPOSE

The purpose of this report is to review Council Policy A/PA/17 – Community Halls and Buildings.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 8 September 2020.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act relates to the disposition of property and the manner by which a Local Government can dispose of property.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

This policy was originally created for asset management reasons, that is to encourage community groups to take over some responsibility for the ongoing activation and maintenance of Council buildings.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational</i> Staff would deal with applications and enquiries on their merits, without overarching guidance	<i>Unlikely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Endorse the renewal of the policy position</i>

OFFICER COMMENT

This policy continues to provide a position regarding Council owned halls and public buildings from an asset management point of view and the potential for community groups to assume responsibility for the running of those buildings.

To date lease agreements have been entered into in regard to the following halls and public buildings:

- Kendenup Agricultural Grounds – Kendenup Community Grounds Committee;
- Former Guide/Scout Hall – Plantagenet Mens Shed Inc;
- Woogenellup Hall – Woogenellup Progress Association;
- Mitchell House – Mitchell House Arts Centre Inc;
- Porongurup Hall – Porongurup Promotions Association Inc;
- Plantagenet District Hall - Plantagenet Players;
- Sounness Park Clubrooms – Plantagenet Sporting Club Inc;
- Portions of Frost Park – Agreement to licence to Mount Barker Turf Club Inc;
- Former HACC Building – Plantagenet News;
- Lesser Hall – Empowering Plantagenet Seniors Inc; and
- Historic Museum Buildings – Plantagenet Historical Society.

The Porongurup Promotions Association Inc (PPA) has proposed an upgrade to the Porongurup Hall and significant design work and consultation has occurred with the PPA. While the project did not attract any Council funding in the 2022/2023 budget, it is highly ranked. It will be considered again in the 2023/2024 budget, subject to contributions from the PPA and Lotterywest.

When this policy was reviewed two years ago, some additions to the policy were incorporated to clarify the process when applications are received from a lessee or community group for additions or modifications to a Council hall or building.

The changes to the policy recommended now is to reflect the change of Strategic Development Department to Development Services and to adjust some wording to reflect that the Council will ‘consider’ applications rather than ‘approve’ them.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy A/PA/17 – Community Halls and Buildings, as follows:

‘OBJECTIVE:

To clarify the Council’s position with regard to the ongoing operation and development of community halls and public buildings.

POLICY:**1. Operation of community halls and public buildings**

The Council is of the opinion that community halls within the District should be:

- a) Wherever possible, operated by an appropriate incorporated community body;
- b) ‘Operated’ in part 1(a) can include ownership or leasing;
- c) If sale or lease cannot be effected for community hall purposes the closure of the hall and subsequent sale and removal of the subject structure may be pursued.

2. Applications for capital works on community buildings

Where the Council receives an application from a lessee or community group for additions or modifications to a Council hall or building, the Development Services Department will:

- (a) Prepare a report to the Council to consider the development of a formal proposal. This report will include financial implications to develop the proposal.
- (b) Upon such endorsement, develop a proposal with the lessee or community group to a feasibility / concept plan level, which is to consider the following:
 - i. Budget parameters including initial and ongoing financial commitment by the Council.
 - ii. Ongoing operation and management implications.
 - iii. Initial and ongoing implications on Council staff and resources.
 - iv. Ongoing ownership of assets.
 - v. Other matters as required by Council Policy A/PA/15 – Asset Management.
- (c) Present the proposal to the Council for determination and, if necessary a budget allocation.

- (d) Lodge an Application for Development Approval.**
- (e) Provide assistance to the lessee or community group to raise funds for the project through grant applications.**
- (f) Prepare contract documentation and conduct a request for quote or tender, as required by the Local Government Act 1995 and the Shire of Plantagenet Purchasing Policy for any planning, documentation or construction works.**
- (g) Manage the project and administer any contracts entered into required to complete the works.'**

be endorsed.

