



## ORDINARY MINUTES

**DATE:** Tuesday, 23 April 2024

**TIME:** 5.00pm

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



Julian Murphy  
CHIEF EXECUTIVE OFFICER

Resolution numbers: 028/24 to 034/24

*Please Note: Council Meetings are recorded for accuracy of minute taking.*

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.05pm The Presiding Member declared the meeting open.

The Presiding Member acknowledged the traditional custodians of our area and their continuing connection to the land and community. We pay our respects to all members of the Menang Noongar community and their culture; and to Elders past, present and emerging.

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

### Members Present:

Cr L Handasyde	President (Presiding Member)
Cr A Fraser	Deputy President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr J Liebeck	Councillor
Cr J Oldfield	Councillor
Cr W Sheard	Councillor

### In Attendance:

Mr Julian Murphy	Chief Executive Officer
Mr Anthony Middleton	Executive Manager Corporate and Community Services
Ms Delma Baesjou	Manager Development Services
Ms Nolene Wake	Executive Officer

### Apologies:

Cr R Brown

### Members of the Public Present:

There were four members of the public present at the meeting.

### Previously Approved Leave of Absence:

Cr B Bell was granted Leave of Absence for the period 24 March 2024 to 18 May 2024 inclusive but attended this meeting. Leave of Absence will continue after this meeting until 18 May 2024.

### Disclaimer:

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such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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*Please Note: Council Meetings are recorded for accuracy of minute taking.*

### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

##### **3.1.1 RACHEL WRIGHT – REPRESENTING SELF**

*At the Ordinary Meeting of Council held on 26 March 2024, Ms Wright asked the following questions of Council:*

- 1) Are Councillors aware of the current state of the western oval at Sounness Park which is in a dire state of dead grass and weeds?*
- 2) Will the Shire provide a detailed action plan, including timelines to restore the western oval, including actions to ensure the long-term maintenance of the oval in a state fit to host junior and senior sporting fixtures?*
- 3) What's the contingency plan for users of the western oval for the 2024/25 season?*

#### **Response from the CEO:**

- 1) Councillors are aware of the current state of the Western Oval. They are also aware that a substantial amount of water was provided to the Turf Club to attempt to save their race season. Water was provided to top up their dam at the start of the season and then a significant amount of water was provided to prevent the Turf Club losing the second half of their season. As it turned out they lost the races for another reason and the Shire has been left with a situation where water was needed to be rationed. When the Turf Club lost their final races of the season the Manager of Works and Services ensured that at least a portion of the water was returned to the Shire for use on their Ovals. Unfortunately, at this stage the Western Oval was seriously stressed and has taken until now to start to recover.
- 2) The Shire has already engaged the services a turf specialist who will provide consulting services next year to ensure all Ovals are maintained in optimal condition to host junior and senior sporting fixtures. The Shire of Plantagenet will also ensure that moving forward all Shire dams will be utilised solely for watering Shire assets. This will ensure that there is

sufficient water to maintain the Ovals even in a long, hot and dry summer like the one that we have just been through.

- 3) By using all Shire water resources only for Shire Ovals there should not be an issue going forward. If there were to be an unforeseen issue Mount Barker Community College have confirmed that they would be happy to host sporting events on their oval to provide contingency.

### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

#### **3.2.1 MRS DONNA STAIN – VOLUNTEER, MOUNT BARKER MUSEUM**

Mrs Stain asked the following question of Council:

*The Medical Display Room at the Museum of Out of Order and could this please get fixed?*

The CEO responded that this room had been inspected by the Shire and it was difficult to assess the work involved as the room would need to be cleared out, the flooring removed, and the sub flooring inspected to be able to assess the necessary works required.

The CEO noted that the problem was not complex, but funds would need to be made available in the budget for the works.

## **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

### Cr S Etherington

Item: 9.1.1 Local Planning Scheme No. 5 Amendment to 1 – Child Care Premises  
Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.  
Nature: Chairs donated to the value of at least \$10,000 to Empowering Plantagenet Seniors (EPS).  
Extent: President of EPS. Will be leaving the meeting.

