



ORDINARY MINUTES

DATE: Tuesday, 31 October 2023

TIME: 5.00pm

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

Julian Murphy
CHIEF EXECUTIVE OFFICER

Resolution numbers: 163/23 to 178/23

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm The Chief Executive Officer declared the meeting open and presided pursuant to Schedule 2.3(3) of the Local Government Act 1995.

The Chief Executive Officer 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 B Bell	Councillor
Cr R Brown	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr A Fraser	Councillor
Cr L Handasyde	Councillor
Cr J Liebeck	Councillor
Cr J Oldfield	Councillor
Cr W Sheard	Councillor

In Attendance:

Mr Julian Murphy	Chief Executive Officer
Mr Kevin Hemmings	Executive Manager Works and Services
Ms Nicole Selesnew	Manager Community & Recreation Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were four members of the public present at the meeting, including one media representative.

Previously Approved Leave of Absence:

Nil

Disclaimer:

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

3 ELECTION OF PRESIDENT

The Chief Executive Officer advised that he had received one written nomination for the position of President, being Cr Len Handasyde.

The Chief Executive Officer invited further nominations for the position of President.

There being no further nominations, the Chief Executive Officer declared Cr L Handasyde elected as President, unopposed.

Cr L Handasyde then took the Declaration of Office before Chief Executive Officer Julian Murphy and assumed the Chair at 5.03pm.

4 ELECTION OF DEPUTY SHIRE PRESIDENT

The Chief Executive Officer advised that he had received two written nominations for the position of Deputy President, being Cr Clements and Cr Fraser.

The Chief Executive Officer invited further nominations for the position of Deputy Shire President.

There being no further nominations, the Chief Executive Officer undertook a Ballot and declared Cr A Fraser elected as Deputy President, with five votes.

Cr Fraser then took the Declaration of Office before Chief Executive Officer Julian Murphy.

4.1 ALLOTMENT OF SEATING PROVISIONS

Clause 8.1 of the Standing Orders Local Law provides:

'(1) At the first meeting held after each election day, or at any other time considered necessary, each member is to be allocated a seat at the Council table by the Council.

(2) Each member is to occupy his or her allotted position at each Council or committee meeting.'

OFFICER COMMENT

It is considered appropriate that the Presiding Member be seated at the head of the seating plan, with the Deputy President seated at their left.

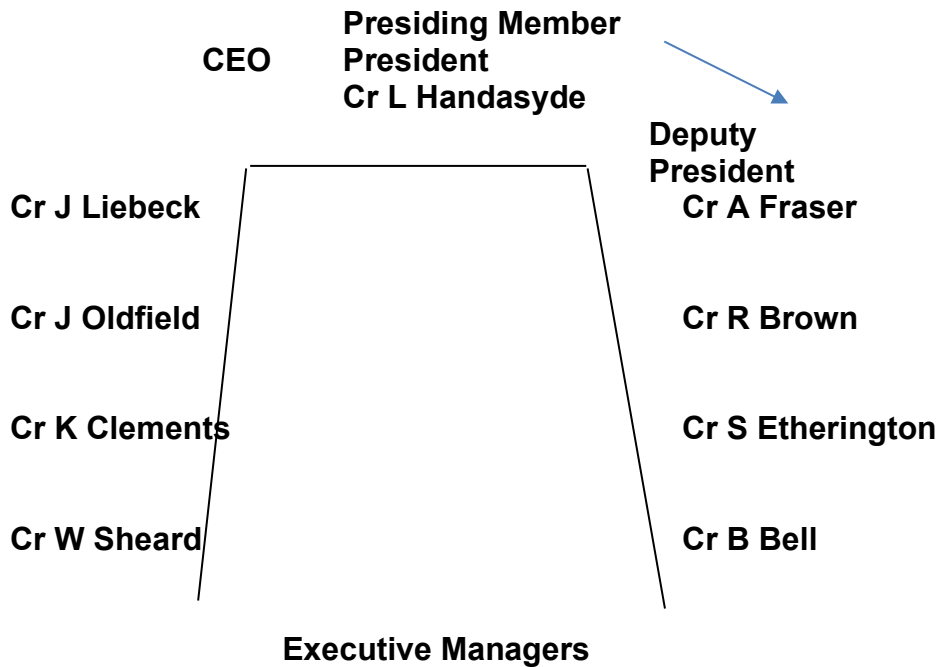
Councillors should then be seated alphabetically from the Deputy President’s left in a clockwise position.

COUNCIL DECISION

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the seating positions of Councillors as set out in the following diagram be allotted such that Councillors are to occupy those positions until such time as there is a call by a majority of Councillors for a re-allotment of positions.



CARRIED (9/0)

NO. 164/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

5 PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1.1 MR JOSEPH DELPECH – DELPECH WINES

Mr Delpech addressed the Council as the Owner of Delpech Wines and property owner on O'Neill Road. Mr Delpech asked 'What are the future plans for upgrades to O'Neill Road'?

Mr Delpech's question was taken on notice and the response is noted as under:

'O'Neill Road is one of the most regularly graded gravel roads in the Shire of Plantagenet. It does, however, have a significant amount of use by heavy vehicles accessing the farm prior to your property. There is a developer contribution available for the Shire to draw down on. The Shire of Plantagenet intend to utilise this developer contribution to gravel re-sheet and seal the road up to the entrance to the farm in question during the 2024/25 construction period.'

5.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PRESENTATION – MS MARIE O'DEA – REPRESENTING THE MOUNT BARKER AND DISTRICT AGRICULTURAL SOCIETY

Ms O'Dea addressed the Council in relation to the Wine Show of WA (attached).

7 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr J Oldfield

Item: 11.3.1 Budget Review

Type: Proximity pursuant to Section 5.60B of the Local Government Act 1995.

Nature: Owner of property adjoining Martagallup Road.

Extent: N/A

Will be staying leaving the meeting.

8 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

8.1 CR A FRASER

Moved Cr J Oldfield, seconded Cr B Bell:

That Cr A Fraser be granted Leave of Absence for the period 18 – 26 November 2023 inclusive.

