



ORDINARY MINUTES

DATE:

Tuesday, 27 April 2021

TIME:

4:00pm

VENUE:

Council Chambers, Lowood
Road, Mount Barker WA 6324


Cameron Woods
CHIEF EXECUTIVE OFFICER

Resolution numbers: 081/21 to 092/21

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

4.05pm 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 J Moir	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:

Nil

Members of the Public Present:

There were three members of the public present.

Previously Approved Leave of Absence:

Cr Marie O'Dea was granted Leave of Absence from 21 April 2021 to 3 May 2021 inclusive.

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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

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – ITEM 10.3 MURAL WALL - MR DAVID JOHNSON APM, REPRESENTING MOUNT BARKER MOUNTAINS AND MURALS INC.

Mr Johnson addressed the Council in response to Notice of Motion to suspend the town entry mural to seek public consultation (attached).

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995.

Cr C Pavlovich

Item: 10.3

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Sit on Mountains and Murals Committee – no part of the Mural Wall Project

Extent: Non-financial interest – stay in and vote

Cr L Handasyde

Item: 10.3

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Sit on Mountains and Murals Committee

Extent: Non-financial interest – wish to stay in and vote

6.1 APPLICANT: CR C PAVLOVICH

Cr Pavlovich requested Leave of Absence from 5 June 2021 to 20 June 2021 inclusive.

Moved Cr L Handasyde, seconded Cr B Bell:

That Cr C Pavlovich be granted Leave of Absence for the period 5 June 2021 to 20 June 2021 inclusive.

CARRIED (8/0)

NO. 081/21

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr J Moir:

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.

CARRIED (9/0)

NO. 082/21

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President noted his attendance at the Anzac events held on Sunday 25 April 2021. Both the dawn and 11.00am service were both well attended by local community and travellers. Thanks was extended to the Mt Barker RSL Sub-branch for their continued efforts in organising both events.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

9.1.1 NIL

9.2 WORKS AND SERVICES REPORTS

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

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

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 premiership team 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/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

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.

CARRIED (8/0)

NO. 083/21

Absolute Majority

Note: Further information provided by Cr S Etherington will be reviewed and any amendments to the background information will included in the further report to be submitted to the Council on 22 June 2021.

9.2.2 POLICY REVIEW – ROADS – UNCONSTRUCTED ROADS

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

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/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Woltering:

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.
- 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.**
 - (ii) To the minimum standard required for the intended use of the road and traffic volumes.**
- b) Request the Council to undertake the works as if the Council Policy I/PW/1 Private Works was applied.'**

MOTION TO ADJOURN THE DEBATE

Moved Cr J Moir,

That the motion be adjourned to the 25 May 2021 meeting of the Council for the purpose of defining the term 'unconstructed road'.

The motion lapsed for want of a seconder.

COUNCIL DECISION

The Motion was put.

CARRIED (8/0)

NO. 084/21

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

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/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr K Woltering:

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.'

CARRIED (8/0)

NO. 085/21

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – MARCH 2021

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

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/COUNCIL DECISION

Moved Cr L Handaysde, seconded Cr K Woltering:

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

CARRIED (8/0)

NO. 086/21

9.3.2 LIST OF ACCOUNTS – MARCH 2021

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

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/COUNCIL DECISION

Moved Cr S Etherington, 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 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.**

CARRIED (8/0)

NO. 087/21

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 POLICY REVIEW - NOTICES OF MOTION

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

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/COUNCIL DECISION

Moved Cr K Woltering, seconded Cr B Bell:

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.**
- (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.

3. This policy would not apply for minor issues such as a condolence motion, and the like.

be endorsed.

MOTION TO ADJOURN THE DEBATE

Moved Cr K Clements, seconded Cr L Handasyde:

That the motion be adjourned to seek clarification on the process of determining the support for a Notice of Motion under this policy and be brought back to the meeting of Council on 25 May 2021.

CARRIED (8/0)

NO. 088/21

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:

Moved Cr B Bell, seconded Cr J Moir:

That:

- 1. The Council request that the CEO write to the new member for the Warren Blackwood electorate, 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.**

CARRIED (8/0)

NO. 089/21

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:

Moved Cr B Bell, seconded Cr J Moir:

That:

- 1. The Council request that the Shire President write to the former member of the Warren Blackwood electorate, 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.**

CARRIED (8/0)

NO. 090/21

Alteration to Wording:

Pursuant to Standing Order 10.10 and with the consent of the seconder, the mover agreed that the word 'CEO' be replaced with the words 'Shire President' in Part 1 of the motion.