### Cr J Oldfield

Item: 9.4.1 Mining and Exploration Policy  
Type: Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995.  
Nature: A (recently expired) contract with a mining company to carry out exploration on my property.  
Extent: N/A. Will be leaving the meeting.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

## **7 CONFIRMATION OF MINUTES**

### **7.1 ORDINARY MINUTES OF COUNCIL HELD 22 MARCH 2024**

**Moved Cr A Fraser, seconded Cr J Oldfield:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 March 2024 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 028/24**

**For: Crs Handasyde, Fraser, Bell, Clements, Etherington,  
Liebeck, Oldfield and Sheard  
Against: Nil**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Presiding Member noted both the dawn and morning Anzac Day services to be held at Centenary Park on 24 April.

The Presiding Member extended his congratulations to the Mount Barker Bulls Women's football team on their premiership win on Friday night, and the Club on the success of the evening; acknowledged the work put in by Shire staff in getting the lights ready and the oval looking good.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOCAL PLANNING SCHEME NO. 5 – AMENDMENT NO.1 - CHILD CARE PREMISES – CHANGE OF USE ‘X’ TO ‘A’ IN RESIDENTIAL ZONE

Cr S Etherington

Item: 9.1.1 Local Planning Scheme No. 5 Amendment to 1 – Child Care Premises  
 Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.  
 Nature: Chairs donated to the value of at least \$10,000 to Empowering Plantagenet Seniors (EPS).  
 Extent: President of EPS. Will be leaving the meeting.

5:09pm Cr Etherington left the meeting.

**File Ref:** N63408  
**Attachment:** LPS5 Amendment 1 Report  
WAPC: Draft Position Statement: Child Care Premises  
**Responsible Officer:** Delma Baesjou- Manager Development Services  
**Author:** André Pinto- Senior Planner  
**Proprietor/Applicant:** Harley Dykstra on behalf of The Gowrie (WA) Inc.  
**Proposed Meeting Date:** 23 April 2024

### PURPOSE

The purpose of this report is to consider whether to support Scheme Amendment No.1 to Local Planning Scheme No.5 (LPS5) following formal advertising.

### BACKGROUND

The land use ‘Child Care Premises’ is currently not permitted (‘X’ use) within the Residential Zone of LPS5. This is considered inconsistent with the objectives and intent of the Residential Zone of LPS5, the Shire’s Local Planning Strategy and contemporary expectations for childcare facilities within the planning sector in Western Australia.

This proposed amendment aligns with the Shire of Plantagenet Planning Department’s effort to modernise the planning framework within the Shire to becoming more progressive, innovative and flexible when required. Currently the ‘X’ use dictated in the Scheme does not provide any ability for consideration to be given to a Child Care Premises proposal in the Residential Zone.

The amendment will provide the opportunity to develop key sites within established and proposed residential areas where childcare facilities are needed, noting the



Shire's significantly growing population especially among young families and the unmet demand for additional child care places has become a significant barrier to many businesses getting new employees into the Shire.

Council considered a report on this matter at its meeting held 28 November 2023. and resolved to initiate Scheme Amendment 1 to LPS5 (refer Item 9.1.3 Resolution 182/23).

The following Resolution was adopted:

*'That Council:*

1. *Pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Plantagenet Local Planning Scheme No 5 by modifying the permissibility of 'Child Care Premises' in the Residential zone from an 'X' use in to an 'A' use within the Zoning Table.*
2. *Determines that, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, Amendment No. 1 is a 'basic amendment' for the following reasons:*
  - a. *It is consistent with the model provisions in Schedule 1 of the Deemed provisions.*
  - b. *It is consistent with the objectives of the Local Planning Scheme and Local Planning Strategy for Residential zoned land.*
  - c. *It is consistent with WAPC Planning Bulletin 72 and the Draft Position Statement: Child Care Premises.*
  - d. *It is consistent with the Shire's Draft LPP 4 – Child Care Premises.*
3. *Authorises the Chief Executive Officer and Shire President to affix the Common Seal of the Council to the Local Planning Scheme No. 5 Amendment No. 1 documents.*
4. *Forwards Local Planning Scheme No.5 Amendment No. 1 to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission, in accordance with the Planning and Development Act 2005, and the Planning and Development (Local Planning Schemes) Regulations 2015.'*