CARRIED (9/0)

NO. 165/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

9 CONFIRMATION OF MINUTES

9.1 ORDINARY MINUTES OF COUNCIL HELD 26 SEPTEMBER 2023

Moved Cr B Bell, seconded Cr A Fraser:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 September 2023 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 166/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member addressed the Council as noted in the attached.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 EXECUTIVE SERVICES REPORTS

11.1.1 APPOINTMENT OF MEMBERS TO COMMITTEES OF COUNCIL

File Ref:	N62251
Attachment:	<u>Committee Terms of Reference 2023</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Julian Murphy Chief Executive Officer
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to consider the appointment of elected members to Committees of Council.

BACKGROUND

Following the ordinary Council election held on 21 October 2023 Council is required to appoint elected members to committees.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 5.11 (2) provides that:

'Where a person is appointed as a member of a committee under Section 5.10(4) or (5), the person's membership of the committee continues until –

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
- (b) the person resigns from membership of the committee;*
- (c) the committee is disbanded; or*
- (d) the next ordinary elections day.'*

Further, Section 5.8 and Section 5.10 of the Act require that committees be created by Absolute Majority as well as appointments to committees formed pursuant to Section 5.8.

FINANCIAL IMPLICATIONS

Councillor representatives on committees are entitled to reimbursement for expenses incurred in attending meetings.

POLICY IMPLICATIONS

Policy No CE/CS/1 – Elected Member Expenses to be Reimbursed applies.

Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23-2025/26 provides at Outcome 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.4:

‘Continuous improvement in service delivery’

Strategy 4.1.4.1

‘Develop effective reporting and communication tools relevant to the way our community access information.’

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

OFFICER COMMENT

In accordance with section 5.8, 5.9 and 5.10 of the Local Government Act 1995 Council is required to establish the following Committees:

Audit and Risk Committee

The primary objective of the Audit and Risk Committee is to accept responsibility for the annual external audit and liaise with the Shire’s auditor so that Council can be satisfied with the performance of the Shire of Plantagenet in managing its financial affairs.

The following members’ terms expired at the 21 October 2023 election:

- Cr C Pavlovich (Presiding Member)
- Cr A Fraser
- Cr M O’Dea
- Cr K Woltering
- Cr J Oldfield (Deputy)

Behaviour Complaints Committee

The Committee is established for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr W Sheard:

That Council, in accordance with section 5.10 of the Local Government Act 1995, establishes the following committees in accordance with their Terms of Reference, and appoints the following members to the Committees of Council:

Audit & Risk Committee

Cr L Handasyde, Cr A Fraser, Cr J Liebeck, Cr K Clements,
Cr S Etherington (Deputy), Cr J Oldfield (Deputy), Cr W Sheard (Deputy)

Behaviour Complaints Committee

Cr L Handasyde, Cr A Fraser, Cr W Sheard
Cr S Etherington (Deputy), Cr J Liebeck (Deputy), Cr K Clements (Deputy)

CARRIED (9/0)

NO. 167/23

Absolute Majority

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

Against: Nil

11.1.2 APPOINTMENT OF MEMBERS TO ADVISORY COMMITTEES

File Ref:	N62252
Attachment:	<u>Committee Terms of Reference 2023</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Julian Murphy Chief Executive Officer
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to consider the appointment of elected members to Council Advisory Committees.

BACKGROUND

Following the ordinary Council election held on 21 October 2023 Council is required to appoint elected members to committees.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 5.11 (2) provides that:

'Where a person is appointed as a member of a committee under Section 5.10(4) or (5), the person's membership of the committee continues until –

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
- (b) the person resigns from membership of the committee;*
- (c) the committee is disbanded; or*
- (d) the next ordinary elections day.'*

FINANCIAL IMPLICATIONS

Councillor representatives on committees are entitled to reimbursement for expenses incurred in attending meetings.

POLICY IMPLICATIONS

Policy No CE/CS/1 – Elected Member Expenses to be Reimbursed applies.

Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23-2025/26 provides at Outcome 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.4:

'Continuous improvement in service delivery'

Strategy 4.1.4.1

'Develop effective reporting and communication tools relevant to the way our community access information.'

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

OFFICER COMMENT

Council has established the following Advisory Committees:

1. Bush Fire Advisory Committee
2. Local Emergency Management Committee
3. Saleyards Advisory Committee
4. Roadwise Committee

Bush Fire Advisory Committee

The Bushfire Advisory Committee is to make recommendations to assist Council in its decision-making regarding recommendations and policy on matters relating to bush fire prevention, preparedness, control and extinguishment as provided for by the Bushfires Act 1954.

The following elected members were appointed to the committee:

- Cr J Oldfield (Presiding Member)
- Cr K Woltering
- Cr L Handasyde (Deputy member)

Local Emergency Management Committee

The Local Emergency Management Committee is to develop and maintain effective emergency management arrangements for the Shire of Plantagenet.

The following elected members were appointed to the committee:

- Cr Handasyde (Presiding Member)
- Cr Etherington (Deputy member)

Saleyards Advisory Committee

The objective of the Saleyards Advisory Committee is to provide guidance on the ongoing operation of the saleyards and future planning.

The following elected members were appointed to the committee:

Cr L Handasyde (Presiding Member)

Cr J Oldfield

Cr Bell

Cr M O'Dea

Cr Fraser (Deputy member)

Roadwise Committee

The committee will contribute to a coordinated approach to reduce the amount of road deaths and road related serious injuries in the Shire of Plantagenet.

The following elected members were appointed to the committee:

Cr Bell (Presiding Member)

Cr O'Dea

Cr Woltering

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr W Sheard:

That Council, in accordance with the committees Terms of Reference, appoints the following elected members to the following Advisory Committees of Council:

Bush Fire Advisory Committee

Presiding Member – Cr L Handasyde, Cr R Brown, Cr J Oldfield (Deputy)

Local Emergency Management Committee

Presiding Member – Cr J Oldfield, Cr W Sheard (Deputy)

Saleyards Advisory Committee

Presiding Member – Cr J Oldfield;
Cr L Handasyde, A Fraser, Cr B Bell
Cr J Liebeck (Deputy)

Roadwise Committee

Presiding Member – Cr B Bell;
Cr W Sheard
Cr R Brown (Deputy)

CARRIED (9/0)

NO. 168/23

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

Against: Nil

11.1.3 APPOINTMENT OF MEMBERS TO NON-COUNCIL COMMITTEES

File Ref:	N62253
Attachment:	<u>Committee Terms of Reference 2023</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Julian Murphy Chief Executive Officer
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to consider the appointment of elected members to Non-Council Committees.

