



## ORDINARY AGENDA

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

**DATE:** Tuesday, 27 April 2021

**TIME:** 4.00pm

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

A handwritten signature in black ink, appearing to read "C Woods", is positioned above the printed name and title of the Chief Executive Officer.

**Cameron Woods**  
**CHIEF EXECUTIVE OFFICER**

## **DISCLAIMER**

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

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## **MEMBERSHIP – Quorum (5)**

### **Members:**

Cr C Pavlovich Shire President  
Cr J Oldfield Deputy Shire President  
Cr B Bell  
Cr K Clements  
Cr S Etherington JP  
Cr L Handasyde  
Cr J Moir  
Cr M O'Dea  
Cr K Woltering

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.*

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

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

Members Present:

In Attendance:

Apologies:

Members of the Public Present:

Previously Approved Leave of Absence:

Cr Marie O'Dea

Emergency Evacuation Procedures/Disclaimer:

**3 PUBLIC QUESTION TIME****3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995****4 PETITIONS / DEPUTATIONS / PRESENTATIONS****5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

**7 CONFIRMATION OF MINUTES**

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

***Officer Recommendation***

*That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 March 2021 as circulated, be taken as read and adopted as a correct record.*

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

## **9      REPORTS OF COMMITTEES AND OFFICERS**

### **9.1   STRATEGIC DEVELOPMENT REPORTS**

Nil



## **9.2 WORKS AND SERVICES REPORTS**

### **9.2.1 LOT 285 OATLANDS ROAD, MOUNT BARKER – REQUEST TO NAME**

<b>File Ref:</b>	<b>N54755</b>
<b>Attachment:</b>	<b>Lot 285 Oatlands Road Location Map</b>
<b>Responsible Officer:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>Nicole Selesnew</b> <b>Administration Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 April 2021</b>

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#### **PURPOSE**

The purpose of this report is to consider an application to name Lot 285 Oatlands Road, Mount Barker, the 'Don Collins Park'.

#### **BACKGROUND**

Members of the Collins family approached the Shire on 12 July 2018 requesting a prominent street or road be named after Mr Don Collins to acknowledge his contribution to the Shire. Mr Collins passed in May 2003. The family was advised that there are two roads named Collins Road within the Shire: a gravel road in Kendenup which intersects Carbarup Road; and an unconstructed road in Mount Barker which intersects Mitchell Street.

Another approach was made to the Shire in June 2020, with a request that Lot 285 Oatlands Road (corner Oatlands Road and Martin Street) 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, more than 50 years ago.

Lot 285 Oatlands Road (38 Oatlands Road) is a freehold lot owned by the Shire of Plantagenet. It is largely comprised of bush with some fire management trails strategically cleared within it.

#### **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**

Consultation has occurred with Landgate and members of the Collins family.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report, with the current zoning.

### **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**

A local government is required to make a submission to Landgate for any naming proposals for place names, features, road names, parks and reserves and the like. Decisions are made based on the ‘Policies and Standards for Geographical Naming in Western Australia’ document, which outlines the criteria and principles for creating a name.

Council Policy I/RR/1 – Future Street and Reserve Names states that *‘Additions to the Future Road Names and Reserves Register shall only be by Council decision...’* and *‘Applications for inclusion on the Future Road Names and Reserves Register shall be accompanied by appropriate supporting evidence from the applicant...’*

Two members of the Collins family approached the Shire of Plantagenet seeking the naming of a Shire freehold lot, Lot 285 Oatlands Road (corner Oatlands Road and Martin Street), the ‘Collins Reserve’.

Evidence of Don Collins’s contribution to the community has been provided to support the request in the form of newspaper clippings, letters and minutes from community group meetings.

Don was a playing member of the North Mount Barker Football Club (NMBFC) and the Central and Mount Barker Cricket Association teams. He enjoyed victory in the 1950 NMBFC premierships and went on to become Club President, a role he held when the Club celebrated its Golden Jubilee in 1971 and two league premierships. Don Collins was later made a Patron and Honorary Life Member of the NMBFC.