## **EXTERNAL CONSULTATION**

In accordance with the Council Resolution and the requirements set out in Division 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed Scheme Amendment was referred to the Environmental Protection Authority (EPA).

The EPA subsequently confirmed that formal assessment was not warranted and there was no objection to the Scheme Amendment.

Notwithstanding the determination by Council that this was a 'Basic Amendment'

The Western Australian Planning Commission (WAPC) directed the Shire to advertise the proposal as if it were a standard amendment in accordance with 59(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Formal advertising, in accordance with the Regulations, was undertaken for a period of 42 days and closed on the 27 March 2024. During this period of time no enquiries or comments were received. Given there were no objections raised, it is assumed there is public support for the change being made.

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations 2015.

### **POLICY IMPLICATIONS**

Proposed Scheme Amendment aligns with intention of Draft *Local Planning Policy (LPP) 4- Child Care Premises & Family Day Care*.

### **FINANCIAL IMPLICATIONS**

The application fee of \$3,745.00 was received on 1 November 2023.

### **BUDGET IMPLICATIONS**

There are no budget implications for this report.

### **LEGAL IMPLICATIONS**

There are no legal implications for this report.

### **ASSET MANAGEMENT IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

At Outcome 3.1 Local Business the following Strategies:

Strategy 3.1.1:

*'Develop and implement policies and initiatives to attract inward migration and investment.'*

3.1.2:

Businesses are encouraged and supported

At Outcome 4.1 Shire Governance the following Strategy:

Strategy 4.1.1:

*'A Shire that listens and considers the needs of each community.'*

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

**RISK MITIGATION IMPLICATIONS**

There are no risk mitigation implications for this report.

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

As outlined in the previous Council Report, it is evident the shortage of Child Care places is a significant barrier for businesses getting new workers to the area, along with the housing shortage. By making this change to the Scheme more opportunities arise to solve this problem.

This amendment proposes modifying LPS5 land use permissibility to allow "Child Care Premises" to be considered within the 'Residential' zone.

The amendment will provide the opportunity for Child Care Premises to be considered within the Residential zone where it can be demonstrated that proposals align with the requirements and objectives of *Local Planning Policy 4- Child Care Premises & Family Day Care*. The opportunity to expand the permitted zones in which a Child Care Premises may be considered will assist in addressing the current shortage of these facilities within the Shire of Plantagenet.

The proposed 'A' use classification still requires a development application for a new Child Care Premises to be prepared in line with the relevant planning criteria and lodged for consideration by the Shire, including public advertising which will ensure any potential development sites can be considered in detail prior to a determination occurring. This will ensure all potential amenity issues are dealt with through the application process and as per the adopted LPP4- Child Care Premises and Family Day Care.

The proposed modification of the land use permissibility is considered consistent with the objectives, intent and requirements of the existing state and local planning framework. The amendment is consistent with the objectives identified within Schedule 1 of the Deemed provisions, it accords with the Shire's Local Planning Strategy and satisfies the objectives of the Residential zone as set out in LPS5. The proposed amendment is also consistent with Western Australian Planning Commission (WAPC) Planning Bulletin 72 and the recently released draft Position State: Child Care Premises with the intent to locate child care premises where they are compatible with and complementary to residential land uses and the road network.

As set out in 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, following formal advertising of the Amendment, and in the absence of any submissions, the local government must pass a resolution —

- (a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment.