BACKGROUND

Following the ordinary Council election to be held on 21 October 2023 Council is required to appoint elected members to represent Council on Non-Council Committees.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Councillor representatives on committees are entitled to reimbursement for expenses incurred in attending meetings.

POLICY IMPLICATIONS

Policy No CE/CS/1 – Elected Member Expenses to be Reimbursed applies.

Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23-2025/26 provides at Outcome 4.1 (Shire Governance) the following Strategy:

Strategy 4.1.4:

‘Continuous improvement in service delivery’

Strategy 4.1.4.1

‘Develop effective reporting and communication tools relevant to the way our community access information.’

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

OFFICER COMMENT

Council has previously appointed the following members to the Non-Council committees:

WALGA Great Southern Country Zone

Cr Pavlovich

Cr Oldfield

Cr Clements (Deputy Member)

Cr Bell (Deputy Member)

Great Southern Regional Road Group

Cr Oldfield

Cr Pavlovich (Deputy Member)

Cr Fraser (Deputy Member)

Great Southern Regional Recreation Advisory Committee

Cr Clements

Cr Woltering (Deputy Member)

Development Assessment Panel

Cr Pavlovich

Cr Oldfield

Cr Clements (Alternative Member)

Cr Handasyde (Alternative Member)

Southern Link VROC

Cr Pavlovich

Cr Oldfield

Cr Clements (Deputy Member)

Cr O'Dea (Deputy Member)

South Coast Alliance

Cr Pavlovich

Cr Oldfield

Cr Woltering

Cr Clements (Deputy Member)

The tenure of representatives of Council to Non-Committees expires on the date of the Local Government elections, 21 October 2023.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Fraser:

That Council appoints the following elected members to represent Council on the following Non-Council Committees:

WALGA Great Southern Country Zone

Cr L Handasyde, Cr A Fraser;
Cr K Clements (Deputy), Cr R Brown (Deputy)

Great Southern Regional Road Group

Cr A Fraser;
Cr W Sheard (Deputy), Cr L Handasyde (Deputy)

Great Southern Regional Recreation Advisory Committee

Cr W Sheard;
Cr R Brown (Deputy)

Development Assessment Panel

Cr L Handasyde, Cr K Clements;
Cr J Oldfield (Alternative Member), Cr J Liebeck (Alternative Member)

Southern Link VROC

Cr L Handasyde, Cr A Fraser;
Cr J Liebeck (Deputy)

South Coast Alliance

Cr L Handasyde, Cr A Fraser;
Cr K Clements (Deputy), Cr J Oldfield (Deputy)

CARRIED (9/0)

NO. 169/23

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

Against: Nil

11.1.4 CODE OF CONDUCT BEHAVIOUR COMPLAINTS POLICY

File Ref:	N62256
Attachment:	<u>Code of Conduct Behaviour Complaints Management Policy</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Julian Murphy Chief Executive Officer
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to establish a procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

BACKGROUND

Council adopted a Code of Conduct for Council Members, Committee Members and Candidates in accordance with the Local Government (Model Code of Conduct) Regulations 2021 at its Ordinary Council Meeting on 23 February 2021.

Local Governments are required to establish a procedure for dealing with complaints about alleged breaches of the behaviour requirements included in the Code of Conduct for Council Members, Committee Members and Candidates.

A draft Policy based on the WALGA model is attached. The policy outlines a procedure for dealing with complaints based on the following key points:

- Delegated authority to the CEO appoint a Behaviour Complaints Officer to receive and withdraw complaints;
- Establish a Behaviour Complaints Committee of Council with delegated authority to deal with complaints.

Delegated Authority to the CEO

A delegation from Council to the CEO, providing authority to authorise persons to receive complaints and withdrawal of complaints, may provide flexibility. This would allow the CEO to make authorisations as necessary, to address staff changes, provide backup coverage, The CEO is currently the Behaviour Complaints Officer however delegating authority to the CEO to appoint a person based on the circumstances of the complaint would provide greater flexibility. This may include engaging an outside assessor to investigate a complaint.

Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with complaints. A committee may be granted delegated authority to deal with complaints otherwise all complaints will be referred to full Council for determination.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 — Model code of conduct sets out general principles to guide the behaviour of council members, committee members and candidates.

POLICY IMPLICATIONS

This policy is presented to the Council to establish a procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

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.

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
Reputational The CEO would deal with complaints without clear direction and guidelines.	Possible	Moderate	Moderate	Adoption of the policy
Opportunity: Ensure consistency with legislation and meet contemporary community expectations.				

STRATEGIC RISK IMPLICATIONS

A clear policy will ensure compliance with legislation and meet contemporary community expectations of general principles of the behaviour of council members, committee members and candidates.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The Code of Conduct Behaviour Complaints Management Policy provides a framework for Council when dealing with complaints made in accordance with the Local Government (Model Code of Conduct) Regulations 2021.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr S Etherington:

That Council adopts the Code of Conduct Behaviour Complaints Management Policy as proposed.

CARRIED (9/0)

NO. 170/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

11.1.5 CHRISTMAS CLOSURE 2023/2024

File Ref:	N62254
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Faye Smith Human Resources Coordinator
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to seek approval for the closure of Shire facilities between the Christmas/New Year period – December 2023/January 2024.

The facilities are:

- Shire Administration Office;
- Shire Depot;
- Mount Barker Library;
- Mount Barker Swimming Pool;
- The Rec.Centre; and
- O'Neill Road, Kendenup, Rocky Gully and Kambellup Waste Management Facilities.

BACKGROUND

The Council has authorised the closure of facilities for the period between Christmas and New Year for many years and this has not caused any community disquiet or inconvenience.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There is no additional cost to the Council as staff will use rostered days off (RDO), Local Government Days in Lieu (LGDIL) and time in lieu (TIL) or annual leave (AL) entitlements if required.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The closure of specific Council facilities over the Christmas period is an opportunity for members of staff to use the two negotiated LGDIL as provided for in the Shire of Plantagenet Enterprise Agreements. Historically, these days have been taken between Christmas and New Year to minimise disruptions to operational routine.