Don Collins also held the role of President for the Central Cricket Association.

Don was appointed a Justice of the Peace in 1979 and spent considerable time on the bench and assisting police. He was appointed Chairman of the Senior Citizen’s Needs Committee in 1987, an investigation which led to the formation of Home and Community Care (HACC) and the Senior Citizen’s Committee. He was also on the executive of the St John Ambulance Association (Mount Barker branch). In 1987 Don Collins was appointed by the Plantagenet Shire Council to represent Mount Barker on the Aids Committee of Albany.

Service organisations benefited from Don’s time, with Don becoming an inaugural member of the Apex Club in 1956, followed by Rotary for a brief period before becoming a member of Lions where he maintained membership, including a term as President, for 15 years.

The Plantagenet News Obituary titled ‘A Celebration of Life - Don Collins’, published in May 2003, details Don’s work to preserve Lot 285 Oatlands Road. The report indicates that the lot was to be opened up for residential use. Don formed a group called Ratepayers Against the Shire to allow residents to express their opinions contrary to the Council decision at the time. Following an appeal process, the decision was reversed and the reserve remained untouched.

Don’s role in helping preserve Lot 285 Oatlands Road has led to the request from his family to name the site the ‘Collins Reserve’.

Initial discussions with a representative from Landgate identified that the word ‘Reserve’ is not permissible, as the title Reserve is only used if the area is an official reserve with an allocated reserve number. The preference is for the word ‘Park’ which applies to recreational reserves and local parks.

Landgate also advised that ‘Collins Park’ was not permissible as there is an existing road name, Collins Road, within a 10-kilometre vicinity. However, ‘Don Collins Park’ met the Landgate criteria and would be considered.

The request to name Lot 285 Oatlands Road, Mount Barker, the Don Collins Park meets both the Council and Landgate requirements for formal naming. However, it is recommended that public consultation occur prior to seeking Council approval to ensure there is general support for the naming of the site.

## **VOTING REQUIREMENTS**

Absolute Majority

## **OFFICER RECOMMENDATION**

**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.**

**9.2.2 POLICY REVIEW – ROADS – UNCONSTRUCTED ROADS**

<b>File Ref:</b>	<b>N54917</b>
<b>Attachment:</b>	<b>Amended Council Policy</b>
<b>Responsible Officer:</b>	<b>David Lynch</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>Nicole Selesnew</b> <b>Project Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 April 2021</b>

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**PURPOSE**

The purpose of this report is to review Council Policy I/R/7 Roads – Unconstructed Roads.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 26 February 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’

**EXTERNAL CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

The policy allows for an applicant to finance the cost of constructing a road if a request to have a road constructed is not supported, or if an applicant wishes to expedite the construction of a road. In this instance financial implications will apply with the addition of more road infrastructure to the annual road maintenance program.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**POLICY IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

This policy relates to the Council’s position that it will not maintain or improve an unconstructed road, until such time that the construction of the road is endorsed by

the Council and the road is incorporated into the Road Hierarchy. A list of constructed roads recognised by the Council is found in Council Policy I/R/16 – Rural Road Hierarchy.

Once endorsed by the Council the road will be subject to maintenance, repairs and when necessary, renewal.

### **STRATEGIC IMPLICATIONS**

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

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 has been active since October 2006, reviewed at a Council workshop held on 13 September 2016 and several amendments were made prior to its adoption at an ordinary meeting of the Council held on 31 January 2017.

Following the amendments in 2017 the policy has performed well.

Three minor amendments are proposed in this review: updating the name of a Government Department; updating the title of the Executive Manager Works and Services; and amending the title of a supporting Council policy.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That amended Council Policy I/R/7 – Roads – Unconstructed Roads, as follows:**

#### **‘OBJECTIVE**

**To provide clear guidelines to the Council, its staff and residents of the Shire of Plantagenet regarding requests relating to the maintenance and construction of unconstructed roads in dedicated road reserves under the care, control and management of the Council.**

**POLICY****1. Definition**

A road is defined pursuant to Section 3 of the Land Administration Act 1997 as:

‘Road means, subject to section 54, land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both’.

