

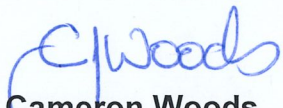


ORDINARY MINUTES

DATE: Tuesday, 22 June 2021

TIME: 4:00pm

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


Cameron Woods
CHIEF EXECUTIVE OFFICER

Resolution numbers: 106/21 to 123/21

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

4.00pm The Presiding Member declared the meeting open.

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

Members Present:

Cr C Pavlovich	Shire President
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr K Woltering	Councillor

In Attendance:

Mr Cameron Woods	Chief Executive Officer
Mr Andrus Budrikis	Executive Manager Strategic Development
Mr John Fathers	Executive Manager Corporate Services
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Cr J Moir

Members of the Public Present:

There were two members of the public present.

Previously Approved Leave of Absence:

Nil

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The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement 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 or limitation or approval made by a 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 warns that anyone who has an application 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.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mrs Marshall raised five questions to the Council in her presentation at the Ordinary Council Meeting on 25 May 2021.

These questions were taken on notice and a letter of response was sent to Mrs Marshall on 3 June 2021 (attached).

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – MS JANELLE NUGENT

Ms Nugent addressed the Council in relation to an unprovoked dog attack that occurred on 24 December 2020.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995.

Cr C Pavlovich

Item: 9.2.8

Type: Financial pursuant to Section 5.60A of the LGA 1995.

Nature: Active in the Heavy Haulage Industry RAV & AMMS.

Extent: Transport company utilising LG road network.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 APPLICANT: CR C PAVLOVICH

Cr Pavlovich requested Leave of Absence from 23 July 2021 to 8 August 2021 inclusive.

6.2 APPLICANT: CR B BELL

Cr Bell requested Leave of Absence from 24 June 2021 to 9 July 2021 inclusive.

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

That Leave of Absence be granted to Cr C Pavlovich for the period 23 July 2021 to 8 August 2021 inclusive and Cr B Bell for the period 24 June 2021 to 9 July 2021 inclusive.

CARRIED (8/0)

NO. 106/21

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 25 MAY 2021

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 25 May 2021 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 107/21

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President offered his Congratulations to Mrs Cecilia Sounness OAM on being recently awarded the Medal of the Order of Australia in the General Division, in recognition of outstanding service to the community of Mount Barker.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

9.1.1 GREAT SOUTHERN CENTRE FOR OUTDOOR RECREATION EXCELLENCE - TWO YEAR SERVICE AGREEMENT

File Ref:	N55335
Attachments:	<u>GSCORE Service Agreement</u> <u>RTMP Implementation report</u>
Responsible Officer:	Andrus Budrikis Executive Manager Strategic Development
Author:	Sonja Parker Community Development Officer Laura Adams Economic Development Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to seek endorsement of the Great Southern Centre for Outdoor Recreation Excellence's (GSCORE) proposed Service Agreement for a two-year period to continue the development of trails and outdoor recreational activities in the Shire.

BACKGROUND

The Shire of Plantagenet has been developing and enhancing trails and outdoor recreational opportunities across the Shire over the past several years. This work has included partnering with other organisations and neighbouring regional Councils to develop strategic documents, apply for grant funding and work towards destination marketing opportunities.

In 2020, with the support of the Shire of Plantagenet, GSCORE developed a Regional Trails Master Plan (RTMP). Funding for this was provided by the State Government, Great Southern Local Government Authorities and the Building Better Regions Fund (BBRF) (Round 3). The Great Southern RTMP outlines an infrastructure development program for a wide range of trail experiences suited to different user groups across the region. The RTMP was endorsed by Council at the 16 June 2020 Council meeting (Res 140/20). The RTMP's recommendations were also partially implemented by the Shire of Plantagenet's Trails Masterplan Review 2019.

Directed by the priority projects in the RTMP, GSCORE assisted with the development of a concept plan for mountain bike trails on Mount Barker Hill. This was produced by trail design company Magic Dirt, with GSCORE directing its delivery. The concept was endorsed by Council at its 14 July 2020 meeting (Res 192/20).

It was proposed that the Shire engage in a formal arrangement for GSCORE to continue to progress trails development on behalf of and in partnership with the Shire. Following a workshop held with Councillors on 14 July 2020 to discuss the proposed Service Agreement with GSCORE, the Shire of Plantagenet entered into an agreement with GSCORE for one year at a cost of \$5,000.00.

Under this previous Service Agreement GSCORE provided the following services for the 2020/21 period:

Category	Service	Progress/ key achievements
Project governance	Establish and provide secretariat support to the Great Southern Trails Reference Group (GSTRG).	The Shire has a representative on the GSTRG, which meets quarterly to monitor the implementation of the RTMP and provide updates on priority projects. The membership includes LGA, State government and industry representatives from across the region.
	Implement the RTMP across Great Southern Councils.	Achieved.
	Maintain RTMP website.	Achieved, with a regional destination marketing strategy under development by the GSTRG.
Priority trails	Tower Hill trail network.	Submission of BBRF Round 5 grant application that includes Mount Barker Hill mountain bike trails and tourism infrastructure. Commissioning a heritage survey of Mount Barker Hill where the consultant Archae-aus worked with members of the Mount Barker Aboriginal Progress Association (MBAPA) to assess the Noongar heritage of the site.
	Great Southern Treasures Recreation Circuit ('Bobtail Trails').	A grant application has been submitted for trail enhancement to the walking trails at Mondurup Reserve and Kendenup Nature Trail. This will be constructed and marketed as a joint project with neighbouring Shires.
Local trail planning	Assist the Shire with the implementation of its Local Trail Plan.	The Plantagenet Trails Masterplan Review was endorsed in June 2020, with GSCORE providing feedback on the draft.
Marketing	Develop Great Southern Regional Trails Marketing Strategy.	Branding workshops are underway through the GSTRG to develop a regional strategy for signage and destination marketing.
Training & Capacity Building	Develop trail building training resource hub for land managers and trail managers.	A digital resource hub has been created on the GSCORE website. Discussions are ongoing regarding support for a trail building training program relevant for Mt Barker Hill.

EXTERNAL CONSULTATION

The development of the Regional Trails Masterplan involved significant community and stakeholder consultation. The development of the corresponding Plantagenet Trails Masterplan Review 2019 was overseen by a Working Group featuring community members and industry operators.

No specific consultation on this Service Agreement is required as it is an operational document to guide project governance.

STATUTORY ENVIRONMENT

Any project proposals developed under this initiative will be required to be compliant with all relevant laws and regulations, notably including those detailed in the DBCA trail development frameworks – an industry-recognised set of guidelines for planning and building trails. This process is integrated into the Regional Trails Masterplan.

ASSET MANAGEMENT IMPLICATIONS

Individual development projects that arise from the Service Agreement and the partnership with GSCORE will be assessed for asset management implications at the time of presentation to Council.

FINANCIAL IMPLICATIONS

GSCORE are requesting \$10,000.00 per annum to provide these services to the Shire of Plantagenet.

BUDGET IMPLICATIONS

A sum of \$10,000.00 will need to be included in the 2021/2022 budget to accommodate the request. The same amount will also need to be included in the 2022/2023 budget.

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 the Shire of Plantagenet relating to this report.

STRATEGIC IMPLICATIONS

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

Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy:

Strategy 2.3.4:

'Plan and seek funding for the development of trails in line with the Trails Master Plan'.

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

REGIONAL IMPLICATIONS

The RTMP (and collaboration with other LGAs through GSCORE) is designed to look at leisure attractions on a regional scale, with complementary projects being developed in neighbouring LGAs rather than competing ones. At a local level these trails developments will also progress the aim of developing Plantagenet's tourism offer as a gateway to the region.

OFFICER COMMENT

This Service Agreement is effectively a continuation of the previous one, running from 1 July 2021 for two years, with progress reporting due on 30 June 2022.

The proposed Service Agreement is attached in full, with particular implications for the Shire of Plantagenet noted below:

- The proposed model for progressing these projects is very collaborative with other Great Southern LGAs and State government organisations. DBCA and other relevant government stakeholders are utilising GSCORE as a conduit for potential involvement in LGA trails developments.
- If the BBRF 5 funding application is successful, the construction of several mountain bike trail projects across the Great Southern will be funded. GSCORE has identified Mt Barker Hill as the first priority of those projects.
- In the past week it was announced that GSCORE have been successful with their Lotterywest funding application to produce signage and marketing materials for the Great Southern Bobtail Trails, which includes the walking trails at Mondurup Reserve and in Kendenup.
- A Pilot Volunteer Trail Maintenance Program grant application has been submitted to Lotterywest, and details of the proposed trail building training program have been submitted to the State NRM. This is particularly relevant to engagement with MBAPA regarding Mt Barker Hill, who have identified job opportunities and training as the top priority for the Noongar community.

It is also worth noting that GSCORE have very recently re-branded: their new trading name is Outdoors Great Southern. However, their registered business name remains GSCORE, and so this is who the proposed contract is with.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Oldfield:

That:

1. The Council endorses the GSCORE Service Agreement for a period of two (2) years at a cost of \$10,000.00 per annum.
2. That Council authorises the Chief Executive Officer to sign the agreement on behalf of the Council.