This year Christmas Day falls on a Monday. The Council will be asked to close some Shire facilities from 12.00pm on Friday 22 December 2023, with normal business resuming on Tuesday 2 January 2024. The 12.00pm closure was successfully implemented last year and is standard practice throughout local governments in the region.

Emergency phone contacts will be available for all 'out of hours' emergencies.

Standard Department of Transport licence renewals can be conducted over the internet and also via BPay.

Closure days for the Administration Office and Depot would be:

- Friday 22 December 2023 – Close 12.00pm – RDO for most staff, TIL or AL
- Monday 25 December 2023 – Public Holiday (Christmas Day)
- Tuesday 26 December 2023 – Public Holiday (Boxing Day)
- Wednesday 27 December 2023 – LGDIL
- Thursday 28 December 2023 – LGDIL
- Friday 29 December 2023 – RDO, TIL or AL
- Monday 1 January 2024 – Public Holiday (New Year's Day)

Closure days for the Mount Barker Library would be:

- Friday 22 December 2023 – Close at 12.00pm – RDO, TIL or AL
- Saturday 24 December 2022 – TIL or AL
- Monday 25 December 2023 – Public Holiday (Christmas Day)
- Tuesday 26 December 2023 – Public Holiday (Boxing Day)
- Wednesday 27 December 2023 – LGDIL
- Thursday 28 December 2023 – LGDIL
- Friday 29 December 2023 – TIL or AL
- Saturday 30 December 2022 – TIL or AL
- Monday 1 January 2024 – Public Holiday (New Year's Day)

Closure days for The Rec.Centre would be:

- 8.00pm Thursday 21 December 2022 to Monday 2 January 2023 (inclusive); with reduced hours offered from Tuesday 2 January to Friday 5 January 2024.

Closure day for the Swimming Pool would be:

- Monday 25 December 2023

Closure day for the O'Neill Road, Kendenup, Rocky Gully and Kambellup Waste Management Facilities would be:

- Monday 25 December 2023

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Liebeck:

That Council authorises the following:

- 1. The Shire of Plantagenet's Administration Office be closed from 12.00pm on Friday 22 December 2023 with the resumption of normal services on Tuesday 2 January 2024.**
- 2. The Shire Depot be closed from 12.00pm on Friday 22 December 2023 with the resumption of normal services on Tuesday 2 January 2024.**
- 3. The Mount Barker Library be closed from 12.00pm on Friday 22 December 2023 with the resumption of normal services on Tuesday 2 January 2024.**
- 4. The Rec.Centre be closed from 8.00pm on Thursday 21 December 2023, with reduced hours offered from Tuesday 2 January to Friday 5 January 2024, and normal services to resume on Monday 8 January 2024.**
- 5. The Mount Barker Swimming Pool be closed on Monday 25 December 2023.**
- 6. The O'Neill Road, Kendenup, Rocky Gully and Kambellup Waste Management Facilities be closed on Monday 25 December 2023.**
- 7. The closures inclusive of public holidays be advertised locally.**

CARRIED (9/0)

NO. 171/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

11.1.6 LICENCE – MOUNT BARKER AMATEUR SWIMMING CLUB

File Ref:	N62175
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Nicole Selesnew Acting Manager Community & Recreation Services
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to seek the Council's endorsement of a licence between the Shire of Plantagenet and the Mount Barker Amateur Swimming Club Incorporated (MBASC) for the Mount Barker Memorial Swimming Pool Function Room.

BACKGROUND

The MBASC is based at the Mount Barker Memorial Swimming Pool and hosts approximately 70 members. The Club has been in existence for several decades.

Since its inception the Club has utilised the pool to host training, club days and regional swim meets. Club meetings were often held at private properties or hospitality venues.

In 2022, Stage 1A of the upgrades to the pool was completed which included a designated function room at the western end of the new complex. A draft Licence Agreement for the MBASC's use of the function room space was prepared, providing access to the room for set time periods on two days per week plus an additional day per month for time trials. Access to the room at other times was through a booking with Pool Management. The Licence term was for five years.

The draft Licence Agreement was presented to the Council.

At its meeting held on 21 February 2023, the Council resolved:

'That:

- 1. The item be adjourned to enable the CEO to engage with the Mount Barker Amateur Swim Club to establish how assignment of financial responsibility for damage to / or repairs of facilities/equipment hired by the Swim Club will be managed.*
- 2. A further report be brought back to the Council at its meeting to be held on 28 March 2023.'*

Consultation was undertaken with the MBASC President on 24 February 2023 to provide clarity as directed by the Council. The revised Licence Agreement was presented to the Council.

At its meeting held on 28 March 2023, the following Council recommendation was lost:

‘That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Licence Agreement (as attached) between the Shire of Plantagenet and the Mount Barker Amateur Swim Club for the Mount Barker Memorial Swimming Pool Function Room.’

The Council requested the matter be referred back to the Recreation Advisory Committee to review the document and provide clarity.

In the interim, the Acting Manager Community and Recreation Services met with the MBASC to discuss the Licence Agreement and use of the Function Room space. Club representatives explained that the shared use of the Function Room made it a difficult space for them to utilise.

These difficulties included having to pack away swimmers’ times, records and training programs after each session instead of having them displayed, for easy reference by swimmers and coaches, throughout the season. Further, the on-site storage is unsecure so Club records and administrative documents could not be stored in the Function Room. Instead, the MBASC broached the idea of building a Clubroom as part of a store-room facility to be considered in Stage 1B of the pool redevelopment plans.

The Function Room was sparsely utilised by the Shire and community throughout the 2022/2023 pool season, with an estimated four uses.

The item was not presented to a Recreation Advisory Committee. However, it was discussed at a Council Forum held on 14 September 2023. The Council was advised of the difficulties associated with the Function Room used as a shared space, resulting in the area being under-utilised by the MBASC, Shire and community.

