



ORDINARY MINUTES

DATE: Tuesday, 22 March 2022

TIME: 5.00pm

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

Cameron Woods
CHIEF EXECUTIVE OFFICER

Resolution numbers: 031/22 to 053/22

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm The Presiding Member declared the meeting open.

The Presiding Member acknowledged the Traditional Custodians of the land, paying respects to Elders past, present and emerging.

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

Members Present:

Cr C Pavlovich	Shire President (Presiding Member)
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor (Cr Clements left the meeting at 6:24pm and returned at 6:30pm)
Cr S Etherington	Councillor (joined via video conference)
Cr A Fraser	Councillor (joined via video conference)
Cr L Handasyde	Councillor
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

In Attendance:

Mr Cameron Woods	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Delma Baesjou	Executive Manager Development Services
Mr David Lynch	Executive Manager Works and Services (joined via video conference)
Mr Adrian Ortega	Senior Planning Officer
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

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

Previously Approved Leave of Absence:

Nil

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3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Item: 9.2.3

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Director of a local transport company likely to be affected by this policy.

Extent: Code of Conduct. Interest in common with the wider community. Will be staying / voting.

Cr C Pavlovich

Item: 9.2.4

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Director of a local transport company likely to be affected by this policy.

Extent: Code of Conduct. Conditions apply to Plantation principles for Harvest Operational Plans. Will be staying / voting.

Cr K Woltering

Item: 9.3.3

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Received payment for Mt Barker Hire for supply of skip bin.

Extent: Owner of business that supplies skip bins/toilets on occasion.
Will be staying / voting.Cr K Clements

Item: 11.1

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

Nature: Chair of Plantagenet Historical Society

Extent: N/A

Will be leaving the meeting.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 CR B BELL**Moved Cr L Handasyde, seconded Cr M O'Dea:****That Cr B Bell be granted Leave of Absence for the period 24 March 2022 to 22 April 2022 inclusive.****CARRIED (9/0)****NO. 032/22**

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MINUTES OF COUNCIL HELD 22 FEBRUARY 2022

Moved Cr L Handasyde, seconded Cr K Woltering:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 February 2022 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 033/22

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President noted the passing of long-standing community members Mrs Pat Ballantyne and Mr Darrel Drage, offering condolences to their families.

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That the Council's condolences be extended to the family of Mrs Pat Ballantyne and Mr Darrel Drage.

CARRIED (9/0)

NO. 034/22

The Shire President invited Vivienne Gardiner, Regional Road Safety Advisor - WALGA Roadwise Program to the dais. Ms Gardiner presented the Road Safety Council of Australia Award to Cr Len Handasyde for his continued dedication to road safety over the past 14 years.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOTS 80, 81 AND 82 O'NEILL ROAD, MOUNT BARKER – VARIATION OF PROVISIONS OF LOCAL PLANNING SCHEME – SPECIAL USE AREA 12

File Ref:	N57665
Attachment:	<u>Survey Strata Subdivision Guide Plan</u>
Responsible Officer:	Delma Baesjou Executive Manager Development Services
Author:	Delma Baesjou Executive Manager Development Services
Proposed Meeting Date:	22 March 2022
Applicant:	Harley Dykstra Pty Ltd on behalf of Skyview Valley Estate Pty Ltd

PURPOSE

The purpose of this report is to consider a request for variations to the Planning Scheme requirements for Lots 80, 81 and 82 O'Neill Road Mount Barker to allow buildings to be developed on each of the land parcels.

BACKGROUND

The subject land totals 307.7215ha in area and has been operated as a family run farming operation by Duggan Farms. The Duggan Family are directors of Skyview Valley Estate Pty Ltd and have owned the properties since 2006.

Lots 80, 81 and 82 were recently created as a result of a boundary realignment through the subdivision of former lots 2707, 2713 and 3787. The boundary alignment has created 2 large agricultural lots (81 and 82) and another of 4ha lot (80) containing the current dwelling, water tanks and sheds. The boundary realignment allows senior members of the Duggan Family to remain on the family property on lot 80, while the remainder of the land can continue to be used for agricultural purposes.

The subject land is currently zoned Special Use (SU12) under the Shire of Plantagenet Local Planning Scheme No.5 (LPS 5). SU12 was created through Amendment No. 32 to former Town Planning Scheme No. 3 and was Gazetted on 5 December 2003.

The purpose of that Amendment was to

1. *Rezone Plantagenet Location 3787 James Road, and portion Plantagenet Locations 2707 and 2713 Albany Highway, Mt Barker, from 'Rural' to 'Special Sites'.*
2. *Insert provisions relating to use of the land for survey-strata subdivision for viticulture, horticulture, tourism, and related uses.'*

The associated Survey Strata subdivision guide plan (SGP) was adopted by the Shire of Plantagenet in 26 August 2003. The SGP provides for the creation of 61 survey

strata lots of approximately 2ha for viticulture and horticulture with a common property area of approximately 135ha.