CARRIED (8/0)

NO. 108/21

9.2 WORKS AND SERVICES REPORTS

9.2.1 ADOPTION OF BUSHFIRE RISK MANAGEMENT PLAN

File Ref:	N55235
Attachment:	<u>Shire of Plantagenet Bushfire Risk Management Plan, 2021 – 2026, Version One</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Nicole Selesnew Project Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to present the Shire of Plantagenet Bushfire Risk Management Plan 2021 – 2026, Version One, for adoption.

BACKGROUND

The Emergency Management Act 2005 formalised the establishment of the State Emergency Management Committee (SEMC). The SEMC has a strategic advisory role in relation to emergency management in Western Australia, specifically to provide direction, advice and support for public authorities to plan and prepare for emergency management.

Each defined and prescribed hazard has a dedicated State Hazard Plan. The State Hazard Plan - Fire details responsibilities for local governments which includes the preparation of a Bushfire Risk Management Plan (BRMP).

The BRMP must comply with the Guidelines for Preparing a Bushfire Risk Management Plan (prepared by the Office of Bushfire Risk Management [OBRM]) and follow the principles of the Australian Standard for Risk Management – Principles and Guidelines.

The planning process identifies assets at risk from bushfire, assigns them a risk rating and prioritises assets for treatment. The plan covers a five-year span. The objective of the BRMP is to protect people, assets and areas of significance to the Shire.

State agencies including the Parks and Wildlife Service (PWS), Forest Products Commission (FPC) and Department of Fire and Emergency Services (DFES) actively contribute to the planning process. The resultant plan is reviewed by OBRM and endorsed by the Council.

The Shire of Plantagenet BRMP was prepared by the Shire's Bushfire Risk Planning Coordinator, a role which is shared with the Shire of Denmark and the City of Albany. The role of Bushfire Risk Planning Coordinator was created with funding provided by DFES to assist local governments with a high bushfire risk but a low capacity to prepare a BRMP. The role has been active since October 2017 with the main task being the preparation of the Shire's BRMP.

The attached BRMP was endorsed by the OBRM on 29 April 2021 and now requires Council endorsement.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

Guidelines for Preparing a Bushfire Risk Management Plan – OBRM

Australian Standard AS/NZ ISO 31000:2009 Risk Management – Principles and Guidelines

EXTERNAL CONSULTATION

Consultation has taken place with the following agencies while compiling the BRMP:

- DFES
- Department of Biodiversity, Conservation and Attractions (including PWS)
- FPC
- Department of Planning, Lands and Heritage
- South West Aboriginal Land and Sea Council
- Landcare Groups
- OBRM.

Council committees including the Bushfire Advisory Committee and Local Emergency management Committee were also consulted.

FINANCIAL IMPLICATIONS

The Shire of Plantagenet is responsible for the development, implementation and ongoing review of the BRMP.

The BRMP identifies a number of controls to assist with bushfire risk mitigation. These controls range from management of the Annual Bush Fire Notice through to reserve management, community education and training programs. Implementation of control strategies is the responsibility of the relevant land owner / manager and will include government agencies and utility providers (for example Water Corporation).

Requests for mitigation funding from both State and Federal Government agencies will need to be made in conjunction with recommendations outlined in the BRMP.

BUDGET IMPLICATIONS

There are no budget implications for municipal funds. However, this BRMP does give access to grant funding from DBFM to undertake fire mitigation treatments based on identified risk.

POLICY IMPLICATIONS

Policy A/L/1 – Legislative Compliance, applies.

LEGAL IMPLICATIONS

The Shire is legally required to have a BRMP which complies with the 'Guidelines for Preparing a Bushfire Risk Management Plan 2020'.

ASSET MANAGEMENT IMPLICATIONS

The BRMP reviews the bushfire risk across a broad range of Shire assets including settlements, economic infrastructure, environmental values and cultural sites. A consequence and likelihood assessment of the impact of a bushfire event is applied across Shire assets to prepare treatment priorities and assist with the preparation of a treatment plan.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.9 (A safe Plantagenet) the following Strategies:

Strategy 1.9.2:

'Support the community in emergency and fire management planning, preparedness, response and recovery'

and Strategy 1.9.4:

'Promote and support planning and activities that encourage a safe and responsible community'

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

STRATEGIC RISK IMPLICATIONS

The Shire's Strategic Risk Register provides a review of Business and Community Disruption, with 'fire' listed as a potential cause of disruption.

The key controls to manage Business and Community Disruption include the preparation of a BRMP.

REGIONAL IMPLICATIONS

The Bushfire Risk Planning Coordinator is a shared role with the Denmark and Plantagenet Shires and the City of Albany. The coordinator has been preparing BRMPs for all three local government bodies and once the plans have been endorsed and actions are implemented, there will be a reduction in fire risk across the lower Great Southern. Opportunities will also exist for joint mitigation measures to achieve cost efficiencies and interagency cooperation.

OFFICER COMMENT

The Shire of Plantagenet Bushfire Risk Management Plan 2021 – 2026, Version One (attached) was prepared in accordance with the requirements of the Guidelines for Preparing a Bushfire Risk Management Plan 2020 and the Australian Standard for Risk Management.

The BRMP documents the process undertaken to identify, analyse and evaluate risk and determine priorities for treatment.

The plan has a multi-agency approach with the WA Planning Commission, WA Police, DFES, Water Corporation, Western Power, Department of Education WA and Main Roads WA identified as key stakeholders, with responsibilities to address risks that may impact on the Plantagenet community.

The attached BRMP does not include the treatment plan and asset schedule as these are working documents that are subject to change on a regular basis. These changes may be a result of unusual seasonal conditions, changes to settlement patterns, development of new industry or recognition/declaration of environmentally significant areas.

The attached BRMP was endorsed by the OBRM on 29 April 2021. The BRMP now requires Council endorsement to meet the Shire's legislative requirements and to enable the Shire to apply for funding to address risk treatment strategies.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr K Woltering:

That the Shire of Plantagenet Bushfire Risk Management Plan 2021 – 2026, Version One, as attached, be endorsed.

CARRIED (8/0)

NO. 109/21

9.2.2 ANNUAL BUSH FIRE MITIGATION NOTICE 2021/2022

File Ref:	N55417
Attachments:	<u>Bush Fire Mitigation Notice 2021/2022</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Mike Barnes Community Emergency Services Manager
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to endorse the Annual Bush Fire Mitigation Notice (ABFMN) 2021/2022 for the publication and distribution to owners and occupiers of land within the Shire of Plantagenet.

BACKGROUND

The Shire of Plantagenet publishes an ABFMN for distribution to all landholders which is posted with the Rates Notice. ABFMNs are also distributed to lessees of rental properties in the Shire through local real estate agents.

Consultation with Shire staff and Bush Fire Control Officers' commenced in May 2021 to review the ABFMN. A draft notice incorporating amendments was presented to the Shire or Plantagenet Bush Fire Advisory Committee (BFAC) at its meeting on 5 May 2021.

Proposed minor amendments were discussed and with no further changes recommended at the meeting it was resolved that the Council implement the ABFMN 2021/2022 as presented.

STATUTORY ENVIRONMENT

Bush Fire Act 1954

Planning and Development Act 2005

Western Australian Planning Commission State Planning Policy 3.7 – Planning in Bush Fire Prone Areas 2015

Bush Fire Management and Response Plan

Bush Fire Brigades Local Law 2020

EXTERNAL CONSULTATION

The ABFMN has been reviewed by the Chief Bush Fire Controller Officer and the Bush Fire Advisory Committee (BFAC).

FINANCIAL IMPLICATIONS

Funds have been allocated in the annual budget to facilitate the printing of the ABFMN. Printing costs will be in order of \$2,400.00. The ABFMN will be distributed with the Annual Rates Notice.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.9 (A safe Plantagenet) the following:

Strategy 1.9.2:

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

Accordingly, the recommended outcomes for this report align with the Strategic Community Plan.

STRATEGIC RISK IMPLICATIONS REGIONAL IMPLICATIONS

The Shire's Strategic Risk Register provides a risk for Business and Community Disruption – Community fire and emergency education.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Some minor cosmetic and details amendments to the ABFMN were suggested and implemented at the Shire of Plantagenet BFAC meeting on 5 May 2021.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the Shire of Plantagenet's Annual Bush Fire Mitigation Notice 2021/2022 (as attached) be endorsed.

CARRIED (8/0)

NO. 110/21

9.2.3 BUSH FIRE CONTROL OFFICER POSITIONS - APPOINTMENTS FOR 2021/2022

File Ref: N55404
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Mike Barnes
Community Emergency Services Manager
Proposed Meeting Date: 22 June 2021

PURPOSE

The purpose of this report is to recommend the appointment of the Shire of Plantagenet Bush Fire Control Officers, Executive Bush Fire roles and Fire Advisory Committee delegates and proxies for 2021/2022.

BACKGROUND

The Shire of Plantagenet appoints delegates to a number of positions on an annual basis in accordance with the Bush Fires Act 1954 and the Shire of Plantagenet Bush Fire Management and Response Plan.

At its meeting held on 5 May 2021, the Shire of Plantagenet Bush Fire Advisory Committee (BFAC) endorsed the nominations for the appointment of the Fire Control Officers (FCO) and designated Bush Fire Service positions for the Shire of Plantagenet for 2021/2022.