The Council was asked to review the use of the Function Room and to confirm if the use of the space was an area for occasional community hire and Shire use, or whether the space was intended for use as a MBASC Clubroom during the pool season and by the community and Shire during the pool closure period.

The preference from the Forum was to investigate the use of the Function Room as a MBASC Clubroom throughout the pool season, with the space reverting back to the Shire for Shire and community use during the pool closure period.

EXTERNAL CONSULTATION

Consultation has taken place with the President of the MBASC to ascertain the Club’s needs and requirements for a Clubroom space.

STATUTORY ENVIRONMENT

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

‘the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or

other like nature; and members of which are not enlisted or permitted to receive a pecuniary profit from the body's transactions.'

As such, the licence to the MBASC would be an exempt disposition.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

An annual licence fee of \$500.00 and a bond of \$500.00 will be applicable.

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 1 Community* the following Strategy:

Strategy 1.3.2:

'A healthy and active Community.'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational</i> That the Council risks being perceived as unsupportive of a local community group	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support a Licence Agreement</i>
<i>Reputational - Under-utilised Community Spaces</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support a Licence Agreement that maximises</i>

				<i>use of the asset</i>
<p>Opportunity:</p> <ul style="list-style-type: none"> To acknowledge the successful operation of the Mount Barker Amateur Swim Club by providing a new licence agreement for the Function / Clubrooms. To maximise the use of a Shire asset for community purposes. 				

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

To transition the use of the Function Room space to a Clubroom, managed by the MBASC throughout the pool season, will require a formal agreement. A Licence Agreement is the preferred instrument.

The components of a Licence Agreement that have been discussed with the MBASC President include:

- Purpose: MBASC Clubroom
- Annual fee: \$500.00 bond and \$500.00 + GST per annum, with an annual 3% increase
- Term: 5 years with a 5-year option
- MBASC exclusive use of the Clubroom during the pool season including a 'shoulder period' of two weeks prior to and following the season to enable the Club to set up / pack up
- Shire and community access to the Clubroom throughout the pool season by appointment, through the MBASC, with access not unreasonably withheld. No fees applicable to the Shire, however, a fee may be charged for community use
- MBASC exclusive use of the Clubroom to cease following the shoulder periods and the Shire to become the managing authority over the space. MBASC may access the space for committee meetings or training sessions in consultation with the Shire
- A number of distinct areas apply to the Licence:
 - Clubroom (including adjoining storeroom) – exclusive MBASC access during the pool season and shoulder periods
 - External Storeroom (located in the breezeway, adjacent to the Clubroom and toilet) – exclusive MBASC access year round
 - Breezeway and adjacent toilet – common area shared with the Shire and
 - Remainder of the pool site – restricted area which can only be accessed when there is a Shire endorsed lifeguard on site.

A Licence Agreement for the 2023 pool season is preferred. The pool season is expected to commence on 30 October 2023.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Fraser:

That Council:

1. Enters into a licence agreement with Mount Barker Amateur Swimming Club Incorporated (MBASC), under the following terms:
 - a) Purpose: Swim Club Clubroom
 - b) Annual fee: \$500.00 bond and \$500.00 + GST per annum, with an annual 3% increase
 - c) Term: 5 years with a 5-year option
 - d) MBASC exclusive use of the Clubroom and adjoining storeroom during the pool season, including a 'shoulder period' of two weeks prior to and following the season to enable the Club to set up / pack up
 - e) Shire and community access to the Clubroom throughout the pool season by appointment, through the MBASC, with access not unreasonably withheld. No fees applicable to the Shire, however, a fee may be charged for community use
 - f) MBASC exclusive use of the Clubroom to cease following the shoulder periods and the Shire to become the managing authority over the space. MBASC may access the space for committee meetings or training sessions in consultation with the Shire
 - g) A number of distinct areas apply to the Licence:
 - i. Clubroom (including adjoining storeroom) – exclusive MBASC access during the pool season and shoulder periods
 - ii. External Storeroom (located in the breezeway, adjacent to the Club-Room and toilet) – exclusive MBASC access year round
 - iii. Breezeway and adjacent toilet – common area shared with the Shire and
 - iv. Remainder of the pool site – restricted area which can only be accessed when there is a Shire endorsed lifeguard on site.
2. Authorises the CEO to finalise the terms of the agreement and execute the document on behalf of Council.

CARRIED (9/0)

NO. 172/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

11.2 DEVELOPMENT SERVICES REPORTS

11.2.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 4 NOMINATIONS

File Ref:	N62230
Responsible Officer:	Delma Baesjou Manager Development Services
Author:	Samantha McLean Development Services Projects Coordinator
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is for council to approve the priority projects for funding under the Local Roads and Community Infrastructure Program (LRCIP) – Phase 4.

BACKGROUND

In 2019, the Shire of Plantagenet began working with Outdoors Great Southern (formerly GSCORE) and the Department of Biodiversity, Conservations and Attractions to develop trail networks within our Local Government area. A Plantagenet Trails Masterplan was developed and identified key areas within the Shire to develop and build trail networks. One identified location to develop was Tower Hill / Pwakkenbak for the community and visitors to the region. The plan outlined an overview, objectives and an implementation process moving forward on this project.

Since the creation of the plan, Shire staff have been progressing this project and successfully partnered with DBCA to for the construction network of trails on Tower Hill / Pwakkenbak. There is a budget allocation of \$370,000 in the 2023/2024 annual budget to move to the next stage of the project, being infrastructure. This consisted of a carpark, ablutions and shelter / seated area, as identified in the Master Plan.

On 21 February 2023, at the CEO Forward Planning Q3 Workshop, the Council considered the nominations of the Shire of Plantagenet's projects for the Local Roads and Community Infrastructure Program (LRCIP) Phase 4, previously known as LRCIP Phase 3 – Extension. From this workshop the following projects were identified:

Quangellup Road – Seal SLK 4.785 – 8.24	\$280,000
Nindiup Road – Seal Full length	\$200,000
Ferry Road – Seal part	\$100,000

This totalled an amount of \$580,000 proposed to be spent on the above projects. Against a total anticipated funding amount of \$603,014 allocated, an amount of \$23,014 would be left to be appointed prior to the nominations being submitted.