**2. Road Reserve Dedication Process**

The dedication of a road reserve is the process where a portion of land is set apart and registered with the Department of Planning, Lands and Heritage specifically for a public road whether or not a road is constructed.

An unconstructed road may be an access located within a dedicated road reserve which has not been constructed, ‘made’ or recognised by the Council as a constructed road. This road reserve may have an approved name intended for future use, but will not qualify for maintenance work until a road is constructed and recognised as constructed by the Council.

A list of constructed roads recognised by the Council and therefore eligible for maintenance is found in Council Policy I/R/16 – Rural Road Hierarchy.

**3. Request for Construction or Maintenance**

Members of the public may request that an unconstructed road be either maintained or constructed.

**3.1** Where the Council is of the opinion that the road, the subject of the request, should be constructed, the road will then be included in the Council’s Five-Year Road Construction Program. The applicant shall be advised when such construction is likely to occur.

**3.2** Notwithstanding the Council decision to include the road in the Five Year Road Construction Program, should the applicant be prepared to pay for the cost of construction to ensure earlier completion, the following procedures shall apply:

- a) The Council shall arrange for design plans to be prepared and costed; and
- b) On payment of the estimate of the road construction costs by the applicant the Council shall schedule the works within the next 12 months.

**3.3 Where the Council is of the opinion that the requested construction work is not warranted the following procedures shall apply in the event that the applicant is willing to meet the costs of construction:**

- a) Have prepared and submitted to the Council, plans demonstrating that the road will be constructed to the satisfaction of the Executive Manager Works and Services:**
  - (i) By suitably qualified persons; and**
  - (ii) To the minimum standard required for the intended use of the road and traffic volumes; or**
- b) Request the Council to undertake the works as if the Council Policy I/PW/1 Private Works was applied.'**



**9.2.3 POLICY REVIEW – RURAL ROAD VERGE VEGETATION MANAGEMENT**

**File Ref:** N54916  
**Attachment:** Amended Council Policy  
**Responsible Officer:** David Lynch  
Executive Manager Works and Services  
**Author:** Nicole Selesnew  
Project Officer  
**Proposed Meeting Date:** 27 April 2021

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**PURPOSE**

The purpose of this report is to review Council Policy No I/RR/2 – Rural Road Verge Vegetation Management.

**BACKGROUND**

This policy was last reviewed by the Council at its ordinary meeting held on 4 December 2018.

**STATUTORY ENVIRONMENT**

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Local Government Act 1995

Shire of Plantagenet Local Government Property Local Law 2008

**EXTERNAL CONSULTATION**

There has been no external consultation relating 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 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’.*

And further at Strategy 2.7.3:

*‘Reduce the incursion of weeds on Council controlled roads 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**

The intent of the policy is to provide a good balance between maintaining a safe and efficient road transport system with the protection and conservation of native vegetation contained within rural road reserves.

Amendments are proposed to:

1. Provide greater clarity to the definition of a road transport corridor;
2. Correctly reflect the names of other relevant Council policies;
3. Remove the reference to the use of blue hockey stick markers (which are no longer used to highlight areas not to be sprayed);
4. Incorporate a reference to the Environmental Protection Amendment Act 2020 which provides an exemption from the requirement for a clearing permit if clearing is being undertaken for the purpose of preventing the occurrence or spread of a fire; and
5. Correct a numbering error.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That amended Council Policy M/RR/2 – Rural Road Verge Vegetation Management, as follows:

**‘OBJECTIVE**

To provide guidelines for the construction and maintenance of rural roads while acknowledging the importance of the protection and conservation of native vegetation contained within rural road verges under the care, control and management of the Shire of Plantagenet.