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 PROPOSED SALE OF SEVERAL PROPERTIES SURPLUS TO REQUIREMENTS

File Ref:	N59104
Attachments:	<u>Confidential report including valuation figures (highlighted) and Property Valuations attachment</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	27 September 2022

PURPOSE

The purpose of this report is to seek authority to offer a number of surplus land holdings for sale by public (electronic) auction.

BACKGROUND

Two council workshops have been held this year to progress the sale of surplus land holdings.

This proposal has been raised as a Key Performance Indicator but has also come into focus in response to the possibility of using this funding source in certain options for Stage 1B of the development of the Mount Barker Swimming Pool.

Staff initially reviewed all 61 land parcels of which are or believed to be in freehold ownership by the Shire. At the May 2022 workshop, the following properties were further considered for sale.

Description
Lot 8 Marmion Street, Mount Barker
Lot 100 Woogenellup Road, Kendenup
Lot 2038 Martagallup Road, Kendenup
Lot 324 Hassell Street, Mount Barker
Lot 311 (89) Second Avenue, Kendenup
Lot 100 Pearce Road, Kendenup
Lot 50 Jutland Road, Kendenup
Lot 2072 Jutland Road, Kendenup
Lot 2008 Beverley Road, Kendenup

Further to this workshop, an additional property at Lot 2003 Chauvel Road, Kendenup was identified as a possible lot for sale (as the adjoining owners expressed an interest in its purchase).

The property at Lot 8 Marmion Street, Mount Barker has been excluded for now as this is currently being used as a storage facility for Building Services. Alternative facilities at the Shire Depot would need to be developed prior to a sale of this site (for which a budget allocation has been set aside).

STATUTORY ENVIRONMENT

Section 3.58 (Disposing of property) of the Local Government Act 1995 applies, as follows:

- ‘(2) Except as stated in this section, a local government can only dispose of property to —*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.’*

If the Council intends to discuss individual market values, it is recommended that the Council proceed behind closed doors in accordance with Section 4A of the Local Government (Administration) Regulations 1996.

‘Matter prescribed for when meeting may be closed to public (Act s. 5.23(2)(h))

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).’

FINANCIAL IMPLICATIONS

If all of the recommended lots are offered for sale and sold; survey, valuation and conveyancing costs may be up to \$20,000.00. Selling costs also would be up to \$45,000.00. Based on total costs of \$65,000.00, the estimated net income could be in the region of \$470,000.00 assuming the properties sell for the assessed value.

The course of action recommended will result in substantial income which may be set aside for the purpose of developing or renewing the Shire’s asset base, without a corresponding impact on rates. Further, there will be an additional nine properties which will generate future income from rates.

Costs for the recommended sale option are a success fee of \$3,500.00 per property, plus a marketing fee of \$1,500.00. If a property does not sell, then the cost to the Shire would be the marketing fee of \$1,500.00 (each).

BUDGET IMPLICATIONS

The 2022/2023 budget includes the following:

- Expenditure of \$65,000.00 for land selling costs in budget item 2140252 (ADMIN – Consultants).
- Income of \$480,000.00 from the sale of properties in budget item 5140250 (ADMIN - Proceeds on Disposal of Assets).
- Transfer to reserve of \$430,000.00 in budget item 4140281 (ADMIN - Transfers to Reserve).

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

The Shire has followed up with Landgate on the legal title and sale requirements and everything is considered to be in order for the properties to be sold.

ASSET MANAGEMENT IMPLICATIONS

The course of action recommended will remove nine properties from the Council's control.

STRATEGIC IMPLICATIONS

There are no specific strategic implications for this report.