On 3 May 2023, correspondence from the honourable Catherine King MP – Minister for Transport Regional Development and Local Government was received advising that the Shire of Plantagenet would be receiving \$950,846 of LRCIP Phase 4. This new allocation came with revised guidelines stating that the \$603,014 could be used for road and community infrastructure projects and the \$347,832 was only allowed to be allocated toward roads.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

References to applicable act and regulations

POLICY IMPLICATIONS

Policy I/R/16 – Rural Road Hierarchy

FINANCIAL IMPLICATIONS

This funding will result in additional capital expenditure projects in the 2023/2024 and 2024/2025 annual budgets, as well as ongoing operational funding for maintenance in future budgets.

BUDGET IMPLICATIONS

This report will add capital expenditure into projects in the 2023/2024 and 2024/2025 annual budget.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There will be ongoing maintenance and budget allocations required for all projects.

STRATEGIC IMPLICATIONS

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

At Outcome 1 Community the following Strategies:

Strategy 1.3.2:

‘A healthy and active community.’

Strategy 1.5.2:

‘Safety on roads and public open space.’

Outcome 2 Environment

Strategy 2.1.1:

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

Strategy 2.1.2:

‘Develop and maintain flexible public open space for all to enjoy.’

Outcome 3 Economy

Strategy 3.2.3:

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

Strategy 1.5.2:

‘Safety on roads and public open space.’

Outcome 4 Performance and Leadership

Strategy 4.1.1:

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

Strategy 4.1.2:

'A progressive Shire with diverse thinking.'

Strategy 4.1.4:

'Continuous improvement of service delivery.'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial</i> If the Shire of Plantagenet does not nominate projects, external funding will not be received.	<i>Likely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Adopt the officer recommendation</i>
Opportunity: Utilising the grant funding and reducing borrowings				

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 funding nominations for LRCIP Phase 4 are now open and all works must be completed by 30 June 2025 under the funding allocation guidelines.

It is proposed that for the LRCIP Phase 4 project nominations are as follows:

Quangellup Road – Seal SLK 4.785 – 8.24	\$280,000
Nindiup Road – Seal Full length	\$200,000
Ferry Road – Seal part	\$100,000
Mount Barker Hill / Pwakkenbak Infrastructure	\$370,846

In the current 2023/2024 annual budget, the allocation of \$370,000 was to be funded through a \$350,000 Western Australian Treasury Committee (WATC) loan and \$20,000 from the Shire of Plantagenet for infrastructure at Tower Hill / Pwakkenbak.

If successful, there would be no requirement to take out the loan with the WATC.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr W Sheard:

That Council nominates the following projects to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the Local Roads and Community Infrastructure Program Phase 4:

- | | |
|---|------------------|
| • Quangellup Road – Seal SLK 4.785 – 8.24 | \$280,000 |
| • Nindiup Road – Seal Full length | \$200,000 |
| • Ferry Road – Seal SLK 0 – 1.32 | \$100,000 |
| • Mount Barker Hill / Pwakkenbak Infrastructure | \$370,846 |

CARRIED (9/0)

NO. 173/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

**11.2.2 RESERVE 15133 – PORONGURUP HALL, PORONGURUP – LOT
AMALGAMATION**

File Ref:	N62181
Attachment:	<u>Lots 3569 and 3570 - R15133</u>
Responsible Officer:	Delma Baesjou – Manager Development Services
Author:	Samantha McLean - Development Services Project Coordinator
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is for council to consider the amalgamation of Lot 3569 and Lot 3570 on Reserve 15133 as per the attached map.

BACKGROUND

Reserve 15133 comprises the two Lots 3569 and 3570, located on Porongurup Road, Porongurup, and accommodates the Porongurup Hall. The original school building was erected in 1913. Additions and recladding occurred over time. A re-survey undertaken in 2020 revealed that the existing building straddles the common boundary between the two lots.

EXTERNAL CONSULTATION

In May 2023, preliminary discussion in relation to this matter occurred with representatives from the Department of Planning Lands and Heritage (DPLH).

STATUTORY ENVIRONMENT

Part 4 of the Land Administration Act 1997 is applicable to 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.

FINANCIAL IMPLICATIONS

The expected financial implications for this amalgamation are expected to be no more than \$5,000 to cover the cost of the updated survey and application fee to the Department of Planning Land and Heritage.

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

Insert relevant implications in format similar as under:

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

At *Outcome 2 Environment* the following Strategies:

Strategy 2.2.1:

'Long term planning and development guided by the planning vision.'

Strategy 2.2.2:

'Encourage development that is consistent with the individual character of towns.'

Strategy 2.4.1:

'Town halls maintained to enable community use.'

Strategy 2.4.2:

'A range of community facilities that cater for all.'

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

RISK MITIGATION IMPLICATIONS

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational</i> Proposed works and upgrades to known non-compliant facilities may be compromised.	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	<i>Request amalgamation of the two lots.</i>
Opportunity: Amalgamating the lots will facilitate compliant future developments and upgrades of the existing facilities.				

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 existing hall is predominantly located on Lot 3570 but encroaches across Lot 3569. The existing structure does not meet the setback requirements and is not an orderly development. There are also implications under Building and Health legislation which could jeopardise the proposed upgrade. The staff have conferred with the

DPLH regarding the procedure and necessity for amalgamation. It is recommended that amalgamation be pursued.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr A Fraser:

That Council:

- 1. Requests the Department of Planning Lands and Heritage amalgamate Lot 3569 and Lot 3570, located on Reserve 15133 in Porongurup.**
- 2. Authorises the President and Chief Executive Officer to affix the common seal on the documents related to the transaction.**

CARRIED (9/0)

NO. 174/23

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

Against: Nil

11.3 WORKS AND SERVICES REPORTS

11.3.1 BUDGET REVIEW – OCTOBER 2023

Cr J Oldfield

Item: 11.3.1 Budget Review
Type: Proximity pursuant to Section 5.60B of the Local Government Act 1995.
Nature: Owner of property adjoining Martagallup Road.
Extent: N/A
Will be staying leaving the meeting.