Given the proposal aligns with contemporary State and Local strategies and Policies, and in the absence of any objections, Officers recommend Amendment 1 to LPS5 be supported without modification.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr K Clements, seconded Cr A Fraser:

That Council:

1. Supports without modification, pursuant to Section 75 of the *Planning and Development Act 2005* and 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 1 to the Shire of Plantagenet Local Planning Scheme No 5 for the purpose of modifying the permissibility of 'Child Care Premises' in the Residential Zone from an 'X' use to an 'A' use within the Zoning Table.
2. Authorises the Chief Executive Officer and President to affix the Common Seal and execute the Local Planning Scheme No. 5 Amendment No. 1 documents.

CARRIED (7/0)

NO. 029/24

For: Crs Handasyde, Fraser, Bell, Clements, Liebeck, Oldfield and Sheard  
Against: Nil

5:12pm Cr Etherington returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 BUDGET AMENDMENT – JACKSON ROAD

<b>File Ref:</b>	<b>N63401</b>
<b>Attachment:</b>	<u>Aerial Map</u>
<b>Responsible Officer:</b>	<b>Kevin Hemmings</b> <b>Executive Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne</b> <b>Senior Administration Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>23 April 2024</b>

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#### PURPOSE

The purpose of this report is to amend the 2023/2024 Annual Budget to recognise a variation in road projects for the Roads to Recovery funding programme.

#### BACKGROUND

The 2023/2024 annual budget was adopted by the Council at its Ordinary Meeting on 25 July 2023.

This is the second review of the road construction programme. The first review took place on 31 October 2024.

#### EXTERNAL CONSULTATION

Consultation has taken place with staff from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. This department administers the Roads to Recovery Programme.

#### STATUTORY ENVIRONMENT

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution (by absolute majority).

Local Government (Financial Management) Regulations 1996

#### POLICY IMPLICATIONS

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

#### BUDGET IMPLICATIONS

As part of the Roads to Recovery programme, \$134,784 was allocated in the 2023/2024 annual budget for works on Newman Road, Narrikup.

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It is recommended that \$134,784 be reallocated to complete works on the gravel section of Jackson Road, Narrikup from Old Coach Road to Settlement Road.

### **ASSET MANAGEMENT IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

At *Outcome 4 Performance & Leadership* the following:

Strategy 4.1.3:

'A Shire that is open and transparent with its community.'

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

### **RISK MITIGATION IMPLICATIONS**

The Strategic Risk 'Project/Change Management' includes the key control of regular monitoring and reporting of the capital works programme.

### **STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

### **REGIONAL IMPLICATIONS**

There are no regional implications for this report.

### **OFFICER COMMENT**

At the Council Forum held on 8 April 2024, a report was presented to Councillors proposing an amendment to the projects funded by Roads to Recovery funding. The proposal to defer the Newman Road project and replace with Jackson Road was supported subject to formal budget amendment.

\$134,784 was originally allocated to Newman Road, Narrikup, in the 2023/2024 budget to widen a section of the road, resheet and apply a primer seal. Works have not yet commenced on the project due to a delay in approval for a clearing permit. It is anticipated the clearing permit approval will not arrive in time for the project to be completed by 30 June 2024. In order for the Council to spend the annual allocation of R2R funding, another project must be nominated in its place.

The gravel section of Jackson Road from SLK 6.10 to 9.66 (Old Coach Road intersection to Settlement Road intersection) is suitable. The road was damaged in winter 2023, with further damage caused by unregulated and unapproved heavy vehicle use. As a result, the Works and Services department has received many complaints from road users and residents.

As part of the Shire's future road planning, this section of Jackson Road has been identified for work in 2024/2025. It was decided to bring the work forward to 2023/2024 due to the amount of damage sustained, the value being similar, as well as the road being in the same vicinity i.e. Narrikup.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr J Oldfield:

That Council:

1. Approves the changes to the Capital Road Works Programme as follows:
  - a) Defers the proposed works on Newman Road to widen, replace culverts, sheet and construct with a 14mm primer seal; and
  - b) Reallocates the budgeted funds of \$134,784 to Jackson Road SLK 6.10 to 9.66 to renew drainage and shoulders, and gravel resheet.
2. Amends the 2023/2024 Annual Budget accordingly.