**POLICY****1. Scope**

This policy applies to road verges located in a dedicated road reserve within the Shire.

Although conservation of roadside vegetation is an objective of this policy, road safety and road asset protection is the principal and highest priority consideration.

**2. Legislation**

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

This legislation is relevant to the Shire, setting limitations for road infrastructure works, and landowners who wish to undertake work in road reserves.

Local Government Act 1995

Shire of Plantagenet Local Government Property Local Law 2008

**3. Definitions**

Designated Transport Corridor

Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Schedule 2, Section 2 (1) provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated transport corridor. The transport corridor is defined as a stretch of road that includes barriers, signs, guideposts, drains, levies, embankments, gutters, bridges, overpasses and other similar structures. An example of the transport corridor on a rural road is shown in Diagram 1 (referred to as a ‘maintenance corridor’).



**Diagram 1 Designated Transport / Maintenance Corridor**

#### **4. Application of Policy**

##### **4.1 Road Construction Operations**

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of the designated maintenance corridor. Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Water and Environment Regulation (DWER) prior to undertaking any road construction. If required as conditions of the permit, special considerations for declared or threatened flora and/or fauna will be made during works.

Rural road widening is to be carried out according to the requirements of the Council and will take into consideration the preservation of roadside vegetation wherever possible by clearing only one side of the road.

##### **4.2. Road Maintenance Operations**

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the 'maintenance corridor', which comprises the running surface, shoulder, table drain and batter to the top of the backslope.

When major weed control works are to be undertaken, including areas outside the 'maintenance corridor', consultation may occur with the Department of Biodiversity, Conservation and Attractions (DBCA), DWER and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting. During this process all grasses and vegetation will be removed and disposed of off-site prior to operation.

Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible, this will be minimised.

Drains are usually mechanically cleared and maintained using a grader, and/or slashed if covered with grass. Drains inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not

provide for an acceptable level of drainage the use of excavation equipment may be used.

The Council will take all care not to damage any portion of the rural road reserve from the backslope to the fence line, however, the Council does not accept any responsibility for any loss or damage to vegetation or areas of the road reserve that may occur due to road maintenance or construction activities.

#### **4.3 Removal of Dangerous Vegetation**

Occasionally it is necessary to remove a dangerous tree/vegetation that pose/s an imminent threat to public safety, such as impeding sight along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fence line or a roadway. Following inspection by a Shire Officer, tree removal will be in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

#### **4.4. Services and Utilities**

Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Plantagenet regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. However, if removal of vegetation is required, it is the responsibility of the service providers to obtain a valid clearing permit from DWER.

All materials are to be removed from the road verge by the utility providers on the completion of works. All trenches, if relevant, are to be backfilled, adequately compacted and trimmed to ensure they are safe. All works are to be in accordance with Council Policy I/R/12 – Notice of Entry for Public Services and Utilities.

#### **4.5. Flora Roads**

Gazetted Flora Roads within the Shire of Plantagenet currently include Millinup Road, Woogenellup North Road, Mira Flores Avenue and Reynolds Road. These roads shall be managed to minimise any disturbance to the roadside flora, consistent with the provision of a safe and efficient roadway.

#### **4.6. Unauthorised Clearing and/or Activities within Rural Road Reserves**

Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited. Penalties may also apply in accordance with the Environmental Protection legislation.

No works shall be undertaken in rural road reserves without written approval from the Shire of Plantagenet. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

#### **4.7. Landowner Maintenance of Rural Road Verges**

##### **4.7.1 Application Process and Approvals**

Landowners may apply, in writing, to the Shire of Plantagenet to maintain the rural road verge immediately adjacent to their property boundary. An application fee may be applicable.

Maintenance activities may include vegetation protection or weed removal but do not include any additions or developments such as drainage works or construction of any type. Planting within road verges may be considered, however, approval will only be given to native / local species that enhance the biodiversity of the road verge area.