The attached figure shows the SGP with the original lot configuration shown in red and the new boundaries shown in blue

Table 5 of LPS5 sets out the permissible land uses within SU12. These include Craft Shop/Gallery, a maximum of 4 dwellings, growing and processing of grapes and olives, a restaurant, timber plantation, tourist accommodation and a winery. The Table also sets out conditions/provisions applicable to development within the subject land and related to the strata subdivision shown on the SGP.

The provisions most relevant to this matter are:

2. Use of survey-strata Lots

ii) A building is not to be developed on any survey-strata lot identified on the Structure Plan for Viticulture or for Horticulture or on land identified as Common Property.

3. Buildings

(ii) A building is to be developed only on a survey-strata lot identified on the Structure Plan for 'buildings'.

As a consequence, buildings are confined to strata lots 1, 2, 60 and 61. Two of the 'building' lots are located on lot 80 (A) which currently hosts one dwelling. The other two 'building' lots are located on lot 81 (B). No 'building' lots are indicated on lot 82 (C).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (PDLPS Regs)– Schedule 2 deemed provisions for local planning schemes.

Local Planning Scheme No. 5 Clause 34:

'Variations to site and development requirements

(1) *In this clause —*

additional site and development requirements means requirements set out in clause 32.

(2) *The local government may approve an application for a development approval that does not comply with an additional site and development requirements.*

(3) *An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.*

(4) *If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —*

(a) *consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*

(b) *have regard to any expressed views prior to making its determination to grant development approval under this clause.*

- (5) *The local government may only approve an application for development approval under this clause if the local government is satisfied that —*
- (a) *approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
 - (b) *the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.'*

EXTERNAL CONSULTATION

Conferral with the landowner and prospective purchasers.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Local Government 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 as no assets are being created or acquired.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications relevant to this report

OFFICER COMMENT

Due to the restrictive provisions of the Local Planning Scheme No.5 (LPS 5) in relation to SU12 and associated Subdivision Guide Plan, this request is to vary the provisions relating to the subject land to allow the development of a dwelling on each of lots 81 and 82.

The submission received from the proprietor's representative states that the limit on the number of dwellings and their restrictive use by full-time staff employed on the land significantly reduces the marketability of the strata lots. Together with the difficulty in managing the common property, the specified crops to be cultivated on the strata lots and access limitations, the development in this form is not economically viable and unlikely to proceed. It is also suggested that the SGP in its current form is considered to represent poor planning and is financially unviable, difficult to service and manage, with no market interest in this type of development in the locality. It is extremely unlikely and undesirable that a development of this form would proceed before the expiry of the SGP in 2025.

Officers are aware that a request to amend the zoning of the land to rural has been submitted; it is proposed to be achieved through the omnibus amendment to be undertaken by the Shire.

In the interim, it is considered appropriate to vary the provisions within Table 5 of LPS5 to allow the development of a Dwelling and associated Outbuildings on each of the current landholdings.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr K Woltering:

That Council support variations to Special Use Area 12 Conditions 2 and 3 of Table 5, Local Planning Scheme No. 5, to allow for the development of a Dwelling House, associated Outbuildings (including Rural Sheds) and water storage tanks on each of Lots 80, 81 and 82 O'Neill Road subject to:

- 1. Submission of subsequent applications for Development Approvals and Building Permits; and**
- 2. The development being in accordance with Local Planning Scheme No. 5 provisions and objectives of the Rural zone, applicable Planning Scheme Policies and relevant statutes.**

CARRIED (9/0)

NO. 035/22

9.2 WORKS AND SERVICES REPORTS

9.2.1 BUSHFIRE RISK MITIGATION COORDINATOR POSITION

File Ref:	N57702
Attachment:	<u>Position Profile</u> <u>Grant Agreement</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to consider the appointment of a full-time contract position - Bushfire Risk Mitigation Coordinator. This position is to be shared with the Shire of Denmark.

BACKGROUND

The preparation and successful receipt of funding to carry out Mitigation Activity Funding (MAF) work as part of the Shire's Bushfire Risk Management Plan (BRMP) was organised by the Shire's Bushfire Risk Planning Coordinator. This was a role shared between the Shire of Denmark, City of Albany and Shire of Plantagenet. Following the resignation of the employee the position was never filled.

To assist with on-ground mitigation works and future funding, DFES has proposed co-funded support for this new position.

The position description is attached which details the roles responsibilities.

STATUTORY ENVIRONMENT

Pursuant to Section 5.36 1(b) of the Local Government Act 1995, a local government is to employ (other than a Chief Executive Officer):

'...such persons as the Council believes are necessary to enable the functions of the Local Government and the functions of the Council to be performed.'

Further, Section 5.41 of the Act provides that the Chief Executive Officer's functions are to (among other things):

'...be responsible for the employment, management, supervision, directions and dismissal of other employees.'

EXTERNAL CONSULTATION

Consultation has taken place with the Shire of Denmark and the Department of Fire and Emergency Services (DFES).