STATUTORY ENVIRONMENT

Bush Fires Act 1954, Section 38 states that 'Local government may appoint bush fire control officer'

Shire of Plantagenet Bush Fire Brigades Local Law 2020

The role of the Base Radio Operator is defined in the Shire of Plantagenet Bush Fire Management Plan.

EXTERNAL CONSULTATION

The BFAC has made the recommendations detailed in this report.

FINANCIAL IMPLICATIONS

Funds have been allocated in the annual budget to facilitate the publication of the approved Fire Control Officers (FCO) and the printing of the FCO Identity cards. Printing costs will be in the order of \$100.00. The FCO identity cards will be distributed to the FCO's with an appointment letter.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

The appointment of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers, Fire Weather Officers, Deputy Fire Weather Officers, Base Radio Operator, Deputy Base Radio Officers, Bush Fire Control Officers and the BFAC delegates and proxies shall be published at least once in a newspaper circulating in the Plantagenet district.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.9 (A safe Plantagenet) the following Strategy:

Strategy 1.9.2:

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

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

STRATEGIC RISK IMPLICATIONS REGIONAL IMPLICATIONS

The Shire's Strategic Risk Register provides a risk for Business and Community Disruption – support and co-ordination of BFB activities.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

It is recommended that the nominations for the Bush Fire Control Officers, designated positions, delegates and proxies of the Bush Fire Advisory Committee for the Shire of Plantagenet for 2021/2022 be appointed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr L Handasyde:

That:

1. All previous appointments for the positions of Bush Fire Control Officers, designated Bush Fire Service positions and Bush Fire Advisory Committee members for the Shire of Plantagenet be cancelled on 30 June 2021.
2. The below be appointed as Bush Fire Control Officers, designated Bush Fire Service positions and Bush Fire Advisory Committee members within the designated Bush Fire Brigade areas for 2021/2022, taking effect from 1 July 2021

CARRIED (8/0)

NO. 111/21

1.

SHIRE OF PLANTAGENET BUSH FIRE BRIGADE	BUSH FIRE CONTROL OFFICER NOMINEE
DENBARKER	
Fire Control Officer No. 1	Tony Griffiths
Fire Control Officer No. 2	John Rodgers
Fire Control Officer No. 3	Warren Drage
Fire Control Officer No. 4	Neville Lindberg
Fire Control Officer No. 5	Brad Lynch
FOREST HILL	
Fire Control Officer No. 1	Craig Moore
Fire Control Officer No. 2	Len Handasyde
Fire Control Officer No. 3	Murray McLean
KENDENUP	
Fire Control Officer No. 1	David Burcham
Fire Control Officer No. 2	Stephen Beech
Fire Control Officer No. 3	Robert Baines
Fire Control Officer No. 4	Rod Stan-Bishop
Fire Control Officer No. 5	Ken Frost
Fire Control Officer No. 6	Philip Webb
Fire Control Officer No. 7	Heather Wearmouth
MIDDLE WARD	
Fire Control Officer No. 1	Paul Spinks
Fire Control Officer No. 2	Kim Stothard
Fire Control Officer No. 3	Greg Sounness
Fire Control Officer No. 4	Iain Mackie
NARPYN	
Fire Control Officer No. 1	Robert Wright
Fire Control Officer No. 2	Michael Cave
Fire Control Officer No. 3	Mark Wallace
Fire Control Officer No. 4	Kevin Forbes AM
Fire Control Officer No. 5	Owen Sounness
NARRIKUP	
Fire Control Officer No. 1	Chris Norton
Fire Control Officer No. 2	Glen Forbes
Fire Control Officer No. 3	Warren Forbes
Fire Control Officer No. 4	Graeme Frusher

PERILLUP	
Fire Control Officer No. 1	Dean Trotter
Fire Control Officer No. 2	Thomas Riggall
Fire Control Officer No. 3	Robin Ditchburn
Fire Control Officer No. 4	Kieran Allison

PORONGURUP	
Fire Control Officer No. 1	Warren Thomas
Fire Control Officer No. 2	John Russell
Fire Control Officer No. 3	Brad Cluett
Fire Control Officer No. 4	Gerald Versluis
Fire Control Officer No. 5	Daniel Cobain

PORONGURUP SOUTH	
Fire Control Officer No. 1	Wayne Mathews
Fire Control Officer No. 2	Allan Rees
Fire Control Officer No. 3	Richard Stan-Bishop
Fire Control Officer No. 4	Greg Dorrell

ROCKY GULLY	
Fire Control Officer No. 1	Ian Higgins
Fire Control Officer No. 2	Hamish Cameron
Fire Control Officer No. 3	Murray Wills

WOOGENELLUP	
Fire Control Officer No. 1	Stephen Adams
Fire Control Officer No. 2	Bryce Skinner
Fire Control Officer No. 3	Nathan Hunt
Fire Control Officer No. 4	Mark Adams
Fire Control Officer No. 5	Kyle Pieper

SOUTH STIRLINGS	
Dual Fire Control Officer No. 1	Graeme Pyle
Dual Fire Control Officer No. 2	John Howard
Dual Fire Control Officer No. 3	Reece Curwen

KOJANEERUP	
Dual Fire Control Officer No. 1	Ashton Hood
Dual Fire Control Officer No. 2	Scott Smith

SHIRE OF PLANTAGENET	
Fire Control Officer No. 1	David Lynch
Fire Control Officer No. 2	Mike Barnes
Fire Control Officer No. 3	Steve Player
Fire Control Officer No. 4	Mark Vitler
Fire Control Officer No. 5	Jason Rutter

MOUNT BARKER FIRE AND RESCUE	
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Fire Control Officer No. 1	Andrew Buchanan
Fire Control Officer No. 2	Jamie Rutter

3. The following be appointed as Designated Bush Fire Service Positions for 2021/2022, taking effect 1 July 2021:

POSITION	2021/2022 NOMINEE
Chief Bush Fire Control Officer	Norm Handasyde
Deputy Chief Bush Fire Control Officer No. 1 West	Iain Mackie
Deputy Chief Bush Fire Control Officer No. 2 East	Bryce Skinner
Chief Fire Weather Officer	Mark Wallace
Deputy Chief Fire Weather Officer	Brent Wearmouth
Base Radio Operator	Vacant
Deputy Base Operator	Val Randall – Urgent cover only and administration
	Ron Caudwell
	Jacqui Burcham
	Becky Barnes

4. The following be appointed as Fire Weather Officers for 2021/2022 taking effect from 1 July 2021:

SHIRE OF PLANTAGENET BUSH FIRE BRIGADE	FIRE WEATHER OFFICER NOMINEE
Denbarker	Norm Handasyde
Forest Hill	Brad McLean
Kendenup	Brent Wearmouth
Kojaneerup	Ashton Hood
Middle Ward	Greg Sounness
Narpyn	Mark Wallace
Narrakup	Chris Norton
Perillup	Kieran Allison
Porongurup	Warren Thomas
Porongurup South	Vacant
Rocky Gully	Robin Higgins
South Stirlings	Brent Council
Woogenellup	Nathan Hunt
Volunteer Fire & Rescue	Vacant
Shire of Plantagenet 1	David Lynch
Shire of Plantagenet 2	Mike Barnes
Shire of Plantagenet 3	Steve Player

5. The following be appointed as Bush Fire Advisory Committee Delegates and Proxies for 2021/2022 taking effect from 1 July 2021:

BRIGADE	DELEGATE	DEPUTY
CBFCO	Norm Handasyde	
DCBFCO 1 - West		Iain Mackie
DCBFCO 2 - East		Bryce Skinner
Denbarker	Tony Griffiths	John Rodgers
Forest Hill	Craig Moore	Len Handasyde
Kendenup	Heather Wearmouth	Maurice Draper
Kojaneerup	Ashton Hood	Scott Smith
Middle Ward	Paul Spink	Greg Sounness
Narpyn	Robert Wright	Craig Williams
Narrikup	Chris Norton	Glen Forbes
Perillup	Dean Trotter	Michael Workman
Porongurup	Gez Versluis	Scott Clements
South Porongurup	Wayne Matthews	Allan Rees
Rocky Gully	Ian Higgins	Hamish Cameron
South Stirlings	Graeme Pyle	Reece Curwen
Woogenellup	Nathan Hunt	Stephen Adams
Mt Barker VFRS	Ray Drage	Trevor West
Shire of Plantagenet	David Lynch	
Shire of Plantagenet	Mike Barnes	
Shire of Plantagenet	Steve Player	Jason Rutter

be endorsed.

9.2.4 HEAVY PLANT REPLACEMENT PROGRAM – AMENDMENT

File Ref:	N55237
Attachment:	<u>Heavy Plant Replacement Program (Draft – 2021/2022)</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Nicole Selesnew Project Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to recommend a revised Plant Replacement Program and to review the allocation of funds to the Plant Replacement Reserve account.

BACKGROUND

The Shire of Plantagenet Heavy Plant Replacement Program (HPRP) details the retention and changeover schedule for the Shire's fleet of heavy plant over a period of 15 years. Amendments to the Replacement Program are made in consultation with the Heavy Plant Review Committee (HPRC) prior to consideration by the Council.