Landowners need to be aware when applying for approval that their application may be refused if the Shire is required to carry out maintenance activities to maintain the integrity of the road infrastructure.

Landowners must also comply with the Environmental Protection legislation (refer to point 2 - Legislation) if planning to undertake any work in a rural road verge.

#### **4.7.2 Fence line Clearing or Removal of Trees Over Fence lines/Boundaries**

Clearing may be approved along, but no more than 1.5 metres from a fence line to provide access to construct or maintain a boundary fence under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Landowners wishing to remove vegetation from road verges to allow them to construct or maintain an existing boundary fence should apply in writing to the Shire of Plantagenet for approval.

Policy I/RR/5 – Rural Road and Reserve Vegetation Management – Trees Across Fences and Boundaries provides guidelines for property owners that have been affected by a tree or branch from rural road reserves, falling into their property.

#### **4.7.3 Seed Collection from Road Verges**

Landowners wishing to collect seed from native vegetation in road verges should refer to Council Policy NRM/C/2 – Native Flora and Vegetation Collection. A permit for seed collection may also be required from the DBCA. It is the responsibility of the landowner to check they have the relevant approvals in place.

#### **4.8. Annual Spraying Program**

The Shire's annual spraying program is conducted within town sites and select rural road verges to reduce the amount of flammable material whilst targeting weeds. Residents requesting that the rural road verge adjacent to their property not be sprayed as part of this program must apply to the Shire of Plantagenet, in writing, for the verge to be placed on the 'Do Not Spray' register.

If approved, the area of verge not to be sprayed will be placed on the Shire's 'Do Not Spray' register which is provided to staff and/or contractors carrying out the spraying work. Landowners should

note that the drains to the top of the backslope will be sprayed if considered necessary to maintain the integrity of the drainage system.

#### **4.9. Fire Hazard**

The Shire of Plantagenet conducts an annual spraying program both within town sites and rural road verges to reduce the amount of flammable material whilst targeting weeds

As the budget for spraying is limited, landowners are encouraged to apply to the Shire under Policy I/R/15 – Road Verge Burning. This policy provides guidelines for landowners wishing to further reduce the fire risk on rural road verges adjacent to their property.

The Environmental Protection Amendment Act 2020 provides an exemption from the need for a clearing permit on land owned and vested with local government, provide clearing is occurring for the purpose of fire prevention or fire control.

Local Government authorities must be able to demonstrate that the clearing is directly related to fire prevention and/or control, which may be achieved by clear references to clearing activities in a Bush Fire Risk Management Plan which has been endorsed by the Department of Fire and Emergency Services.'

### **9.3 CORPORATE SERVICES REPORTS**

#### **9.3.1 FINANCIAL STATEMENTS – MARCH 2021**

<b>File Ref:</b>	<b>N54495</b>
<b>Attachment:</b>	<u>Financial Statements</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 April 2021</b>

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#### **PURPOSE**

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

#### **STATUTORY ENVIRONMENT**

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

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

The Statement is to be accompanied by:

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.



**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

**9.3.2 LIST OF ACCOUNTS – MARCH 2021**

**File Ref:** N54913  
**Attachment:** List of Accounts March 2021  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Hillman  
Accounts Officer  
**Proposed Meeting Date:** 27 April 2021

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of March 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 (19 May 2020). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 March 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 \$877,596.83;
2. Municipal Cheques 47087 – 47124 totalling \$140,324.34.

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 POLICY REVIEW - NOTICES OF MOTION

<b>File Ref:</b>	<b>N54924</b>
<b>Attachments:</b>	<u>Amended policy A/AMM/1 – Notices of Motion</u>
<b>Responsible Officer:</b>	<b>Cameron Woods</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 April 2021</b>

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#### PURPOSE

The purpose of this report is to review Council Policy No. A/AMM/1 – Notices of Motion.