**CARRIED (8/0)**

**NO. 030/24**

**Absolute Majority**

**For: Crs Handasyde, Fraser, Bell, Clements, Etherington,  
Liebeck, Oldfield and Sheard  
Against: Nil**

### 9.3 CORPORATE AND COMMUNITY SERVICES REPORTS

#### 9.3.1 FINANCIAL STATEMENTS – MARCH 2024

<b>File Ref:</b>	<b>N63403</b>
<b>Attachment:</b>	<u>Financial Statements – March 2024</u>
<b>Responsible Officer:</b>	<b>Anthony Middleton</b> <b>Executive Manager Corporate and Community Services</b>
<b>Author:</b>	<b>Wendy Stringer</b> <b>LG Best Practices</b>
<b>Proposed Meeting Date:</b>	<b>23 April 2024</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 2024.

#### **STATUTORY ENVIRONMENT**

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

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

The Statement is to be accompanied by:

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

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**RISK MITIGATION IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr J Liebeck:

That Council receives the Financial Statements for the period ending 31 March 2024.

**CARRIED (8/0)**

**NO. 031/24**

**For: Crs Handasyde, Fraser, Bell, Clements, Etherington,  
Liebeck, Oldfield and Sheard  
Against: Nil**

**9.3.2 LIST OF ACCOUNTS – MARCH 2024**

<b>File Ref:</b>	<b>N63402</b>
<b>Attachment:</b>	<u>List of Accounts – March 2024</u>
<b>Responsible Officer:</b>	<b>Jodi Masson</b> <b>Finance Manager</b>
<b>Author:</b>	<b>Wendy Stringer</b> <b>LG Best Practices</b>
<b>Proposed Meeting Date:</b>	<b>23 April 2024</b>

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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 2024.

**EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

**STATUTORY ENVIRONMENT**

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

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

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

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**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**RISK MITIGATION IMPLICATIONS**

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

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr K Clements, seconded Cr A Fraser:

That Council receive 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 2024 as follows:

1. Electronic Payments and Direct Debits totalling \$2,068,091.46; and
2. Municipal Cheque 47287 to 47287 totalling \$73.00.

**CARRIED (8/0)**

**NO. 032/24**

**For: Crs Handasyde, Fraser, Bell, Clements, Etherington,  
Liebeck, Oldfield and Sheard  
Against: Nil**

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 MINING AND EXPLORATION POLICY

Cr J Oldfield

Item: 9.4.1 Mining and Exploration Policy  
 Type: Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995.  
 Nature: A (recently expired) contract with a mining company to carry out exploration on my property.  
 Extent: N/A. Will be leaving the meeting.

5:14pm Cr J Oldfield left the meeting.

**File Ref:** N63441  
**Attachment:** Porongurup Tourism Corridor Mining Exclusion Area – Eastern Portion  
**Responsible Officer:** Julian Murphy  
 Chief Executive Officer  
**Author:** Julian Murphy  
 Chief Executive Officer  
**Proposed Meeting Date:** 23 April 2024

### PURPOSE

The purpose of this report is to consider the draft policy on Mining and Exploration in the Shire of Plantagenet.

### BACKGROUND

At the Special Electors Meeting held on 7 February 2024, the electors in attendance made the following decision:

*“That Council define and adopt a Policy Position regarding mining and mineral exploration to include definition of selected areas of the Shire as being of high value for development and continuance of Agricultural, Viticultural and Nature-based Tourism industries and, that within those areas, mineral exploration and mining activity will be expressly opposed by Council. Such areas to include the Shire’s three National Parks and a “Porongurup Tourism Corridor”.*

Council considered this decision at the February OCM where it decided to refer the matter to the CEO to develop a policy for further consideration.