10.3 MURAL WALLCr C Pavlovich

Item: 10.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Sit on Mountains and Murals Committee – no part of the Mural Wall Project
Extent: Non-financial interest – stay in and vote

Cr L Handasyde

Item: 10.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Sit on Mountains and Murals Committee
Extent: Non-financial interest – wish to stay in and vote

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:

Moved Cr B Bell, seconded Cr J Moir:

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.

LOST (1/7)

Crs Pavlovich, Oldfield, Clements, Etherington, Handasyde, Moir and Woltering voted against the motion

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:

Moved Cr J Moir, seconded Cr B Bell:

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.'**

AMENDMENT

Moved Cr L Handasyde, seconded Cr K Clements:

That Part 1 of the motion be deleted.

CARRIED (8/0)

NO. 091/21

COUNCIL DECISION

That the CEO 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.

CARRIED (5/3)

NO. 092/21

Crs Oldfield, Etherington and Woltering voted against the motion

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

5.30pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON  DATE: 25 / 05 / 2021

Thank you for the opportunity to speak with you in regards to CR BELL's notice of motion to suspend progress on the mural to be painted and erected at the northern end of town for public consultation, a motion I became aware of today.

The structure to be built is merely a platform to paint another mural as part of the 2021 Mountains and Murals Festival. There will be six new murals added to the current trail.

The Mount Barker Mountains and Murals Committee are very appreciative for the support from the Shire of Plantagenet to invest in building the structure that will house the mural. This structure, placed prominently on Albany Highway, will maximise the investment in the festival.

This particular mural has been allocated to Elaine WALLIS, a premier Walldog and owner of Signature Signs in Niagara Falls, Canada. Elaine is an original Walldog and has been lead designer and project leader at several Walldog meets across the 27-year history of the Walldog movement.

Last year, Elaine was awarded the project to design the next Commonwealth Games medals, which is testament to her design ability.

It is important to understand the concept of the Walldogs movement, and the process in which the festival is implemented. It is a proven method of success, and it fosters the creation of the magic so synonymous with the Walldogs.

It is also crucial that we are reminded that for little more than just food and shelter for a week, the Walldogs very best creative efforts are bonded onto the walls of the towns they visit.

I believe as a community, we need to trust Elaine and the Walldogs, much like we did in 2019, and much like the other struggling US towns have done over the past 27 years. I am unaware of any negative feedback on the murals we have in our town, and as I travel across America, the Walldogs legacy is just as positive.

Over 200 towns a year bid for the Walldogs and all agree to follow the Walldogs principles and processes as part of the event guidelines.

Only one lucky town gets the honour annually to host an event.

Also, it's important to note that Mount Barker will become the first town in the Walldogs history to be visited twice. This is solely due to the warm reception and hospitality our town afforded to our visiting Walldogs in 2019.

The level of media interest and public curiosity in 2019 was immense, and the magic created during the festival was possibly unprecedented, creating an uptake in visitor numbers to our region over the past 18 months.

The town is colourful, vibrant and has value added to the work done by the shire to make Mount Barker the wonderful place it is today.

The next edition of Mountains and Murals will raise the bar again, and I know it will be a greater spectacle than the previous one, with the community having a far greater knowledge on what the week will hold.

I use the word "magic" a lot, and that is the best way to describe the impact the festivals have on the towns that host the Walldogs.

It is due mainly to the way the Walldogs have constructed the festival and the subsequent lead in.

From the mystique and curiosity of what the murals may look like, to the public unveiling, and finally the bringing together of artists and the community to sling some paint, all makes for one magical week.

So, to bring me back to the nuts and bolts of how the festival is structured, I will explain the process.

Firstly, the organising committees provide the project leaders with the topic and enough subject matter to get the creative process started.

The Walldogs then do their own research, and as a result, I have constantly been answering Elaine's questions for the past year as she has researched our shire and its' history.

I remember the effort Mike BROMLEY went to in 2019. This included research into the plane's registration number with De Haviland in Canada to ensure that the plane used in the mural, that our written history always referred to as a Tiger Moth, was correctly identified.