#### BACKGROUND

This policy was adopted by the Council at its meeting held on 27 March 2018. The policy wording was as follows:

##### ‘OBJECTIVE:

To ensure that all Councillors are presented with, as is the normal case for an officer’s report, information relating to, where applicable:

Statutory Environment, Regional Implications, Policy Implications, Asset Management Implications, Financial Implications, Strategic Implications and Officer Comment.

##### POLICY:

*Whenever a valid notice of motion comes before the Council for consideration and in the opinion of the CEO, will, if carried, require more than nominal expenditure or staff time, that Notice will be referred to the CEO for report, such report to be considered by the Council at the next Ordinary meeting.’*

The policy was subsequently amended to its current form as a result of a notice of motion on 30 April 2019.

#### STATUTORY ENVIRONMENT

Local Government Act (1995)

Section 3.5 provides the legislative power for local governments to make local laws.

The Council’s Standing Orders Local Law provides:

#### **‘5.3 Motion of which Previous Notice has been given**

- (1) *Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the*

*form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.*

- (2) A notice of motion under subclause (1) is to be given at least 5 clear working days before the meeting at which the motion is moved.*
- (3) A notice of motion is to relate to the good governance of the district.*
- (4) The CEO –*
  - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*
  - (b) must inform members on each occasion that a notice has been excluded and the reasons for that exclusion;*
  - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
  - (d) may provide to the meeting relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- (5) A motion of which notice has been given is to lapse unless:*
  - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or*
  - (b) the meeting on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.'*

## **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 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:

Strategy 4.1.3:

*‘Ensure the Council’s decision making process is effective and transparent’*

Strategy 4.1.5:

*‘Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role’*

**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 policy ensures that all Councillors are presented with, as is the normal case for an officer’s report, a report giving an objective view of the matter.

The CEO is of the opinion that the policy should be amended to provide for two possible ways of dealing a notice of motion. Firstly, the Council agrees that the proposal has merit and should be adjourned so that a report can be prepared for further consideration. Under the Shire of Plantagenet Standing Orders Local Law 2020, this is done via a procedural motion *‘that the debate be adjourned’*.

Secondly, the Council considers that the proposal does not warrant further consideration. The way of doing that under the Standing Orders would be via a procedural motion *‘that the meeting proceed to the next item of business’*.

This approach would be more efficient by enabling some initial discussion on the proposal and if warranted, resources would be allocated to researching and preparing a report. If not, there would be no further effort taken on the matter.

One other change to the policy is recommended. Given the change to the policy in 2019, the objective can be simplified to remove reference to the Council report components, which will form part of an officer’s report anyway.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That amended Council Policy No. A/AMM/1 – Notices of Motion:

**‘OBJECTIVE:**

To ensure that all Councillors are presented with a full report giving a properly researched and balanced view of matters, where appropriate.

**POLICY:**

When a Notice of Motion is brought before the Council:

1. The Council will either:
  - (a) Determine that the proposal has merit and adjourn the debate to allow the Chief Executive Officer to prepare a report on the matter concerned for the Council’s consideration; or
  - (b) Determine that the proposal does not warrant further consideration. This would be done via a procedural motion *‘that the meeting proceed to the next item of business’*;
2. An adjournment in Clause 1(a) will allow sufficient time for due preparation of that report to allow the Chief Executive Officer to create the report. The time required for preparation of the report will be determined on the day; and
3. This policy would not apply for minor issues such as a condolence motion, and the like.

be endorsed.

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****10.1 INVITATION TO STATE MEMBER MS JANE KELSBIE JOIN COUNCILLORS FOR LUNCH**

Cr B Bell gave notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

**‘That:**

- 1. The Council request that the CEO write to the new member for the Warren Blackwood electret, Ms Jane Kelsbie, congratulating her on her win in the State election.**
- 2. An invitation be extended to our new member to join Council for a light lunch.**
- 3. After the lunch Ms Jane Kelsbie be invited to have information discussions with Councillors and staff about our future plans for the Shire of Plantagenet.**
- 4. The President and CEO take the new member on a guided tour of current and past projects including the sale yard facilities’**

**COUNCILLOR COMMENT**

I believe it is essential to establish a good working relationship with our new elected member.