FINANCIAL IMPLICATIONS

It is proposed the position will be a full-time contract position to run until 30 June 2025 and that funding for the role will be jointly provided by DFES, the Shire of Denmark and the Shire of Plantagenet.

The position will be five days per fortnight in each local government area.

BUDGET IMPLICATIONS

Funds will need to be made available for the position in future Council budgets as outlined below.

2022/2023 \$38,000.00

2023/2024 \$54,000.00

2024/2025 \$56,000.00

Both DFES and the Shire of Denmark will contribute to the funding of this position.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 1.9.2:

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

Further at Strategy 1.9.4:

‘Promote and support planning and activities that encourage a safe and responsible community.’

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

STRATEGIC RISK IMPLICATIONS

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

The key controls to manage Business and Community Disruption include the preparation of a Bushfire Risk Management Plan.

REGIONAL IMPLICATIONS

The Bushfire Risk Mitigation Coordinator is proposed as a shared role with the Shire of Denmark. It is anticipated the role will continue with preparation and management of bushfire mitigation activities within the lower Great Southern.

OFFICER COMMENT

Following the successful receipt of funding for MAF, both the Shire of Denmark and Plantagenet agreed upon the need for continued fire mitigation works which will include applications for funding followed by the management of the program.

Both CESMs at the individual Shires do not have the capacity to take on this extra workload and after discussion with DFES mutually beneficial agreements about funding were proposed.

The position will occupy office space at the Shire of Plantagenet Administration office for five days a fortnight.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Woltering:

That:

1. The full-time shared contract position of a Bushfire Risk Mitigation Coordinator position until 30 June 2025, jointly funded by the Shires of Plantagenet and Denmark and the Department of Fire and Emergency Services, be supported.
2. The CEO be authorised to sign the contract as per the Grant Agreement attachment.

CARRIED (9/0)

NO. 036/22

9.2.2 POLICY REVIEW – ROAD CLOSURE (TEMPORARY) WET WEATHER

File Ref:	N55486
Attachment:	<u>Amended Policy</u>
Responsible Officer:	David Lynch Executive Manager Works and Services
Author:	Amy Chadbourne Senior Administration Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to review Council Policy RS/TRC/1 – Road Closure (Temporary) - Wet Weather. It will be recommended that the current policy be renamed to reflect the amended content.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 16 July 2019.

As part of the review process the policy was discussed by the Heavy Haulage Advisory Committee at its meeting on 24 August 2021 where it was resolved to accept the amended version presented in this report.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 3, Division 3, Section 3.50 ‘Closing certain thoroughfares to vehicles’

Road Traffic Code 2000, Part 19, Division 2, Regulation 291 ‘Temporary closure of or restriction on use of roads’

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

Temporary road closures are often implemented to prevent damage to road infrastructure and to minimise the cost to reinstate or repair roads.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

The Shire has an obligation to ensure its road network is safe and appropriate for use. Temporary road closures provide the flexibility to close unsafe roads (for example flooded or flood damaged) and to minimise damage to roads.

ASSET MANAGEMENT IMPLICATIONS

Roads within the Shire are an asset. Whilst roads may be closed for safety reasons they may also be closed to preserve the structure of the road and so the Council's asset.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.4:

'Investigate and respond to road safety and traffic issues throughout the District'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications in relation to this report.

REGIONAL IMPLICATIONS

There are no regional implications in relation to this report.

OFFICER COMMENT

The Shire implements temporary road closures to:

1. Address road safety issues, for example, traffic redirections to avoid accidents, flooded roads and trees across roads; and
2. To minimise road damage by stopping traffic movements down a road or by limiting traffic movements to small vehicles.

Temporary road closures are communicated to the public by text message services, email where appropriate and notices published on the Shire Facebook page and website (if closures occur during office hours). Local radio is also used where appropriate.

The policy has been used a number of times over the past two years to: limit the mass of vehicles travelling on saturated gravel roads; close roads which were flooded; and close sections of road which were covered with trees after major storm events.

The current policy addresses road closures to heavy vehicles in wet weather and is silent in relation to closures for public safety or other reasons. In order to provide clear guidance to staff and to ensure all regular uses for the policy are covered, it is recommended that the policy be amended to cover temporary road closures for a range of issues. The name of the policy should also be altered to reflect the broader application.

The amended policy also refers to a four-week limit for the road closure. Roads can be closed for a period longer than four weeks but require additional steps in accordance with the Local Government Act. These steps include giving local public notice, providing written notice to impacted landowners and relevant people and providing an opportunity for affected people to lodge a submission regarding the closure.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That amended Council Policy RS/TRC/1 – Road Closure - Temporary, as follows:

OBJECTIVE

To provide guidelines for the temporary closure of Shire roads for a period of up to four weeks.

POLICY**1. Scope**

Section 3.50(1) of the Local Government Act 1995 provides for a local government to close any road it manages, wholly or partially, for a period not exceeding four weeks.