The (HPRC) met on 27 April 2021 and reviewed the operational use of the Shire's grader fleet. The Shire has three graders: G1; G2 and G3. G3 is a 12M Caterpillar grader and was purchased in 2010. The machine averages the least amount of use of all three graders, operating for 437 hours in the 2019/2020 financial year, most of which occurred during the winter period. This is compared to 904 hours and 1,081 hours for G1 and G2 respectively.

The HPRC resolved to recommend the sale of G3 in the 2021/2022 financial year but not replace the machine. In place of purchasing a new grader a contractor could be utilised for the winter period should it be required.

The HPRC also discussed moving from a scheduled plant replacement program to a flexible system of plant replacement, with machines reviewed on an annual basis and only those that are no longer providing ongoing value to the Council being considered for replacement. To allow for unplanned catastrophic failures in machinery, a base sum of \$500,000.00 should be maintained in the Plant Replacement Reserve account.

The HPRC supported an annual allocation to the Reserve account to allow for new machinery purchases. However, at the conclusion of plant purchasing excess funds could be made available for reallocation to other projects after Council review.

The HPRC formally resolved:

'That it be a recommendation to the Council:

That based on a 15-year plant replacement projection which includes the sale of the CAT 12M grader (G3) in 2021/2022, the following be included in the 2021/2022 budget and next iteration of the Shire's Long Term Financial Plan.

- 1. A sum of \$600,000.00 be made available for transfer from the Plant Replacement Reserve to the Mount Barker Swimming Pool Revitalisation Reserve.*
- 2. An annual allocation of \$550,000.00 continue to be made to the Plant Replacement Reserve to fund plant purchases, which includes retaining a minimum of approximately \$500,000.00 in the reserve in any year to have an allowance for catastrophic breakdowns and plant replacement opportunities.'*

STATUTORY ENVIRONMENT

Local Government Act 1995

EXTERNAL CONSULTATION

There was no external consultation in relation to this report.

FINANCIAL IMPLICATIONS

The HPRP plant replacement projection includes the replacement of G3 in 2021/2022. The HPRC continues to support the sale of G3, but no longer recommends the purchase of a replacement grader. Usage patterns indicate that G3 is mostly used for winter grading and this work could be outsourced to a contractor if required.

The HPRC is progressing a more flexible plant replacement schedule with equipment scheduled for replacement at an optimum period rather than a scheduled calendar period. This will result in some machines staying in the Shire's fleet for longer than initially prescribed as they continue to run efficiently with few mechanical issues. With trade values for heavy plant remaining high the financial impact of holding on to plant for an extended period of time will be negligible.

The HPRC is also recommending that a base amount be maintained in the Plant Replacement Reserve account of \$500,000.00, which will cover the replacement of up to two heavy items of plant in the event of a catastrophic failure. An annual allocation of \$550,000.00 will be added to the Reserve account to fund plant purchases. At the conclusion of the financial year, the Reserve account will be reviewed and any unspent funds over the \$500,000.00 base fund can be presented to the Council for reallocation.

The Plant Replacement Reserve is forecast to have excess funds in the order of \$600,000.00 in the 2021/2022 financial year due to the sale of G3, no new grader purchase and the 2020/2021 allocations exceeding expenditure. The HPRC has recommended that these funds be reallocated to other projects such as the Mount Barker Swimming Pool Revitalisation Reserve.

BUDGET IMPLICATIONS

The sale of G3 will create a need to outsource Winter grading to a contractor. Allowances will need to be made in the road maintenance annual budget for additional contractor services on either a wet or dry hire basis.

The transfer of excess funds from the Plant Replacement Reserve account to other Shire projects will need to be addressed in the 2021/2022 Annual Budget adoption process.

POLICY IMPLICATIONS

Council Policy I/PM/1 – Plant – General applies.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Plant disposal should occur where the cost of ownership of the vehicle is optimised. This has occurred in line with a replacement schedule detailed in Policy I/PM/1 – Plant – General, as follows:

Type	Years	Hours/km
Grader	5 - 9 years	10,000hrs to 15,000hrs
Heavy Loader	7 - 9 years	10,000hrs to 13,000hrs
Backhoe/Loader	10 - 15 years	8,000hrs to 10,000hrs
Heavy Truck 6x4	5 - 7 years	250,000km to 500,000km
Medium Truck 4x2	7 - 12 years	300,000km
Light Truck	7 - 12 years	300,000km
Roller	7 - 12 years	7,000hrs to 9,000hrs
Tractor	4 - 8 years	3,000hrs to 6,000hrs
Heavy Trailer	10 - 25 years	N/A

The HPRC is moving towards a more flexible system of plant replacement where plant is assessed on an annual basis and if machinery is providing ongoing value to the Council, it will be retained and reassessed the following year.

By maintaining a base amount of \$500,000.00 in the Plant Replacement Reserve, catastrophic failure in machinery can be addressed immediately with up to two major items of plant able to be replaced out of schedule.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following:

Strategy 2.6.1:

'Implement maintenance, servicing and renewal of Council assets in a timely manner that maximises its life and performance, with a focus on infrastructure and core buildings'

and at Outcome 4.6 (Effective and efficient corporate and administrative services) the following:

Strategy 4.6.1:

'Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The HPRC has made a series of recommendations to the Council relating to the sale of G3 and the ongoing management of the Plant Replacement Reserve account.

The recommendations are based on creating a flexible system for plant replacement, maintaining a contingency fund for major plant failure and to release unneeded funds from the Plant Replacement Reserve for use in other Shire projects.

The sale of G3 and the use of a contractor in place of a Shire managed machine will need to be reassessed to determine if the use of a contract grader was successful and worked effectively with the Shire's annual construction and maintenance program.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr B Bell:

That:

1. The amended Heavy Plant Replacement Program which identifies the sale of the Caterpillar 12M grader- G3 in 2021/2022 and no purchase of a new grader in 2021/2022, be adopted.
2. A budget allowance be made in the 2021/2022 Annual Budget for a grading contractor to provide grading services with an emphasis on use during the winter period.
3. The Executive Manager Works and Services review the effectiveness of utilising a grading contractor in place of a Shire owned and managed machine, with a report to be presented to the Heavy Plant Review Committee by 1 May 2022.
4. Consideration be given to the following allocations in the 2021/2022 Annual Budget adoption process:
 - a) An allocation of \$550,000.00 be made to the Plant Replacement Reserve to fund plant purchases in the Annual Budget.
 - b) An allocation of \$500,000.00 be maintained in the Plant Replacement Program for unscheduled plant replacement.
 - c) A sum of \$600,000.00 be transferred from the Plant Replacement Reserve to the Mount Barker Swimming Pool Revitalisation Reserve.
5. The Heavy Plant Review Committee review the Heavy Plant Replacement Program on an annual basis and make recommendations to the Council regarding plant scheduled for replacement in the following financial year.
6. The Heavy Plant Review Committee review the Plant Replacement Reserve fund on an annual basis and make recommendations to the Council regarding the annual amount to be transferred to the Plant Replacement Reserve.

CARRIED (8/0)

NO. 112/21

**9.2.5 LOT 285 OATLANDS ROAD, MOUNT BARKER – REQUEST TO NAME
DON COLLINS PARK**

File Ref:	N55281
Attachment:	<u>Lot 285 Oatlands Road Location Map</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Nicole Selesnew Project Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to consider submissions received in relation to the advertising of a proposal to name Lot 285 Oatlands Road 'Don Collins Park' and to recommend the naming of Lot 285 Oatlands Road be forwarded to Landgate for consideration.

BACKGROUND

Lot 285 Oatlands Road (38 Oatlands Road), located on the corner of Oatlands Road and Martin Street, Mount Barker is a freehold lot owned by the Shire of Plantagenet. It is largely comprised of bush with some fire management trails located throughout.

Members of the Collins family approached the Shire in June 2020 with a request that Lot 285 Oatlands Road be named the 'Don Collins Reserve'. The Lot has sentimental value to the family as Don Collins helped appeal a decision by the Council to develop the site approximately 30 years ago.

Evidence was also provided of Mr Collins' contributions to the Plantagenet community which covered:

- Various active and administrative roles in sporting clubs;
- Participation in a range of service organisations including St John Ambulance, Apex, Rotary and Lions; and
- Representation on community committees including the Senior Citizen's Needs Committee and the AIDs Committee of Albany.

The request from the Collins' family was discussed with representatives from Landgate, the entity that controls naming proposals for place names, features, road names, parks and reserves and the like. Landgate advised that Don Collins Reserve would not be permissible as the title Reserve is only used if the area is an official reserve with an allocated reserve number. However, Landgate advised that Don Collins Park would be considered as the word 'Park' is more suited to recreational reserves and sites used as local parks.

The Council at its meeting held on 27 April 2021 resolved:

'That:

- 1. An advertisement be placed in the Plantagenet News seeking public comment on the proposal to name Lot 285 Oatlands Road, Mount Barker, the 'Don Collins Park'.*
- 2. A further report be prepared for the Council's consideration at the conclusion of the public comment period, on or before the ordinary meeting of the Council to be held on 22 June 2021.'*

STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 26A – 'New subdivision, names of roads and areas in;'

Landgate Policies and Standards for Geographical Naming in Western Australia

Council Delegation 7.3 – Crown Reserves and Street Names authorises the Chief Executive Officer (CEO) to forward recommendations of road names to Landgate Western Australia

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) – zoned Local Scheme Reserve (Public Open Space)

Mount Barker Public Open Space Strategy 2007 (Updated June 2011) – Lot 285 Oatlands Road included in Schedule 2 (Local Public Open Space Precincts) of this strategy.