5:56pm Cr J Oldfield left the meeting

File Ref: N62112
Responsible Officer: Kevin Hemmings
Executive Manager Works and Services
Author: Amy Chadbourne
Senior Administration Works and Services
Proposed Meeting Date: 31 October 2023

PURPOSE

The purpose of this report is to review and adjust the adopted 2023/2024 annual budget to recognise variations in funding for a number for roadworks projects.

BACKGROUND

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

This is the first review of the road construction programme.

STATUTORY ENVIRONMENT

Local Government Act 1995

There is no specific section of the Act that deals with the reallocation of funds, however, Section 6.2 (1) governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

The overall recommended effect on the budget is a surplus of \$11,094.

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

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

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

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

At the Council Forum held on 10 October 2023, a report was presented to Councillors to discuss proposed amendments to this year's road construction programme. The following proposals were endorsed subject to formal budget amendment.

Martagallup Road SLK 5.10 to 10.65

As a Roads 2030 road, Martagallup Road qualifies for Regional Road Group (RRG) funding. Funds to reseal this section of road in 2023/24 for \$158,490 have already been approved by Main Roads. RRG funding is two thirds state and one third local government as shown below.

Main Roads Grant	105,660
Shire of Plantagenet	52,830

	158,490
	=====

After further investigation by Works staff, additional works were identified as being required to ensure the seal was successful. This work included shoulder and edge maintenance, repair of approximately 500m² of pavement failures, stabilising and then a reseal. The revised budget is \$379,738 with a breakdown as follows:

Main Roads Grant (subject to confirmation)	253,159
Shire of Plantagenet	126,579

	379,738
	=====

Mitchell Street – SLK 0 to 2.35

\$79,128 was allocated to the Mitchell Street project using Roads to Recovery funds (RTR) for construction of 'additional width for dual use path'. The path is intended to be part of the O'Neill Road to Woodlands Road trail which links the Mount Barker townsite to the south side of the Porongurup National Park.

A review by Works staff identified factors which needed additional review. These factors included the actual scope of work; concern for the lack of a connecting path from Lowood Road; the alignment of the intersection of Lowood Road, Mitchell Street and the location of the railway track/crossing to the proposed path. The car park

adjacent to the railway caused concern also with a need for planning and possible negotiation with Arc Infrastructure.

It is recommended that this project be deferred until a detailed scope and plan is established and all approvals have been obtained. This project may possibly need a staged approach due to the work required.

Seventh Avenue SLK 0.72 to 0.92 and Newman Street SLK 0.91 to 1.05

A section of Seventh Avenue and Newman Street respectively border the Kendenup Primary School (see Attachment One). Parents use these two one-way roads to drop children off at school and continue around to Chauvel Road. Currently both sections of road are unsealed.

Sealing of these two sections of road would significantly reduce requests from the school and parents for maintenance. Also, dust would be reduced for both school goers and nearby neighbours. As part of the road upgrade, drainage renewal would be carried out and the car park on Seventh Avenue used by parents would be sealed and line marked. These two projects are listed on the indicative Council Five Year Road Programme for 2024/25 so are being brought forward by twelve months.

The RTR funds of \$79,128 from Mitchell Street could be allocated to this project for completion in 2023/2024.

Yellanup Road SLK 19.51 to 24.00

\$116,667 was allocated to reseal this western end section of Yellanup Road (Morande Road intersection to Chester Pass Road). Further investigation revealed this amount was not sufficient for the scope of work and that external funding could be applied for. The revised cost to complete the project is \$364,871. Commodity Route Funding for 2024/25 has been sought. Therefore, this road project should be removed until grant funding confirmation is received.

View Range Road SLK 3.75 to 8.15

Work to resheet this section of View Range Road commenced in 2022/2023 with RTR funding. Due to unsuitable weather conditions, the work was not completed, and it was suggested this project be carried over to 2023/24. Gravel is available nearby to finish the work which is estimated at three days at a cost of \$24,000 using Council funds.

Quangellup Road, Nindiup Road and Ferry Road

These three projects were originally proposed for Local Roads and Community Infrastructure Programme Phase 4 (LRCIP4) funding in 2022/2023. No allocation has been made in the 2023/2024 budget. As a result, no application has been made to the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDCA) for funding.

Support and reasoning for these projects is discussed by the Development Services Project Coordinator and the Manager Development Services in the LRCIP report presented at this meeting.

The three road projects are intended to be solely funded by the \$950,846 nominal funding contribution as detailed below:

Quangellup Road SLK 4.785 to 8.24 – seal	\$280,000
Nindiup Road SLK 0 to 1.00 – seal	\$200,000
Ferry Road – SLK 0 to 1.32- seal	\$100,000

\$580,000
=====

Langton Road- Flush Kerbing

Carried over to 2023/2024, this project was included in the 2022/2023 road programme after a budget review was presented and approved at the Council Meeting of 21 February 2023. \$14,000 was allocated to prepare and install flush kerbing on the south side of Langton Road.

After feedback following public consultation, it was recommended that the proposed Langton Road upgrade be put on hold until options could be developed further for Council consideration. Therefore, it is recommended the funds be allocated to other projects.

Lowood Road North – streetscaping projects

The streetscaping project to install and plant the median islands on Lowood Road was completed in 2022/2023. Therefore, the remaining funds of \$22,670 (\$17,888 and \$4,782) can be allocated to other projects.

Lowood Road SLK 1.542

Originally approved in the 2021/2022 budget, this drainage project has been carried over to 2023/2024. It is recommended that further investigation be carried out to determine the efficacy of this project and the \$35,779 be reallocated.

Narpund Road

Originally approved as part of the 2020/2021 budget, this project has been carried over in previous years to 2023/2024. Investigation has confirmed insufficient funds to carry out an unnecessary project. It is recommended \$52,547 be reallocated.