2. Legislation

Local Government Act 1995

Road Traffic Code 2000

3. Application of Policy

3.1 If, in the opinion of the Executive Manager Works and Services, there is a risk to public safety or risk of damage to Shire road infrastructure, the Chief Executive Officer may close roads to vehicles.

3.2 The Chief Executive Officer may exempt certain vehicles that require access, which may include:

- a) Local traffic that is proceeding to a place of garaging;
- b) Other vehicles that require access on the road, such as school buses or emergency services vehicles;
- c) Access relating to perishable goods or animal welfare; or
- d) Vehicles not exceeding a Gross Vehicle Mass of 4.5 tonnes or greater.

3.3 In the event of a temporary road closure, an information bulletin will be provided via text message and/or email. Information will also be communicated through local radio, social media and on the Shire of Plantagenet website.'

be endorsed.

CARRIED (9/0)

NO. 037/22

9.2.3 POLICY REVIEW – ROADS – LOG HAUL REQUIREMENTS

Cr C Pavlovich

Item: 9.2.3

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Director of a local transport company likely to be affected by this policy.

Extent: Code of Conduct. Interest in common with the wider community.
Will be staying / voting.

File Ref: N55927
Attachment: Amended Policy
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Senior Administration Officer
Proposed Meeting Date: 22 March 2022

PURPOSE

The purpose of this report is to review Council Policy I/R/6 – Roads – Log Haul Requirements.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 14 July 2020.

This review is earlier than scheduled, however the aim is to bring all heavy haulage related policies into alignment so they can be reviewed by the Heavy Haulage Advisory Committee at one meeting, before being presented to the Council.

As part of the review process the policy was discussed by the Heavy Haulage Advisory Committee at its meeting on 24 August 2021 where it was resolved to accept the amended version presented in this report.

STATUTORY ENVIRONMENT

Road Traffic (Vehicles) Act 2012

Road traffic Code 2000

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

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

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications in relation to this report.

REGIONAL IMPLICATIONS

There are no regional implications in relation to this report.

OFFICER COMMENT

Discussion at the Heavy Haulage Advisory Committee Meeting held on 24 August 2021, resulted in two minor changes to the policy. Clause 3 (e) 'Cartage through townsites is to be limited to 12 hours daily between the hours of 6.00am and 6.00pm' was removed from the policy as it was noted that other heavy vehicle industries have no similar restriction.

Clause 3 (h) was also amended to include restrictions on cartage on Good Friday. This was recommended to bring it into line with other public holiday requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr J Oldfield:

That amended Council Policy I/R/6 Roads – Log Haul Requirements as follows:

OBJECTIVE

To provide clear guidelines to the Council, its staff, and plantation companies regarding log/woodchip haulage on roads within the Shire of Plantagenet.

POLICY

1. Scope

This policy applies to plantation companies who wish to use roads under the care, control and management of the Shire of Plantagenet for the purposes of transporting logs/woodchips from plantations.

2. Legislation

Road Traffic (Vehicles) Act 2012**Road Traffic Code 2000****3. Application of Policy**

Plantation companies may request use of a classified road on the Restricted Access Vehicle (RAV) Network by applying to the Chief Executive Officer (CEO) for approval. If the desired route includes an unclassified road, an application must be made by the plantation company to Main Roads WA (Heavy Vehicles Section). For further information on heavy vehicle access to roads within the Shire, refer to Policy I/R/17 Roads – Heavy Vehicle Access.

Approvals will be for a duration of six months and may be extended upon request by the plantation company. The Executive Manager Works and Services must be satisfied with the proposed haulage route(s) and the following conditions are to be adhered to by the plantation company:

- a) School bus operators are to be notified of the commencement date and the anticipated duration, at least one week prior to the commencement of harvest.
 - b) If no maximum speed is specified as a condition of use of the applicable road, speeds are to be limited to a maximum of:
 - 100km/hr (as per the Road Traffic Code 2000), or
 - The posted speed limit,whichever is the lesser.
 - c) Suitable sign posting for traffic in accordance with Australian Standard AS1742.3-2009, with signs identifying truck movements is to be placed at the entrance and exit of the property.
 - d) All vehicles must adhere to any road closure prescribed by the Council due to inclement or persistent wet weather.
 - e) All gravel roads covered under the letter of approval are to be graded by the relevant plantation company during haulage when requested by the Council.
 - f) The Council is to be advised of any seal failures on bitumen roads within 24 hours so that repairs can be carried out.
 - g) Cartage must cease on Good Friday, Christmas Day and New Year's Day.
 - h) Post haulage inspections of roads listed in the letter of approval will be carried out by Shire of Plantagenet staff. If required, works to reinstate roads to pre-haulage condition are to be undertaken by the plantation company.
- 4. Temporary crossovers to access timber plantations may be installed by plantation companies provided that approval is obtained from the Shire of Plantagenet as per Council Policy I/R/13 – Vehicle Crossovers. The following conditions would apply to the temporary crossover construction:**

- a) Installation to be for a maximum of 12 months and infrastructure must be removed within 30 days of harvest completion. Road shoulders to be returned to the pre-existing state.
- b) Stone or concrete headwalls are not required. However, sandbags and rock walls may be used to protect any Council infrastructure as determined by the Executive Manager Works and Services.
- c) The position of the crossover should comply with Main Roads WA (MRWA) requirements for sightlines and gradients for approved RAV or Accredited Mass Management Scheme (AMMS) access. The Council may require a formal traffic management plan be implemented by the plantation company if compliance to sightline guidelines cannot be met, provided the position of the crossover is such that it is in the best interests of public safety to do so. ie the existing access or entry from side roads is worse than the proposed access.