EXTERNAL CONSULTATION

Public notice of the proposed naming of Lot 285 Oatlands Road was placed in the Plantagenet News on 26 May 2021 with a closing date of 4 June 2021. Two submissions were received in support of the proposal.

FINANCIAL IMPLICATIONS

Signage indicating the formal name of Lot 285 Oatlands Road will be required if the proposal is endorsed.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Policy I/RR/1 – Future Street and Reserve Names applies.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.6:

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

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

STRATEGIC RISK IMPLICATIONS

Lot 285 is 4.71 ha in area and owned by the Council. The site is well vegetated over most of the area and has historically been used as railway workers' accommodation. In addition, fire access tracks exist at the site.

The proposed space uses include low key passive open space with walk trails on the fire breaks and a small play area with barbeque and seating equipment.

However, the proposed passive open space use does not preclude the site from being identified for future residential development.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The request to name Lot 285 Oatlands Road, Mount Barker, the Don Collins Park meets both the Council and Landgate requirements for formal naming.

The Collins family has provided a comprehensive review of Mr Collins' contributions to the Plantagenet community from 1950 to 1999 which include:

- A playing member of the North Mount Barker Football Club (NMBFC) and Central and Mount Barker Cricket Association teams;
- NMBFC Club President, Club Patron and Honorary Life Member;
- President of the Central Cricket Association;
- Justice of the Peace;
- Chairman of the Senior Citizen's Needs Committee (an investigation which led to the formation of a Home and Community Care service and Senior Citizen's Committee);
- Executive Committee member for the St John Ambulance Association (Mount Barker branch);
- Mount Barker community representative on the AIDs Committee of Albany;
- Member of Apex, Rotary and Lions clubs; and
- President of the Lions club for a period of 15 years.

Public feedback for the proposed naming has been sought, which has drawn two responses in support.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. Subject to endorsement by Landgate, the name 'Don Collins Park' be applied to Lot 285 Oatlands Road, Mount Barker.
2. On approval of the naming of Lot 285 Oatlands Road, Mount Barker, 'Don Collins Park' signage be installed adjacent to Lot 285 promoting the name.

CARRIED (8/0)

NO. 113/21

9.2.6 POLICY REVIEW – NATIVE FLORA AND VEGETATION COLLECTION

File Ref:	N55184
Attachment:	<u>Amended Council Policy</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Nicole Selesnew Project Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to review Council Policy NRM/C/2 – Native Flora Collection.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 21 May 2019.

Since the last review, two Flora Collection permits have been issued and a further two enquiries have been received.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.54 – ‘Reserves under control of a local government’

Biodiversity Conservation Act 2016, Part 1, Section 5 – ‘Terms used’ and Section 9 – ‘Determination as to fauna, flora or species’

Environmental Protection Act 1986, Part 1, Section 3 – ‘Terms used’

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008

Delegation 1.4 and Sub Delegation 1.4A - Collection of Native Flora and Vegetation.

EXTERNAL CONSULTATION

Consultation has taken place with a representative from the Department of Biodiversity, Conservation and Attractions.

FINANCIAL IMPLICATIONS

There is no fee charged for the issue of a Shire permit to collect flora.

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

The revised policy has been amended to reflect legislative changes relevant to the protection of native flora.

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 2016-2027 provides at Outcome 2.7 (Protection of natural environment) the following:

Strategy 2.7.1:

'Provide effective environmental management and maintenance of the Council's land and reserves.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Two changes are recommended for this policy to update the underpinning legislation and align the policy more accurately with the Activities in Thoroughfares and Public Places and Trading Local Law 2008.

The Local Law allows for the Shire to designate a thoroughfare, or any part of a thoroughfare, a 'Special Environmental Area' if the site contains protected flora or has environmental, aesthetic or cultural significance. These sites are to be marked and recorded in a register.

A Special Environmental Area (SEA) is different from an Environmentally Sensitive Area, which is an area that is subject to a declaration under the Environmental Protection Act 1986. The current policy includes reference to an Environmentally Sensitive Area, but no reference to the protection of vegetation in a SEA.

The revised policy includes a definition for a SEA and prevents the collection of native flora from a SEA designated area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved C B Bell, seconded Cr K Woltering:

That amended Council Policy NRM/C/2 Native Flora and Vegetation Collection as follows:

OBJECTIVE

To provide clear guidelines for persons seeking to collect native flora and vegetation from roads, other reserves and property under the care, control and management of the Council.

POLICY**1. Scope**

This policy relates to the commercial and non-commercial collection of native flora and vegetation from all reserves under the care, control and management of the Shire of Plantagenet.

2. Legislation

Local Government Act 1995

Environmental Protection Act 1986

Biodiversity Conservation Act 2016

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008

3. Definitions

Environmentally Sensitive Area

Means an area that is the subject of a declaration that is in force under section 51B of the Environmental Protection Act 1986.

Flora

Flora means any plant (including wildflower, palm, shrub, tree, fern, creeper or vine) which is –

- a) Native to the State; or
- b) Declared to be flora pursuant to subsection (4), and includes any part of flora and all seeds and spores thereof.

Flora Road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

Native Vegetation

Native vegetation means indigenous aquatic or terrestrial vegetation and includes dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition but does not include vegetation in a plantation.

Special

Environmental Area The local government may declare a thoroughfare which has protected flora or rare flora, or environmental, aesthetic or cultural significance, to be a special environmental area.

Thoroughfare A road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Road Reserve A legally described area within which facilities such as roads, footpaths and associated features may be constructed for public travel.

Reserve Land reserved under the Land Administration Act 1997 and vested in or placed under the control of a local government.

For the purposes of this report, the term 'Council reserve' is used when referring to reserves under the care, control and management of the Shire of Plantagenet.

4. Application of Policy**4.1 Collection of Native Flora**

Permits for the collection of native flora from Council reserves will only be issued under specific circumstances, outlined in the sections below.

4.1.1 Non-Commercial Purposes

The Council may permit the collection of flora for non-commercial purposes (such as research, education, local revegetation or hobby purposes) from Council reserves by operators with a Flora Taking (Other Purposes) Crown Land Licence issued by the Department of Biodiversity, Conservation and Attractions, conditional upon:

- a) The obtaining of a permit from the Council valid for twelve (12) months, expiring 30 June annually.
- b) The collection of native seeds being only permitted when the seed is to be used for revegetation in another part of the district.

4.1.2 Commercial Purposes

The collection of flora (excepting seeds) for commercial purposes is not permitted on Council controlled thoroughfares or road reserves.

The Council may permit the collection of flora for commercial purposes from Council reserves (excluding road reserves) by operators with a Flora Taking (Commercial Purposes) Crown Land Licence issued by the Department of Biodiversity, Conservation and Attractions, conditional upon:

- a) The obtaining of a licence from the Council valid for twelve (12) months, expiring on 30 June annually.
- b) Agreement by the licensed collector that where the Council requires materials collected they will be available for purchase by the Council at an agreed price as a first option.

4.1.3 General Conditions

- a) The number of licensed collectors approved by the Council to operate on Council managed reserves is limited to four per reserve. Additional collectors may be approved subject to provision of evidence that the reserve and/or species they wish to collect can be sustainably harvested.
- b) No permits will be issued for gazetted Flora Roads, Environmentally Sensitive Areas or Special Environmental Areas.
- c) Prior to collection of native flora, the permit holder must additionally have the appropriate permit issued by the Department of Biodiversity, Conservation and Attractions and must comply with that Department's policy. Both permits must be carried by the collector while collecting flora.

4.2 Collection of Native Vegetation for Firewood

The collection of native vegetation for firewood for commercial or non-commercial purposes is not permitted on reserves under the care, control and management of the Council. Gathering of firewood is only permitted in areas of crown land designated for that purpose by the Department of Biodiversity, Conservation and Attractions.'

be endorsed.

CARRIED (8/0)

NO. 114/21

9.2.7 POLICY REVIEW – REVOKE POLICY - TENDERS – CANVASSING OF COUNCILLORS

File Ref:	N55185
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Nicole Selesnew Project Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to recommend that Council Policy I/T/1 Tenders – Canvassing of Councillors, be revoked

BACKGROUND

This policy has been active for more than 15 years, with the last review taking place on 18 June 2019.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021, Section 18 – ‘Securing personal advantage or disadvantaging others’ and Regulation 12 – ‘Gifts’

Council Policy F/FM/17 – Purchasing Policy

EXTERNAL CONSULTATION

No external consultation has taken place in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

This policy has become redundant following the adoption of Policy F/FM/17 – Purchasing Policy on 1 December 2020.

LEGAL IMPLICATIONS

The Local Government (Model Code of Conduct) Regulations 2021 provide detail around the inappropriate use of a councillor’s role to gain an advantage for the council member or any other person.