### EXTERNAL CONSULTATION

The CEO has met with the Friends of the Porongurup Range to discuss the policy at which time the group supported the draft policy as proposed in this report.

## STATUTORY ENVIRONMENT

Local Government Act 1995 provides under Section 2.7. Role of council that:

- (1) The council —
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

The following types of mining tenements prescribed under the Mining Act 1978:

- Prospecting Licences (Sections 40 to 56)
- Special Prospecting Licences for Gold (Sections 56A, 70 and 85B)
- Exploration Licences (Sections 57 to 69E)
- Retention Licences (Sections 70A to 70M)
- Mining Leases (Sections 70O to 85A)
- General Purpose Leases (Sections 86 to 90)
- Miscellaneous Licences (Sections 91 to 94)

Mining tenements are administered by the Department of Mines, Industry Regulation and Safety (DMIRS).

## POLICY IMPLICATIONS

The proposed policy on Mining and Exploration in the Shire of Plantagenet aims to define the Shire of Plantagenet's position to guide advocacy with regard to mining and exploration in defined areas within the Shire of Plantagenet.

## FINANCIAL IMPLICATIONS

There are no financial implications for this report.

Any financial implications of Council lodging a formal objection to a mining tenement application or lodging any proceedings with the Wardens Court needs to be considered on a case-by-case basis before undertaking those proceedings.

## BUDGET IMPLICATIONS

There are no budget implications for this report.

## LEGAL IMPLICATIONS

The Shire of Plantagenet does not administer or regulate mining tenements. The proposed policy provides clear direction on Council's advocacy role to work to ensure the best interests of the Shire of Plantagenet.

All proceedings relating to a mining tenement must be filed at any office of the Wardens Court for any of the designated districts in which the mining tenement lies. Should Council wish to lodge any formal objection to applications for mining tenements

within the Shire of Plantagenet then those matters will be dealt with by the Wardens Court.

### ASSET MANAGEMENT IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

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

*At Outcome 4 Performance & Leadership the following Strategies:*

Strategy 4.1.1:

*'A Shire that listens and considers the needs of each community.'*

Strategy 4.1.3:

*'A Shire that is open and transparent with its community.'*

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

### RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><i>Reputational</i></p> <p>Council reputation can be harmed by either not taking action in relation to a decision by the electors of the district or conversely adopting a policy which may appear detrimental to the mining industry</p>	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	Council agrees to consider a policy on mining in sensitive areas within the Shire
<p>Opportunity: To establish a policy that clearly defines Council's position in relation to advocacy on mining and exploration in the Shire.</p>				

### REGIONAL IMPLICATIONS

There are no regional implications for this report.

**OFFICER COMMENT**

The following Draft Policy on Mining and Exploration in the Shire of Plantagenet have been developed for Council's consideration:

Objective

This policy defines the Shire of Plantagenet's position to guide advocacy with regard to mining and exploration in defined areas within the Local Government.

Policy

Mining is incompatible with all other land uses including Agricultural, Viticultural and Nature-based Tourism and may not be beneficial to the environment and the community.

Exploration and mining are inconsistent with the purposes of National Parks and other areas of high primary production, lifestyle and tourism value.

Mining and exploration activities have the potential to negatively impact directly and indirectly on other land uses and Communities in the Shire of Plantagenet

Whilst exploration has less of an impact on land, the negative impacts of exploration are cumulative and the potential for exploration activities to lead to mining also poses a risk to high value land and the environment.

The Shire of Plantagenet does not support mining and exploration activities in circumstances where proposals for mining and exploration have the potential to negatively impact on the environment, tourism, lifestyle and other land uses.

The Shire of Plantagenet specifically identifies the Porongurup, Strling Ranges and Mount Lindesay National Parks and the Porongurup Tourism Corridor as areas of high value in which mining will be opposed by the Local Government.