Applications that have a definite commercial gain (ie being able to access a section of road with a higher RAV/AMMS category) may also be considered provided all improvements and safety requirements are met by the plantation company.

- d) Any damage to the road surface (sealed and un-sealed) caused as a result of the temporary crossover is to be made good within 30 days of harvest completion to the satisfaction of the Executive Manager Works and Services.

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.'

be endorsed.

CARRIED (9/0)

NO. 038/22

9.2.4 POLICY REVIEW – ROADS – VEHICLE CROSSOVERS

Cr C Pavlovich

Item: 9.2.4

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Director of a local transport company likely to be affected by this policy.

Extent: Code of Conduct. Conditions apply to Plantation principles for Harvest Operational Plans.
Will be staying / voting.

File Ref: N57694
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Senior Administration Officer
Proposed Meeting Date: 22 March 2022

PURPOSE

The purpose of this report is to review Council Policy I/R/13 Vehicle Crossovers.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 8 October 2019.

STATUTORY ENVIRONMENT

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

Local Government (Uniform Local Provisions (Regulations 1996 as follows:

Regulation 12 – ‘Crossing from public thoroughfare to private land or private thoroughfare’

Regulation 13 – ‘Requirement to construct or repair crossing’ and

Regulation 15 – ‘Contribution to cost of crossing’

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

In the 2020/2021 financial year \$1,009.00 was paid to approved applicants from the Council’s crossover contribution account.

BUDGET IMPLICATIONS

In the 2021/2022 budget, \$3,000.00 has been included for costs associated with Council contributions towards approved vehicle crossovers.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

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

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications in relation to this report.

REGIONAL IMPLICATIONS

There are no regional implications in relation to this report.

OFFICER COMMENT

The policy provides clear guidelines to Shire staff and applicants wishing to construct a crossover. It also provides backup support for Shire staff when members of the public request maintenance on a crossover.

There are no changes recommended to this policy.

It should be noted that the State Government is looking to standardise and simplify the approval of crossovers for residential developments on local roads as part of the Phase 2 Planning and Local Government Reforms.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

That Council Policy I/R/13 Vehicle Crossovers as follows:

'OBJECTIVE

To define the Council's requirements and financial obligations for the construction of vehicle crossovers in road reserves.

POLICY

1. Scope

This policy applies to the installation and modification of crossovers for properties within the Shire of Plantagenet. This policy shall be applied for decisions made pursuant to Shire of Plantagenet Delegations 5.1 and 5.1A.

2. Legislation

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

Local Government (Uniform Local Provisions) Regulations 1996 as follows:

- a) **Regulation 12 – ‘Crossing from public thoroughfare to private land or private thoroughfare’;**
- b) **Regulation 13 – ‘Requirement to construct or repair crossing’; and**
- c) **Regulation 15 – ‘Contribution to cost of crossing’.**

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

3. Definitions

Crossover Has the same meaning as ‘crossing’ as outlined in the **Activities in Thoroughfares and Public Places and Trading Local Law 2008** and means a crossing giving access from a public thoroughfare to private land, or a private thoroughfare serving private land.

Standard crossover Pursuant to Regulation 15 (2) of the **Local Government (Uniform Local Provisions) Regulations 1996**, the Council defines a minimum standard crossover as follows:

- a) **Urban – sealed: 3.0m wide (excluding splays), constructed in grey pre-mixed concrete.**
- b) **Urban – unsealed: 3.0m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.**
- c) **Rural – unsealed: 4.5m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.**

4. Application of Policy

4.1 Property owners are required to complete and submit an Application for Approval to Construct a Vehicle Crossover for assessment before a crossover is constructed or modified. Construction may not commence until written permission has been granted by the Council.

Approval to construct a crossover is valid for a two-year period from the date it is issued. If construction of the crossover has not been commenced within this period, a new application must be submitted to the Council for consideration.

4.2 All crossovers must be constructed in accordance with the Council’s Specification for the Construction of Vehicle Crossovers. Where a crossing adjoins a sealed road within a townsite, a sealed crossover must be constructed. In all other cases, a sealed or unsealed crossover is permitted.