The adoption of the new Council policy, Policy F/FM/17 – Purchasing Policy, ensures the Shire is operating within this legal framework.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3:

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

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The Council adopted Policy F/FM/17 – Purchasing Policy at its meeting held on 1 December 2020. This policy provides the framework for purchasing goods, services and works on behalf of the Shire. Section 4 of the Policy addresses Ethics and Integrity, with 4 (B) stating:

'When advertising a tender, the Shire of Plantagenet's advertisement details must include the following wording 'Canvassing of Councillors by tenderers will automatically disqualify the tenderer'.

The adoption of the Purchasing Policy has resulted in existing Policy I/T/1 Tenders – Canvassing of Councillors becoming redundant; therefore it is recommended that Policy I/T/1 be revoked.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Policy I/T/1 Tenders – Canvassing of Councillors, as follows:

OBJECTIVE

To provide clear guidelines of expectations of Councillors, Shire staff and members of the public for ethical and professional behaviour during any Shire of Plantagenet tender process.

POLICY

1. **Scope**
The Policy applies to current Shire of Plantagenet Councillors.
2. **Legislation**
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007.
3. **Intent**
Any canvassing of Councillors prior to or during the tender process will automatically disqualify the tenderer.

When advertising a tender, the Shire of Plantagenet's advertisement details must include the following wording 'Canvassing of Councillors by tenderers will automatically disqualify the tenderer.'

be revoked.

CARRIED (8/0)

NO. 115/21

9.2.8 POLICY REVIEW – ROADS – HEAVY VEHICLE ACCESS

Cr C Pavlovich

Item: 9.2.8

Type: Financial pursuant to Section 5.60A of the LGA 1995.

Nature: Active in the Heavy Haulage Industry RAV & AMMS.

Extent: Transport company utilising LG road network.

4:26pm Cr C Pavlovich withdrew from the meeting and
Cr J Oldfield assumed the Chair as Presiding Member.

File Ref: N55233
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Nicole Selesnew
Project Officer
Proposed Meeting Date: 22 June 2021

PURPOSE

The purpose of this report is to review Council Policy I/R/17 – Roads – Heavy Vehicle Access.

BACKGROUND

This policy was last reviewed by the Heavy Haulage Committee on 29 March 2019 and by the Council at its meeting held on 30 April 2019.

STATUTORY ENVIRONMENT

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

Local Government Act 1995, Section 3.53 (2) – ‘Control of certain unvested facilities’

Road Traffic (Vehicles) Act 2012

Road Traffic (Vehicles) Regulations 2014

EXTERNAL CONSULTATION

No external consultation has taken place for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

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

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

This policy was adopted on 28 February 2017 following workshops with the Council and Heavy Haulage Committee. The intent of the policy is to create clear guidelines to heavy vehicle transport operators and Shire staff when an application has been made for the use of heavy vehicles on Shire roads.

The Heavy Haulage Committee reviewed the policy again on 29 March 2019, recommending it be presented to the Council as part of the policy review cycle with no changes. It is recommended that the policy be presented to the Committee prior to the next scheduled review in 2023.

The intent of the policy remains relevant and works well. No changes are proposed for this review.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr M O'Dea:

That Council Policy I/R/17 – Roads – Heavy Vehicle Access, as follows:

OBJECTIVE

To provide clear guidelines to the Council, its staff and heavy vehicle transport operators for Restricted Access Vehicle (RAV) Network requests and access to roads under the care, control and management of the Shire of Plantagenet.

The Council wishes to balance road safety, transport efficiency for Shire economic benefits, community amenity and preservation of the road asset.

The Policy supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.

POLICY

1. Scope

This Policy applies to any heavy vehicle transport operator using RAV on roads managed by the Council.

2. Legislation

The Road Traffic Act 1974 and the Road Traffic (Vehicle) Regulations 2014 govern the use of heavy vehicles on roads within Western Australia and define items such as compliance notices, exemptions, permits and notices for heavy restricted access vehicles. These regulations also contain provisions for mass and loading, load restraints, vehicle modifications and vehicle maintenance.

The Land Administration Act 1997 Section 55 and Local Government Act 1995 Section 3.53(2) gives the Shire of Plantagenet management responsibility for roads within its boundaries.

3. Definitions

3.1 Restricted Access Vehicle (RAV) Network

The RAV Network is a list of roads which have been assessed and classified by MRWA according to the type and size of heavy vehicle that may access them. It is administered by the Heavy Vehicles Section (HVS) of MRWA.

3.2 Accredited Mass Management Scheme (AMMS) Network

The AMMS scheme allows for three (3) concessional mass tiers that are available to approved heavy vehicle transport operators with appropriate loading control methods. This scheme uses a network approach similar to the existing RAV Network.

Both the RAV and AMMS Networks are published in the form of road tables and a visual Mapping Tool is available on the MRWA website.

4. Request to Access Roads

-
- 4.1 **RAV Classified Roads** - If a heavy vehicle transport operator wishes to access a RAV network road, they may apply to the Chief Executive Officer (CEO) if a condition of RAV access is Shire approval.
 - 4.2 **Unclassified Roads** - If the road is not classified on the RAV Network then the applicant will first need to apply to MRWA (HVS). Upon receipt from MRWA (HVS), the Shire of Plantagenet will assess the request in accordance with MRWA approved guidelines and if supported, a submission will be made to MRWA (HVS) for their consideration including any conditions that may apply to the use of the road.
 - 4.3 **AMMS Network** - Heavy vehicle transport operators may apply for a road already classified on the RAV Network to be approved for an AMMS Network level by applying to MRWA (HVS). Upon receipt from MRWA (HVS) the Shire of Plantagenet will assess the request in accordance with MRWA approved guidelines. If supported, a submission will be made to MRWA (HVS) for their consideration.
 - 4.4 Depending on the need for access, a RAV access request may be supported if the applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.
 - 4.5 Should the road access request be declined, the Shire of Plantagenet will inform MRWA (HVS) who will advise the applicant.
5. **RAV Road Reclassification**
- The Shire may withdraw support for an approved route at any time if:
- a) The route is deemed unsafe for RAV use.
 - b) The route is deemed unsuitable for RAV use.
 - c) The heavy vehicle transport operator has breached approval conditions.
6. The Shire of Plantagenet may close a road on a temporary basis to all heavy vehicles should deteriorating road conditions be present.'

be endorsed.

MOTION TO ADJOURN TO DEBATE

Moved Cr K Clements, seconded Cr L Handasyde:

That:

- 1. The debate be adjourned to enable a review by the Heavy Haulage Advisory Committee prior to a workshop being held with all information to be available for consideration by Councillors.**
- 2. Following the workshop, a further report be brought back to the Council at its meeting to be held on 24 August 2021.**

CARRIED (7/0)

NO. 116/21

4:32pm Cr C Pavlovich returned to the meeting and assumed the Chair as Presiding Member.

**9.2.9 POLICY REVIEW – RURAL ROAD AND RESERVE VEGETATION
MANAGEMENT – TREES ACROSS FENCES AND BOUNDARIES**

File Ref: N55183
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Nicole Selesnew
Project Officer
Proposed Meeting Date: 22 June 2021

PURPOSE

The purpose of this report is to review Council Policy I/RR/5 Rural Road and Reserve Vegetation Management – Trees Across Fences and Boundaries.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 18 June 2019.

STATUTORY ENVIRONMENT

Dividing Fences Act 1961

Dividing Fences Regulations 1971

Council Policy I/RR/2 Rural Road Vegetation Management

EXTERNAL CONSULTATION

There has been no external consultation in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.1:

'Provide effective leadership for the community.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

This policy provides clear guidelines regarding the Shire's obligations in the event of a tree, or tree debris, falling from a road reserve or reserve property into privately owned land. It also ensures a consistent response to landowners who are seeking some form of assistance as a result of tree debris landing in their property.

The implementation of the policy has resulted in dissatisfaction from some affected Shire residents, with people believing they should be entitled to compensation for damaged fences and/or property or provided with assistance to remove tree debris.

Despite some negative public feedback towards this policy, it is considered relevant and should be retained.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy I/RR/5 Rural Road and Reserve Vegetation Management – Trees across Fences and Boundaries, as follows:

OBJECTIVE

To provide guidelines for property owners that have been affected by a tree or branch falling into their property from Shire managed rural reserves.

POLICY**1. Scope**

Where trees and/or branches fall onto fences and/or into properties from rural road reserves, unconstructed road reserves or reserves vested in the Shire of Plantagenet under a management order, fence reinstatement is the responsibility of the affected property owner.

2. Legislation

Dividing Fences Act 1961, Section 4

Dividing Fences Regulations 1971, Section 3

3. Application of Policy

3.1 The property owner is responsible for removing and disposing of the fallen tree within their property.

3.2 The tree debris remaining on the rural road reserve may be retained as roadside vegetation to provide habitat for wildlife, unless otherwise determined by the Executive Manager Works and Services.

3.3. Repair of damage to crossovers or private assets, caused by trees falling from a road reserve, is the responsibility of the property owner.'

be endorsed.