It's important to note that the topics for the 2021 Mountains and Murals were put out to public consultation in 2020, with 451 community responses received. The six most popular chosen were submitted to our visiting Walldogs for design.

Once the project leader has the information, the outside influences cease, and the artists are left to design their murals, which is then returned to the organising committee just prior to the public unveiling.

We must remember that the Walldogs are not paid for their research and design hours. Elaine is currently on draft number three, with over 200 hours invested in her design. What makes Elaine such a great designer is her very real affection of the subject matter she is given.

She has produced some of the most iconic Walldog murals.

This process is the Walldog way and simply, it's not negotiable.

It is clearly articulated on Jay ALLEN's Walldogs website that the chosen project leaders have complete control over all design aspects. I have a copy of the Walldog events guidelines for submission to council. **I will read an excerpt now.....**

In Steps to hosting an event – The chosen project leaders for a Walldog project will have complete control over all design aspects. The town only needs to ensure that each of the murals is historically accurate.

In Frequently Asked Questions – “Can the City Council design the layout for the murals and the Walldogs just paint it?”

Absolutely not. It would be extremely difficult for project leaders to plan their jobs using someone else's design. These project leaders are experienced in their fields and can develop a design that is not only beautiful but historically accurate.

To get the cream of the crop, Jay ALLEN, Elaine WALLIS, Anat RONEN, Noella COTNAM, Mike McEVERS and Dan LUCKIN is very special indeed.

So, I need to be very blunt here. I am not prepared to interfere with this process and disrespect my friends or the greater Walldogs movement.

I am also not going to embarrass myself or this community by being the first town in 27 years to question a tried, tested and successful formula. It has worked for us, and every other Walldog town over the past 27 years.

I urge you all to have confidence in the process. You have witnessed it previously, so there should be no doubt or confusion as to what they will bring to the table.

Have faith, that what they create will be truly world class.

The tag line was chosen as a result of a public competition and consultation process. I stress it does not replace the shire's signature catch-phrase "Rich & Beautiful". It is simply a couple of words on the mural to entice the tourist who may bypass our town, to consider stopping here. It will work in harmony with the mural to hit a chord with passing motorists. It will not be used or adopted elsewhere in any way, shape or form.

The level of their investment in the subject matter ensures the towns they are visiting will be touched by their creative minds and improved, by their willingness to come to a foreign place, for little more than food and shelter, and paint a history that has no real connection to them, that is, until they are here.

Quite simply, if we want the Walldogs to attend, we will follow the process. The committee of Mountains and Murals are volunteering their time, which is significant, to make this festival a premier event.

I ask you all to consider the substantial investment by both the committee and the visiting Walldogs and ensure that the project is not derailed.

Therefore, I urge council not to consider the notice of motion put before you today by Cr BELL.

Thank you



As the number of towns requesting a Walldog event grows, so does the common misconception that we do this for free. That simply isn't the case. Even though the benefits of such an event greatly out number the costs, there are a few steps that inquiring towns must take in order to have the Walldogs come.

Steps to Host an Event

Contact the Walldogs

Plan the event

Dotting the i's and crossing the t's

The costs of the event

How to pay for the event

Promoting your new murals

With the help of the event host, the town will decide how many murals they will want to do, where they will be located, and the size and subject matter of each mural. The subject matter in many cases is historic in nature. They should only help promote the town as a whole, not an existing business.

The chosen project leaders for a walldog project will have complete control over all design aspects. The town only needs to make sure that each of the murals is historically accurate. For example: "Is that the right kind of train that was seen in this town?"

Frequently Asked Questions

- Can any sign artist be an event host?
- How are project leaders chosen?
- What if one of the suggested subject matters is a historic business that is still open today?

Can the "city council" design the layout for the murals and the Walldogs just paint it?

Absolutely not. It would be extremely difficult for project leaders to plan their jobs using someone else's designs. These project leaders are experienced artist in their fields and can develop a design that is not only beautiful but historically accurate.

Is there a more complete list of what our town needs to supply?

Contact the Walldogs

Communities interested in hosting a Walldog event should start by filling out the form below. Keep in mind that some dates are no longer available because of previously scheduled walldog events. For a list of upcoming events visit our upcoming events page.

Name (required)

Email (required)

Phone

Address

City

State or

Province