- 4.3 Upon application from the property owner, the Council will contribute half the cost of a standard crossover to a maximum as set out in the Council's adopted fees and charges, provided that:**
- a) The crossover is installed in accordance with the Council's specifications;**
 - b) The contribution relates only to the first crossover to service the property;**
 - c) Applications for any subsidies are received within 6 months of the completion of the crossover; and**
 - d) The Council contribution will not apply to properties where the conditions of subdivision or development approval have included the provision of appropriate crossovers.**
- 4.4 Once constructed, crossovers are to be maintained at the expense of the property owner. The Council may issue a notice in writing pursuant to the Local Government (Uniform Local Provisions) Regulations 1996 to the owner or occupier of private land requiring the person to repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.'**

be endorsed.

CARRIED (9/0)

NO. 039/22

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REVIEW - FEBRUARY 2022

File Ref:	N57643
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to review and adjust the adopted 2020/2021 Annual Budget to recognise variations in expenditure associated with the Local Roads and Community Infrastructure Program – Phase 2 (LRCIP2).

BACKGROUND

The 2021/2022 annual budget was adopted by the Council on 27 July 2021. This is the third review of the budget, which is appropriate following some changes to budget allocations.

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

FINANCIAL IMPLICATIONS

The overall recommended effect on the budget is that there is a surplus of \$90,000.00, as the Mount Barker Hill – Carpark project incorporated this excess municipal component.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

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

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

OFFICER COMMENT

A Council workshop was held on 22 February 2022 to reallocate unspent LRCIP2 funding freed up by not progressing Mead Street and the Mount Barker Hill carpark works. The key principles under this funding round are:

- Funds are not to be used for existing or planned Shire works; this grant is intended to provide a spending stimulus and allow additional development.
- 'Use it or lose it' – we will not get any extensions on this funding or be able to reallocate it.

LRCIP2 funding needs to be acquitted by June 2022. There is a limited window to apply for a variation, so a decision on new grant deliverables needed to be made quickly.

The following adjustments are submitted for formal ratification. The original estimated cost was provided to the workshop held on 22 February 2022. Subsequently, orders have been placed which in some cases vary to the original estimate due to firmed up prices.

The sealing of Pennifold Avenue (whole length) has been added as there was a substantial saving on bitumen due to bulk order. There was also a saving on the Wilson Park Infill Drain due to use of spare piping from another project.

The installation of bollards and tactile flooring has been added to the Mount Barker Hill pathway, as this can be accommodated into the project cost.

Savings were achieved for the shade cloth for Sounness Park and Bonnyup Street as the chosen contractor will make and install.

The cancellation of the Mount Barker Hill carpark project has realised a saving of \$90,000, as this project had a municipal contribution to that amount. It is proposed to defer consideration of use of these funds until the final budget review of the year and determine at that stage whether it can be transferred to a reserve fund or is otherwise required.

Project	Original Estimated cost	Order Value
Wilson Park - Infill Drain	\$33,000	\$15,000
Connect war memorial footpath to Lowood Road footpath	\$10,000	\$7,500
Asphalt Mount Barker Hill path and installation of bollards and tactile flooring	\$18,000	\$16,300
Oatlands Road (Deane St to Martin St) asphalt (to include small section of Martin Street)	\$150,000	\$117,000 + \$28,500
Bannercondas and banner flags for Lowood Road (6)	\$15,000	\$15,000
Shade structures – Bonnyup Park and Sounness park	\$35,000	\$20,000
Flashing speed sign (2) and Variable Speed Message Board	\$48,000	\$49,000
First Avenue Kendenup – Seal	\$39,295	\$47,000
Fourth Avenue Kendenup – Seal	\$42,062	\$36,000
Pennifold Avenue Kendenup – Seal	N/A	\$39,700

The LCRIP2 revised budget commits all grant funding and it is anticipated that there will not be an underspend or any material amount of an underspend. Further, the unspent \$90,000 from the Mount Barker Hill carpark is excess municipal funds and can be reviewed for reallocation at the next budget review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Bell:

That the following 2021/2022 Annual Budget amendments be ratified:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
OF328	Mead Street - Swimming Pool Upgrade	(234,000)	0	\$234,000
OC615	Wilson Park Infrastructure - Infill Drain	(\$100,000)	(\$15,000)	\$85,000
OC623A	Mount Barker Hill - Carpark	(\$147,000)	\$0	\$147,000
OFFC317	Memorial Road Footpath	\$0	(\$7,500)	(\$7,500)
OC623E	Mount Barker Hill pathway - Asphalt Seal (inc installation of bollards and tactile flooring)	\$0	(\$16,300)	(\$16,300)
OF261A	Oatlands Rd (Deane St to Martin St) (BUA)	\$0	(\$117,000)	(\$117,000)
OF095A	Martin Street (BUA)	\$0	(\$28,500)	(\$28,500)
OP001A	Main Street Bannercondas and Banner Flags	\$0	(\$15,000)	(\$15,000)
PC609F	Sounness Park - Playground Shadecloth	\$0	(\$4,500)	(\$4,500)
PC644A	Bonnyup Park - Playground Shadecloth	\$0	(\$15,500)	(\$15,500)
4050330	Flashing Speed signs	\$0	(\$49,000)	(\$49,000)
OF235A	First Avenue (BUA)	\$0	(\$47,000)	(\$47,000)
OF238A	Fourth Avenue (BUA)	\$0	(\$36,000)	(\$36,000)
OF094A	Pennifold Avenue (BUA)	\$0	(\$39,700)	(\$39,700)
TOTAL		(\$481,000)	(\$391,000)	\$90,000

CARRIED (9/0)

NO.040/22

Absolute Majority

9.3.2 FINANCIAL STATEMENTS – FEBRUARY 2022

File Ref:	N57646
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 28 February 2022.