CARRIED (8/0)

NO. 117/21

**9.2.10 PROPOSED ROAD RESERVE CLOSURE AND DEDICATION, LOT 5626
AND LOT 6130 KNIGHT ROAD, PORONGURUP**

File Ref:	N55237
Attachment:	<u>Map – Road Closures and Dedications, Knight Road, Porongurup</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Nicole Selesnew Project Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to:

1. Consider submissions received in relation to the advertising of a proposal to close a portion of unconstructed road reserve which travels through Lot 5626 and Lot 6130 Knight Road, Porongurup and to amalgamate the closed road reserve into Lot 5626 and Lot 6130 Knight Road, Porongurup;
2. Recommend the closure of the unconstructed road reserve which travels through Lot 5626 and Lot 6130 Knight Road, Porongurup and to amalgamate the closed road reserve into Lot 5626 and Lot 6130 Knight Road, Porongurup; and
3. Request a dedication to formally create a road reserve along the constructed portion of Knight Road which travels through Lot 5626 and Lot 6130 Knight Road, Porongurup.

BACKGROUND

A 540m section of Knight Road, Porongurup, is constructed outside of the road reserve. The section of road travels through Lot 5626 and Lot 6130 Knight Road, both freehold lots with separate owners, used for agricultural purposes. The road reserve (which should house the road) is also located in Lot 5626 and Lot 6130, positioned to the east of the constructed road. Please refer to the attached map.

In order to address the issue of Knight Road constructed in freehold land, the unused road reserve needs to be formally closed and the land amalgamated into the adjoining lot. A portion of land then needs to be excised from the same lot and dedicated as a road reserve.

The formal road closure process is managed by the Department of Planning, Lands and Heritage (DPLH) and includes a requirement to give public notice of the proposal to close a road, or portion of a road.

The Council at its meeting held on 23 March 2021 resolved:

'That:

1. *Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close a portion of Road Reserve located in Lot 5626 Knight Road, Porongurup, as shown on Map One - Road Closures and Dedications, Knight Road, Porongurup, dated 8 March 2021.*
2. *Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close a portion of Road Reserve located in Lot 6130 Knight Road, Porongurup, as shown on Map One - Road Closures and Dedications, Knight Road, Porongurup, dated 8 March 2021.*
3. *A further report be prepared for the Council's consideration at the conclusion of advertising for both Lot 5626 and Lot 6130, on or before the ordinary meeting of the Council to be held 22 June 2021.*
4. *The Permanent Road Closure fee of \$650.00, as noted in the 2020/2021 Annual Budget, be waived for the applicants of Lot 5626 and Lot 6130 Knight Road, Porongurup.'*

STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 58 – 'Closing roads' and Section 56 – 'Dedication of Land as Road'

Land Administration Regulations 1998, Regulation 8 – 'Local government request to dedicate land as a road (Act s.56), requirements for' and Regulation 9 – 'Local government request to close road permanently (Act s.58(2)), requirements for'

Land Administration Act 1997, Section 87 – 'Sale etc. of Crown land for amalgamation with adjoining land'

EXTERNAL CONSULTATION

As required by Section 58 of the Land Administration Act 1997, public notice of the road closure and amalgamation proposal was placed in the Albany Advertiser on 6 April 2021, the Plantagenet News on 14 April 2021 and the Shire website on 31 March 2021. No submissions were received.

Consultation regarding the road closure has also taken place with: DPLH; Department of Mines, Industry Regulation and Safety; Telstra; and Western Power.

FINANCIAL IMPLICATIONS

The 2020/2021 Annual Budget – Fees and Charges lists a fee of \$650.00 for permanent road closures. The fee goes towards the cost of survey plans and DPLH fees.

The Council waived the fee for both road closures when the item was considered at the 23 March 2021 meeting as:

- DPLH is progressing the Lot 5626 road closure and will incur the costs associated with the closure; and
- The closure of the road reserve travelling through Lot 6130 is more advantageous to the Council than the land owner. The land owner was supportive of the closure provided they did not incur any relevant fees.

BUDGET IMPLICATIONS

The 2020/2021 Annual Budget includes line item 'Outstanding Land Resumptions - 21211.0306' which has an allocation of \$30,000.00, of which \$27,327.60 is available.

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 legal implications associated with maintaining a road which has been constructed on freehold land includes:

1. Land tenure – the land upon which the road is constructed is owned freehold. Council expenditure maintaining and/or improving the road can be considered inappropriate due to the land ownership belonging to a private entity; and
2. Insurance implications – if an accident were to occur on a road located on freehold land, insurance will be compromised due to the ambiguous ownership and management of the land.

ASSET MANAGEMENT IMPLICATIONS

The correction of the alignment of the Knight Road road reserve will ensure the Shire's road asset follows a legal boundary and is correctly managed.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

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

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

To facilitate the closure of the unconstructed portion of road reserve which travels through Lot 5626 and Lot 6130 Knight Road, the Shire gave public notice of the proposed closure, consulted with public utility service providers and advised other government agencies of the proposal. There were no objections to the closure.

A formal request must now be made to the Minister of Lands to permanently close the relevant portion of road reserve. This request must include a statement which indemnifies the Minister of Lands from any costs associated with the road closure.

Once approved, the closed portion of road reserve will be amalgamated into the adjoining freehold land.

A dedication is also required to create a road reserve around the constructed portion of Knight Road which is presently located on freehold land. The owners of Lot 5626 and Lot 6130 have agreed to provide the necessary amount of land for the dedication in exchange for the land which will be amalgamated into their lots.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. Pursuant to Section 58 of the Land Administration Act 1997, the Minister for Lands be requested to permanently close the portion of road reserve running through Lot 5626 Knight Road, Porongurup, as shown on the attached map dated 8 March 2021 and titled Knight Road, Porongurup, and to amalgamate the closed portion of road reserve into the adjacent Lot 5626 Knight Road, Porongurup.
2. Pursuant to Section 56 of the Land Administration Act 1997, the Minister for Lands be requested to dedicate the land which runs through Lot 5626 Knight Road, Porongurup, as shown on the attached map dated 8 March 2021 and titled Knight Road, Porongurup.
3. The Minister for Lands be indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred by the Minister in considering granting the requests made in Part (1) and Part (2) above relating to Lot 5626 Knight Road, Porongurup.
4. Pursuant to Section 58 of the Land Administration Act 1997, the Minister for Lands be requested to permanently close the portion of road reserve running through Lot 6130 Knight Road, Porongurup, as shown on the attached map dated 8 March 2021 and titled Knight Road, Porongurup, and to amalgamate the closed portion of road reserve into the adjacent Lot 6130 Knight Road, Porongurup.
5. Pursuant to Section 56 of the Land Administration Act 1997, the Minister for Lands be requested to dedicate the land which runs through Lot 6130 Knight Road, Porongurup, as shown on the attached map dated 8 March 2021 and titled Knight Road, Porongurup.
6. The Minister for Lands be indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred by the Minister in considering granting the requests made in Part (4) and Part (5) above relating to Lot 6130 Knight Road, Porongurup.

CARRIED (8/0)

NO. 118/21

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – MAY 2021

File Ref:	N55278
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Diana Marsh Senior Finance Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 May 2021.

STATUTORY ENVIRONMENT

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

- a) annual budget estimates
- b) budget estimates to the end of the month
- c) actual amount of expenditure and revenue
- d) material variances between comparable amounts in b) and c) above
- 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/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Woltering:

That the Financial Statements for the period ending 31 May 2021 be received.

CARRIED (8/0)

NO. 119/21

9.3.2 LIST OF ACCOUNTS – MAY 2021

File Ref:	N55426
Attachment:	<u>List of Accounts – May 2021</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

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

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (25 May 2021). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Woltering:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 May 2021 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$992,951.55; and
2. Municipal Cheques 47149 – 47166 totalling \$22,737.72.

CARRIED (8/0)

NO. 120/21

9.3.3 POLICY REVIEW - RATE INCENTIVE PRIZE

File Ref:	N55279
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Abigail Bartell Rates Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to review Council Policy No A/PA/8 – Rate Incentive Prize.

BACKGROUND

Council Policy A/PA/8 was last reviewed by the Council at its meeting held on 16 July 2019.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

This policy review 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

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

STRATEGIC IMPLICATIONS

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

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

No delegations relate to this policy. This policy is considered appropriate and can be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Woltering:

That Council Policy A/PA/8 – Rate Incentive Prize:

‘OBJECTIVE:

To encourage ratepayers to pay the full amount of their assessed rates and charges by the due date.

POLICY:

- 1. An annual Rate Incentive Prize will be offered by the Council.**
- 2. Prizes will be awarded to first, second (and third if applicable) entries drawn at random.**
- 3. Only ratepayers with their rate account paid in full by the due date will be eligible.**
- 4. One entry per assessment notice (not per ratepayer) is to be entered into the draw.**
- 5. Rateable properties which any Councillor, senior member of staff or manager has an ownership interest in will be ineligible. The Shire of Plantagenet reserves the right to decide, in its absolute discretion whether or not the entry requirements have been fulfilled.**
- 6. First prize will be a bank account / voucher with the Mount Barker Bendigo Community Bank. The Council will seek sponsorship from local organisations and a Perth hotel for the remaining Rate Incentive Prizes.’**

be endorsed.

CARRIED (8/0)

NO. 121/21

9.3.4 TRANSFER OF CASH IN LIEU OF PUBLIC OPEN SPACE TO A RESERVE ACCOUNT

File Ref:	N55067
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to authorise the transfer of some cash in lieu of open space contributions currently held in Trust to a new Reserve Account.

BACKGROUND

Amendments to section 154 of the Planning and Development Act 2005 (PDA) changed the accounting treatment for cash in lieu of open space contributions. Advice has now been received from the Department of Local Government, Sport and Cultural Industries about the proper treatment of such cash, which is dependent on when it was received.