The Shire of Plantagenet will advocate for and on behalf of the Plantagenet Community to ensure the best interests of the Shire of Plantagenet and its Communities, in circumstances where proposals for mining and exploration activities will negatively impact on areas of high value within its Local Government Area.

Definition:

The Porongurup Tourism Corridor is defined as that area outlined in the attached map.

The policy on Mining and Exploration in the Shire of Plantagenet does not bind Council into lodging any formal objection or undertaking proceedings in the Wardens Court with respect to mining tenement applications. The policy state Council's advocacy position which supports the preservation of high value land within the Shire which may be negatively affected by mining and exploration activities.

It is recommended that before considering the adoption of this policy that Council advertises the policy for public comment for a period of 21 days.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr A Fraser, seconded Cr B Bell:**

**That Council, prior to considering the adoption of the proposed policy on Mining and Exploration in the Shire of Plantagenet, advertises the policy for public comment for a period of 21 days.**

**CARRIED (7/0)**

**NO. 033/24**

**For: Crs Handasyde, Fraser, Bell, Clements, Etherington,  
Liebeck, and Sheard  
Against: Nil**

5:16pm Cr J Oldfield returned to the meeting.



**9.4.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 2024**

<b>File Ref:</b>	<b>N63436</b>
<b>Attachment:</b>	<u>2024 NGA Registration Information Brochure</u>
<b>Responsible Officer:</b>	<b>Julian Murphy</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Nolene Wake</b> <b>Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>23 April 2024</b>

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**PURPOSE**

The purpose of this report is to consider the attendance of Councillors and staff either in person or by virtual means at the National General Assembly (NGA) of the Australian Local Government Association (ALGA).

**BACKGROUND**

The 2024 National General Assembly of Local Government (NGA) – incorporating the Regional Cooperation and Development Forum – will be held in Canberra 2-4 July 2024.

The ALGA Conference website ([alga.com.au](http://alga.com.au)) outlines the following:

The theme of the 2024 NGA is “Building Community Trust” which acknowledges the critical importance of trust in our democracy’s different level of government, its institutions, and amongst its citizens. The conference program features a range of high profile and engaging speakers who will explore ideas about what creates trust, and how we nurture it.

The conference will include presentations by a range of speakers including the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, and the Federal Leader of the Opposition.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

Registration to the Assembly is \$945.00 (payment received on or before Friday 7 June). Full virtual registration to the Forum is \$739.00 or \$539 per day. Air Travel costs will be approximately \$1,200.00 and accommodation \$200 - \$400 per day.

**POLICY IMPLICATIONS**

Council Policy CE/CS/1 – ‘Elected Member Expenses to be Reimbursed provides that the cost for attendance at conferences must be specifically authorised by Council.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides:  
*At Outcome 4 Performance & Leadership* the following:

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Strategy 4.1.3:

'A Shire that is open and transparent with its community.'

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

### **OFFICER COMMENT**

Attendance of the at ALGA National General Assembly can provide the opportunity for Councillors to gain valuable insights into best practice for service delivery as well as the current environment for local government on the national level.

Councillors are required to share any knowledge or information gained by providing a report to Councillors for inclusion in the Information Bulletin on their return.

Councillors can attend in-person or by virtual means, offering a participant the opportunity to view all NGA sessions from Tuesday through to Thursday.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr S Etherington:**

**That Council approves:**

- 1. Attendance in-person of the President and CEO at the National General Assembly of Local Government to be held in Canberra from 2 to 4 July 2024 and all cost of attendance including registration, travel and accommodation; and**
- 2. Virtual registration for access to all General Assembly sessions for one or both days for Elected Members.**

**CARRIED (8/0)**

**NO. 033/24**

**For: Crs Handasyde, Fraser, Bell, Clements, Etherington,  
Liebeck, Oldfield and Sheard  
Against: Nil**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

5.19pm The President declared the meeting closed.

CONFIRMED: CHAIRPERSON \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_