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Fraser, seconded Cr L Handasyde:

That the Financial Statements for the period ending 28 February 2022 be received.

CARRIED (9/0)

NO. 041/22

9.3.3 LIST OF ACCOUNTS – FEBRUARY 2022Cr K Woltering

Item: 9.3.3

Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.

Nature: Received payment for Mt Barker Hire for supply of skip bin.

Extent: Owner of business that supplies skip bins/toilets on occasion.
Will be staying / voting.**File Ref: N57660****Attachment: List of Accounts - February 2022****Responsible Officer: John Fathers
Deputy Chief Executive Officer****Author: Vanessa Hillman
Accounts Officer****Proposed Meeting Date: 22 March 2022**

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of February 2022.

STATUTORY ENVIRONMENT

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Woltering:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 28 February 2022 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$903,945.31; and
2. Municipal Cheques 47214 to 47219 totalling \$811.32.

CARRIED (9/0)

NO. 042/22

9.3.4 POLICY REVIEW - INTERNAL CONTROL

File Ref:	N57632
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to review Policy OP/IC/1 – Internal Control.

BACKGROUND

This policy was last reviewed at the Council meeting held on 25 March 2020. It was adopted at the meeting of the Council held on 27 May 2014 in response to the promulgation of Clause 17 of the Local Government (Audit) Regulations.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996. Regulation 17 states as follows:

- ‘(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –*
- (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once every 3 financial years.*
- (3) The CEO is to report to the audit committee the results of that review.’*

Local Government (Financial Management) Regulations 1996. Regulation 5 states (in part) as follows:

- ‘(1) Efficient systems and procedures are to be established by the CEO of a local government –*
- (a) for the proper collection of all money owing to the local government; and*
 - (b) for the safe custody and security of all money collected or held by the local government; and*
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process):*
- and*
- (d) to ensure proper accounting for municipal or trust –*
 - (i) revenue received or receivable; and*
 - (ii) expenses paid or payable; and*
 - (iii) assets and liabilities;*
- and*

- (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
 - (f) *for the maintenance of payroll, stock control and costing records; and*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to –*
- (a) *ensure that the resources of the local government are effectively and efficiently managed;'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

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

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

OFFICER COMMENT

It is considered that this policy is sufficient and does not require any changes. It is worth noting that the review of systems and procedures in relation to risk management, internal control, legislative compliance, as required by Section 17 of the Local Government (Audit) Regulations is in progress and will be completed within the three financial year timeframe.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr K Woltering:

That Internal Control Policy OP/IC/1 as follows:

OBJECTIVE

To ensure that appropriate internal controls are implemented in order to:

1. Fulfil the statutory obligations under the Local Government (Financial Management Regulations 1996 and Local Government (Audit) Regulations 1996; and
2. Ensure that the Shire's assets are safe from loss due to fraud and mismanagement.

POLICY

The Council will, through the CEO, ensure that appropriate and efficient internal controls are in place covering:

1. Staffing and segregation of duties.
2. Information technology.
3. Documented procedures and processes covering the recording, reporting and authorisation of transactions.
4. Monitoring performance and adherence.'

be endorsed.

CARRIED (9/0)

NO. 043/22

**9.3.5 STRATA LOT 2, 215 PORONGURUP ROAD, MOUNT BARKER –
WITHDRAWAL OF CAVEAT**

File Ref:	N57635
Attachments:	<u>Withdrawal of Caveat Document</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Abigail Bartell Rates Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to a Withdrawal of Caveat document relating to Strata Lot 2 on Strata Plan 30200, 215 Porongurup Road, Mount Barker.

BACKGROUND

As part of the Council's debt collection procedures, caveats are sometimes lodged against titles of properties where rates have remained outstanding for a number of years. In June 2007, a number of caveats were lodged against properties with outstanding rates. One of those was the subject property.

The owner of the property is now deceased and the estate has cleared all amounts owing.

STATUTORY ENVIRONMENT

Local Government Act (1995)

Local Government (Financial Management) Regulations 1996

Sections 6.63 to 6.75 of the Act and Regulations 72 to 78 govern the actions to be taken against landowners of rateable land to which rates have remain unpaid for more than three years

FINANCIAL IMPLICATIONS

There are currently no outstanding rates for this property (Assessment 139857). The cost charged by Landgate for withdrawing the caveat is \$181.30. This will be met by the Council as only the cost of debt recovery can be charged to the landowner.