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial – By not attempting sale of identified blocks, there will be a financial cost of raising equivalent capital for future capital works projects.</i>	<i>Likely</i>	<i>Major</i>	<i>Major</i>	<i>Attempt the sale of identified properties</i>
Opportunity: <i>Timing is favourable given the current demand for property. Further, there will be rates payable on the properties when sold</i>				

OFFICER COMMENT

The sworn valuations have been received and are in a confidential attachment. Each property has a market range of values and an adopted valuation. This is on the basis of an expected selling period of several months. This is typical for locality and or market segment conditions, although not necessarily applicable for the current situation.

Then valuer notes that *'The market for residential and lifestyle property within the Albany region has increased over the past twelve months following sustained levels of limited supply and high demand. In general, demand has increased and good property that is put to the market for sale tends to turn over in a reasonable time frame while fair properties in less popular locations can be exposed for some time before an appropriate buyer can be located.'*

Due to the price increases closer to Albany and Denmark becoming unaffordable for some, similar residential and lifestyle type properties in more remote locations are becoming increasingly sought after. This in turn is presenting some growth in the residential/lifestyle property market within the Plantagenet locality and surrounds.'

It is recommended that the properties listed above be offered for sale. Selling over the latter part of this year should be beneficial, while there is still some greenery around.

In terms of selling approaches, one local real estate agent (Respondent 1) recommended a standard auction approach. The sales costs would be based on a schedule (maximum 10.4% of the sale price ranging to 5.5% for higher value

properties), plus \$250.00 for auctioneer fee, plus approx. \$1,500.00 for advertising. The total price would be around \$45,000.00.

The other agent (Respondent 2) has recommended 'Market Buy', which is described as follows:

'Market Buy is an online platform used to make and manage offers on real estate, allowing Buyers to quickly and easily make offers via an online portal. This can be by Private Treaty or by Auction.

Each Buyer makes an offer via a private link and can stipulate their price and all other offer conditions (finance, pest inspection etc.) This is a very quick and easy process which encourages Buyers to participate and generally elicits more offers.

If multiple Buyers submit offers, each Buyer has the ability to adjust their offer as many times as they wish, and at the Sellers' discretion a final 'bidding' stage can be employed at which time all Buyers have the ability to adjust their offer until such time as everyone has put their most competitive offer forward.'

In this instance, it is recommended that the Respondent 2 'Market Buy' auction option be used as it provides an option for the Council to review auction results before committing to a sale. The costs of this option are dealt with under 'Financial Implications'.

It is envisaged that there will be a 3 – 4 week marketing campaign followed by a two week auction timeframe. Once all offers are finalised, a report will be submitted to the Council with the auction results. The Council may then select the preferred offers based on price and any conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Pursuant to Section 3.58 of the Local Government Act 1995, the following properties be offered for sale, with the auction results being submitted to the Council for a final decision on acceptance or otherwise of the offers:
 - a) Lot 100 Woogenellup Road, Kendenup.
 - b) Lot 2038 Martagallup Road, Kendenup.
 - c) Lot 324 (54) Hassell Street, Mount Barker.
 - d) Lot 311 (89) Second Avenue, Kendenup.
 - e) Lot 100 Pearce Road, Kendenup.
 - f) Lot 50 Jutland Road, Kendenup.
 - g) Lot 2072 Jutland Road, Kendenup.
 - h) Lot 2008 Beverley Road, Kendenup.
 - i) Lot 2003 Chauvel Road Kendenup.
2. Respondent 2 (as detailed in the confidential report) be appointed to conduct the auctions in Clause 1 above, using the 'Market Buy' auction platform.

9.4.2 RENEWAL OF LEASE – PLANTAGENET MEN'S SHED

File Ref:	N59091
Attachment:	<u>Lease Agreement</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	27 September 2022

PURPOSE

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

BACKGROUND

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

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

EXTERNAL CONSULTATION

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

STATUTORY ENVIRONMENT

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

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

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

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

POLICY IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

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

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

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 1.3.2:

'A healthy and active Community'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That the Council risks seen to be not supporting a local community support group	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Endorse the renewal of the lease agreement</i>

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

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

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

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

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

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