New Drainage Projects

The item Drainage – Construction for \$170,000 has been put into the budget as a placeholder for drainage projects. The following drainage projects are recommended:

Pettit Rise SLK 0.67 - install new culvert	\$46,000
Jutland Road SLK 3.33 - install new culvert	\$29,500
Ford Road SLK 0.68 - upgrade existing culvert	\$39,900
Costello Road SLK 0.60 to 0.80 - gravel resheet and drainage improvement	\$30,000
Stoney Creek Road SLK 0.64 - install new culvert	\$9,000
Quangellup Road SLK 7.65 - install new culvert	\$5,000
	\$159,400
	=====

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr K Clements, seconded Cr B Bell:****That the 2023/2024 Annual Budget be amended as follows:**

Account	Description	Original Budget	Amended Budget	Net Cash Amount
RRG013A (RRG)	Martagallup Road – stabilise and reseal Shire is responsible for 1/3 of total	158,490 (52,830)	379,738 (126,579)	221,248 (73,749)
R2R263A (R2R)	Mitchell Street – additional width for dual use path	(79,128)	0	79,128

Account	Description	Original Budget	Amended Budget	Net Cash Amount
R2R241B	Seventh Avenue – renew drainage and shoulders, construct single coat and car park seal including formalising a school bus stop on Austin Street	0	(60,000)	(60,000)
R2R245	Newman Street, Kendenup – renew drainage and shoulders, construct single coat seal	0	(20,000)	(20,000)
RC007B	Yellanup Road - reseal	(116,667)	0	116,667
RC085B	View Range Road - resheet		(24,000)	(24,000)
TBA	Local Roads Community Infrastructure Programme (LRCIP) Funding Phase 4		580,000	580,000
OF062A (LRCIP4)	Quangellup Road SLK 4.78 to 8.24 - renew drainage and shoulders and construct a single coat seal	0	(300,000)	(300,000)
RC062B	Quangellup Road SLK 4.78 to 8.24 - renew drainage and shoulders and construct a single coat seal	0	(79,000)	(79,000)
OF259A (LRCIP4)	Nindiup Road SLK 0 to 1.01 renew drainage and shoulders and construct a single coat seal	0	(112,000)	(112,000)
OF297A (LRCIP4)	Ferry Road SLK 0 to 1.32 - renew drainage and shoulders and construct a single coat seal	0	(168,000)	(168,000)
RC272B	Langton Road – flush kerbing	(14,000)	0	14,000
RC001A	Lowood Road North – median strips	(17,888)	0	17,888

STR001	Lowood Road North – tree planting, mulching and reticulation	(4,782)	0	4,782
DC001	Lowood Road SLK 1.542 install pipe	(35,779)	0	35,779
DC044	Narpund Road	(52,547)	0	52,547
RC044	Narpund Road – improved drainage towards Bunker Road	(19,452)	(33,000)	(13,548)
DC000	Drainage – construction	(170,000)	0	170,000
DC299	Pettit Rise SLK 0.67 – install new culvert	0	(46,000)	(46,000)
DC077B	Jutland Road SLK 3.33 - install new culvert	0	(29,500)	(29,500)

Account	Description	Original Budget	Amended Budget	Net Cash Amount
DC156	Ford Road SLK 0.68 - install new culvert	0	(39,900)	(39,900)
DC084	Costello Road SLK 0.60 to 0.80 gravel resheet and drainage improvement	0	(30,000)	(30,000)
DC318	Stoney Creek Road SLK 0.64 - install new culvert	0	(9,000)	(9,000)
DC062B	Quangellup Road SLK 7.650 - install new culvert	0	(5,000)	(5,000)
FC043	Booth Street – south side from Albany Hwy to Dean Street - hot mix overlay	0	(50,000)	(50,000)
	TOTAL	(563,073)	(551,979)	11,094

CARRIED (8/0)

NO. 175/23

Absolute Majority

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

5:59pm Cr Oldfield returned to the meeting.

11.3.2 POLICY REVIEW – NATIVE FLORA AND VEGETATION COLLECTION

File Ref:	N62112
Responsible Officer:	Kevin Hemmings Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Works and Services
Proposed Meeting Date:	31 October 2023

PURPOSE

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

BACKGROUND

The policy was last reviewed by the Council at its meeting held on 22 June 2021. Since this review two flora collection permits have been issued and two enquiries received.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

STATUTORY ENVIRONMENT

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

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

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

At Outcome 2.3 Conservation and Environment the following Strategy:

Strategy 2.3.1:

‘Protection of natural environment.’

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

There are no recommended amendments to this policy as it has been extensively reviewed previously. Legislation requirements remain the same as does the permit system.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Fraser:

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

‘OBJECTIVE

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

POLICY**1. Scope**

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

2. Legislation

Local Government Act 1995

Environmental Protection Act 1986

Biodiversity Conservation Act 2016

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

3. Definitions

Environmentally

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

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

a) Native to the State; or

b) Declared to be flora pursuant to subsection (4),

and includes any part of flora and all seeds and spores thereof.

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

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

Special

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

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

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

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

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

4. Application of Policy

4.1 Collection of Native Flora

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

4.1.1 Non-Commercial Purposes

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

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

4.1.2 Commercial Purposes

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

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

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

4.1.3 General Conditions

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

4.2 Collection of Native Vegetation for Firewood

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

CARRIED (9/0)

NO. 176/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

11.4 CORPORATE SERVICES REPORTS

11.4.1 FINANCIAL STATEMENTS – SEPTEMBER 2023

File Ref:	N62180
Attachment:	<u>Financial Statements – September 2023</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Julian Murphy Chief Executive Officer
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2023.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Fraser:

That the Financial Statements for the period ending 30 September 2023 be received.

CARRIED (9/0)

NO. 177/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

11.4.2 LIST OF ACCOUNTS – SEPTEMBER 2023

File Ref:	N62127
Attachment:	<u>List of Accounts – September 2023</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Donna Fawcett Finance Officer – Creditors and Payroll
Proposed Meeting Date:	31 October 2023

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of September 2023.

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.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

RISK MITIGATION IMPLICATIONS

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

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 S Etherington, seconded Cr B Bell:

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 30 September 2023 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$736,361.32; and
2. Municipal Cheque 47266 to 47269 totalling \$7,705.08.

CARRIED (9/0)

NO. 178/23

For: Crs Handasyde, Fraser, Bell, Brown, Clements, Etherington, Liebeck, Oldfield and Sheard

Against: Nil

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL

15 CLOSURE OF MEETING

6.04pm The President declared the meeting closed.

CONFIRMED: CHAIRPERSON_____DATE:____/____/____