**COMMENT FROM CEO**

This Notice of Motion is considered a minor issue as per Policy No: A/AMM/1 and as such would support the motion being debated by Council without the preparation of an Officers report.



**10.2 LETTER TO MR TERRY REDMAN**

Cr B Bell gave notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

**‘That:**

- 1. The Council request that the CEO write to the former member of the Warren Blackwood electret, Mr Terry Redman, expressing our thanks for his dedication in his role as our member.**
- 2. The Council wish Mr Terry Redman all the best for the future.’**

**COUNCILLOR COMMENT**

I think it is the right thing for the Council to thank those that have worked in public life. Often this is done at the expense of their personal and family life.

**COMMENT FROM CEO**

This Notice of Motion is considered a minor issue as per Policy No: A/AMM/1 and as such would support the motion being debated by Council without the preparation of an Officers report.

### 10.3 MURAL WALL

Cr B Bell gave notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

**‘That with regard to the physical design of the structure, artwork or catch phrases proposed for the Mural Wall, The Council, with community input, have the final say in all of the above.’**

#### COUNCILLOR COMMENT

The project is funded by the community and as such should have some guarantee that our community is represented in the design of the structure and in any artwork, including any accompanying catch phrases.

#### COMMENT FROM CEO

In reference to the notice of motion above, the physical design of the structure was approved at the 23 February 2021 Ordinary Meeting of Council, further, Main Roads WA have approved the sign location subject to final engineer drawings of the structure.

As background my understanding is that the proposed Mural Wall is:

- Part of a second stage installation by the Walldogs and the initial stage 1 installations have been very well received by the community and have contributed positively to the vibrancy and attractiveness of Mount Barker to many visitors. On this basis the organisation has a positive track record with Mount Barker.
- The Walldogs artists operate with the same procedures with all installations, in that the artist designs are not known by the public until the installation is being delivered at the location. This builds intrigue and mystique further adding to the promotional impact of the installation and the associated event.
- A community created Mountains and Mural committee has been established, and broad themes have been discussed to guide the installation of the mural wall with local community representation.

I further note that art and the creative industries are a very subjective topic and that trying to obtain consensus with regard specific installations is often difficult and attempts to do so may be seen by the artists as being counterproductive to the effectiveness of the installations.

As per Policy A/AMM/1 I refer the Notice of Motion to Council for its consideration.

**10.4 SILAGE WRAP**

Cr J Moir gave notice of his intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

**‘That:**

- 1. Council requests the CEO investigate and report back to Council with the current available options to recycle silage wrap and**
- 2. Work with our regional partners to determine if there is an appetite for a coordinated approach to explore alternative solutions to the current disposal of plastic silage wrap.’**

**COUNCILLOR COMMENT**

The Shire of Plantagenet’s Community Strategic Plan has clear outcomes relating to our environmental and leadership responsibilities.

Outcome 2.7 Protection of the Natural Environment

Outcome 2.9 Integrated Waste Management

Outcome 4.1 Effective Governance and Leadership.

The Shire of Plantagenet produces large volumes of silage for livestock production and its farmers are willing to support alternative more environmentally responsible practices that reduce their carbon foot print.

The intent of this motion is to start a conversation and to work with the various stakeholders to raise the issue of silage wrap and its current methods of disposal i.e. burning or burial so as to find alternative regional solutions to these practices with the view to collecting and converting this plastic to a recycled product if possible

**COMMENT FROM CEO**

The Notice of Motion does meet the strategic themes of the Shire of Plantagenet Community Strategic Plan and the motion does not commit unbudgeted funds to the investigation. The officer time involved in assisting with the intent of the motion is considered minor.

As per Policy A/AMM/1 I refer the Notice of Motion to Council for its consideration.

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

**12 CONFIDENTIAL**

**13 CLOSURE OF MEETING**