STATUTORY ENVIRONMENT

The following guidance from the Department of Local Government, Sport and Cultural Industries outlines the legislative requirements for different time periods, along with recommendations to provide consistency of treatment.

Contributions should be accounted for in the following manner:

1. Post 12 September 2020
 - a. Any cash in lieu funds received under section 154 of the PDA should be placed in a reserve account for each subdivision within the municipal account in accordance with section 6.11 of the Local Government Act 1995 (the Act).
 - b. Section 154(3) of the PDA requires interest earned on any invested funds to be applied to the respective reserve account.
2. From 10 April 2006 until 11 September 2020
 - a. Any cash in lieu funds received under section 154 of the PDA should be held in the local government's trust account.
 - b. Section 6.9(3) of the Act requires any interest earned on invested trust monies to be applied against the funds held.
 - c. If cash in lieu funds are held in the trust account for a sub-division, and if future cash contribution instalment(s) are received on or after 12 September 2020 for the same sub-division, those funds should be held in a reserve account (refer 1a above).
3. Prior to 10 April 2006

- a. Any cash in lieu funds received prior to 10 April 2006 would have been received under section 20C of the Town Planning and Development Act 1928 (TPD).
- b. Any remaining unexpended funds received under the TPD should be held in the municipal account as restricted cash.
- c. Where TPD contributions were moved to the trust account and where a balance currently remains in the trust account, the balance should be moved back to the municipal account.
- d. It is recommended any unexpended funds be placed in a separate reserve account for each sub-division, but to do that, local governments will need to create a reserve account for each sub-division under section 6.11 of the Act.
- e. There is no legislative provision on interest earned on invested funds, but it is recommended any interest earned on invested funds be applied to the restricted funds or reserve accounts.

FINANCIAL IMPLICATIONS

There are no direct financial implications. This will require creation of a reserve fund for one of the subdivisions and transfer of funds from trust to that reserve account.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

There are no policy 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 2017–2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategy:

Strategy 4.6.1:

'Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The following cash in lieu of open space contributions are currently held in Trust.

WAPC Ref	Name	Date Received	Contribution plus interest	Expenditure	Balance	Accounting Treatment*	Comments
99183	AJ Pitts	Sep 1997	\$13,146.70		\$13,146.70	Rec'd prior 10 April 2006 - Reserve	
100470	Island Views Pty Ltd	Jul 1999	\$2,500.00	\$2,500.00	\$0		Subdivision occurred in stages. Expenditure put to Sounness Park 2017
	Island Views Pty Ltd	May 2006	\$4,320.00	\$4,320.00	\$0		Expenditure put to Sounness Park in 2017
	Island Views Pty Ltd	Jan 2007	\$92,879.95	\$38,460.00	\$54,419.95	Rec'd 10 April 2006 to 11 September 2020 - Trust	\$38,460.00 put to Sounness Park in 2017. Approval for \$45,000.00 towards Reserve 28136 Ingoldby St. \$5,280.00 allocated in 2020.
129718	RD & GM Clarke	Jul 2008	\$9,086.05		\$9,086.05	Rec'd 10 April 2006 to 11 September 2020 - Trust	
131143	Trencoast Pty Ltd	May 2007	\$34,650.08	\$10,000.00	\$24,650.08	Rec'd 10 April 2006 to 11 September 2020 - Trust	Expenditure put to Sounness Park 2017
TOTAL			\$156,582.78	\$55,280.00	\$101,302.78		

Based on the advice from the Department of Local Government, Sport and Cultural Industries, the money held in trust against the subdivision in WAPC reference 99183 should be transferred to a newly created reserve account, as it was received prior to 2006.

In regard to WAPC reference 100470, it is assumed that the money received prior to April 2006, was the money allocated to Sounness Park in 2017, with the remaining money being received after April 2006 and therefore can remain in trust.

Any cash in lieu funds received in the future under section 154 of the PDA will need to be placed in a reserve account for each subdivision.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr L Handasyde:

That:

- 1. Pursuant to Section 6.11 of the Local Government Act 1995 a new Reserve Account 'WAPC 99183' be established.**
- 2. A sum of \$13,146.70 be transferred from the Shire's Trust Account to the Reserve Account in Clause 1.**

CARRIED (8/0)

NO. 122/21

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

File Ref:	N55427
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	22 June 2021

PURPOSE

The purpose of this report is to endorse the CEO Key Performance Indicators (KPI's) as outlined in schedule 2 of the CEO Employment Contract.

BACKGROUND

The CEO Employment Contract required the setting of the CEO KPI's within 90 days after the CEO commencement date. The CEO commencement date was 22 March 2021.

A workshop with Council was held on Tuesday the 25 May to establish the CEO KPI's and to determine the method of measurement for each KPI.

The KPI's were to be prepared for Council consideration at the Ordinary Council meeting of June 22.

STATUTORY ENVIRONMENT

Local Government Act 1995, sections 5.39A and 5.39B

Section 5.39A – Model standards for CEO Recruitment, performance and termination

- (1) Regulations must prescribe model standards for local governments in relation to the following –
 - (a) recruitment of CEOs
 - (b) the review of the performance of CEOs
 - (c) the termination of the employment of CEOs

EXTERNAL CONSULTATION

There was no external consultation undertaken.

FINANCIAL IMPLICATIONS

There are no current financial implications relevant to this report.

BUDGET IMPLICATIONS

There are no current budget implications relating to this report.

POLICY IMPLICATIONS

Model Standards for CEO Recruitment, Performance and Termination
Division 3 – Standards for Review of Performance of CEOs

LEGAL IMPLICATIONS

This item is a contractual requirement of the employment contract between the Shire of Plantagenet and CEO Cameron Woods as endorsed by Council on Tuesday 1 December 2020.

ASSET MANAGEMENT IMPLICATIONS

No assets are being created so there is no asset management implication relevant to this report.

STRATEGIC IMPLICATIONS

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

Outcome 4.1 Effective governance and leadership:

Strategy 4.1.1: *'Provide effective leadership for the community'*

Strategy 4.1.2 'Ensure the corporate structure is aligned with the Shire strategic direction'

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

The CEO Key Performance Indicators in table 1 are strategically linked to the four major themes in the Shire of Plantagenet Community Strategic Plan and reflect Council's current focus on improved financial management; economic and community development and engaging with our community.

The KPI's, whilst the responsibility of the CEO, will require adequate resourcing and a whole of organisation approach if they are to be achieved.

Table 1.

Community Strategic Plan Theme	KPI	Measurement
1. Community Pride and Well Being	1.1 Develop a Liveability action plan as per the Regional Australian Institute model and prepare recommendations for Council that will improve liveability and attract new residents to the Shire.	1.1.1 Adoption of the Liveability Action Plan in the 2021/22 Financial Year

	<p>1.2 Develop an organisational culture that maximises funding (revenue) opportunities and identifies expenditure savings so that more value can be delivered back to the community.</p>	<p>1.2.1 Grant Funding applications and approvals 1.2.2 Funding from non-municipal sources 1.2.3 Under budgeted expenditure identified from projects that can be reinvested into additional community projects 1.2.4 Change in organisational culture in relation to financial management. 1.2.5 Council feedback and policy development</p>
<p>2. Enhancing Natural and Built Environment</p>	<p>2.1 Review the Mount Barker Swimming Pool Redevelopment project to minimise the financial impact on municipal own source revenue whilst delivering the key design elements identified in the feasibility report.</p>	<p>2.1.1 Delivery of a swimming pool project review report and recommendations. 2.1.2 Financial commitments from own source revenue 2.1.3 LTFP modelled impacts.</p>
<p>3. Prosper a Sustainable Local Economy</p>	<p>3.1 Establish a Housing working group and develop business cases for projects on Council owned land that can deliver increased housing stock to the identified target markets approved by Council</p>	<p>3.1.1 Business case development for urban housing projects. 3.1.2 Lobbying and Advocacy evidence</p>
	<p>3.2 Develop a strategic land disposal and acquisition plan for Council endorsement.</p>	<p>3.2.1 Council endorsed strategic land disposal and acquisition plan.</p>
	<p>3.3 Develop a building asset condition report and rationalisation plan for Council consideration</p>	<p>3.3.1 Council endorsed building asset plan and asset rationalisation - priority matrix</p>

<p>4. Effective governance and Organisation</p>	<p>4.1 Develop an organisation that is engaged, transparent, respected and committed to our community</p>	<p>4.1.1 Markyt Scorecard results in May 2022 that shows improvement in the following:</p> <ul style="list-style-type: none"> ▪ Shire has developed and communicated a clear vision for the future - current rating 32% total agree ▪ Shire has a good understanding of community needs - current score 38% total agree ▪ Shire listens to and respects residents views - current score 31% total agree ▪ The community is consulted about local issues - current score 43% (Performance Index score) ▪ Adoption of a Community Engagement Charter / Policy and Process ▪ Survey feedback results from the participants at the CSP workshops.
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde seconded Cr K Clements:

That the Chief Executive Officer’s Key Performance Indicators in Table 1 be endorsed.

CARRIED (8/0)

NO. 123/21

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:47pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON *J. Holdfield* DATE: 27/07/2021