POLICY IMPLICATIONS

Clause 1.5(b) of Council Policy F/FM/15 – Debt Collection indicates that other courses of action may be taken to collect debts which include lodging a caveat on the property under S6.64 of the Local Government Act 1995 in accordance with Delegation 2.11.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

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

OFFICER COMMENT

Landgate has advised that an application has been received for the executor of the late owner's estate to be registered on the title. The withdrawal of caveat will allow for this and a future sale of the land. This action is considered appropriate, given all outstanding rates have been paid.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr L Handasyde:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Withdrawal of Caveat document on the Certificate of Title of Lot 2 on Strata Plan 30200, otherwise known as 2/215 Porongurup Road, Mount Barker (Rates Assessment 139857).

CARRIED (9/0)

NO. 044/22

9.3.6 COMPLIANCE AUDIT RETURN 2021

File Ref:	N57644
Attachment:	<u>Compliance Audit Report 2021</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to recommend to the Council the adoption of the Compliance Audit Return for the calendar year 1 January 2021 to 31 December 2021.

BACKGROUND

A Compliance Audit is required to be completed once in each calendar year.

STATUTORY ENVIRONMENT

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995. The Local Government (Audit) Regulations 1996 includes the following sub regulations in Regulation 14:

- '(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –*
- (a) presented to the council at a meeting of the council; and*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.'*

After the Compliance Audit Return has been presented to the Council, a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations; and
- (b) any additional information explaining or qualifying the Compliance Audit is to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.

EXTERNAL CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

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 as no assets are being created or acquired.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

‘Provide a full range of financial services to provide accurate recording, management, security and reporting functions.’

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.6.1.2 – Ensure the Audit function is carried out in accordance with legislative requirements.

STRATEGIC RISK IMPLICATIONS

A key element of the Strategic Risk Register relates to ‘Failure to Fulfil Compliance Requirements (Statutory, Regulatory)’. This section of the register contains a number of key controls, one of them being the Compliance Audit Return. Currently, the overall control rating is assessed as adequate.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The total number of questions in each section and the compliance with those questions is detailed in the following table.

The Compliance Audit revealed two areas of non-compliance under the Optional Questions.

Section	Questions	Compliance
Commercial Enterprises by Local Governments	5	5
Delegation of Power / Duty	13	13
Disclosure of Interest	25	25
Disposal of Property	2	2
Elections	3	3
Finance	7	7
Integrated Planning & Reporting	3	3
Local Government Employees	6	6
Official Conduct	3	3
Optional Questions	9	7
Tenders for Providing Goods & Services	22	22
Total	98	96

The completed Compliance Audit Return is attached to the report. The following comments are made in respect to the non-compliances.

1. Section 5(2)(c) of the Local Government (Financial Management) Regulations requires the CEO to review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

The last review under this regulation was done in June 2018. Given the Implementation of Synergysoft and the relatively late appointment of a contract auditor by the Audit General, it was determined that it would be more appropriate to wait until the new system and its processes are bedded in. Now that Lincolns have been appointed as the contract auditor, Moore Stevens has been appointed to do the Financial Management Review. As our auditor, Lincolns would be prevented from doing it.

2. Section 5.127 of the Local Government Act requires a local government to prepare a report for each financial year on the training completed by council members in the financial year and to publish the report on the local government's official website within 1 month after the end of the financial year.

While there was no councillor training undertaken during the year, the report was not completed until recently. This has now been added to the annual governance calendar as a reminder.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr K Woltering:

That the Compliance Audit Return for the calendar year 1 January 2021 to 31 December 2021 be adopted and submitted to the Department of Local Government, Sport and Cultural Industries.

CARRIED (9/0)

NO. 045/22

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 APPLICATION FOR PLAQUE ON A PARK BENCH - WILSON PARK

File Ref:	N57640
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	22 March 2022

PURPOSE

The purpose of this report is to consider an application for a memorial plaque to be placed on an existing park bench in Wilson Park.

BACKGROUND

A request has been received from Ann Burrell, an aunty of Cody Purvis who passed away at the basketball courts in Wilson Park on 6 June 2021 for a memorial plaque to be placed on an existing bench near the courts.

The plaque would serve as a memorial for him and a place for his family and friends to reflect.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The cost of providing and installing the plaque would be met by the applicant. The estimated cost is \$300.00, but dependent on the number of words used.

POLICY IMPLICATIONS

Policy No. I/OA/2 - Memorial Seating states as follows:

OBJECTIVE

To provide an opportunity for members of the public to have memorial seating placed within the Shire as public furniture.

POLICY

The Shire of Plantagenet will consider applications for the installation of memorial seating where:

1. Such memorial seating recognises former residents of the Shire of Plantagenet.
 2. The location sought for the placement of memorial seating does not compromise existing Council policies or development plans for long term maintenance or upgrading.
 3. The cost of providing and installing a memorial seat is borne by the applicant.
 4. The seat remains the property of the Shire of Plantagenet.
-

5. All formal requests for memorial seating being submitted in accordance with any guidelines developed for this purpose.
6. Memorial seating is made from hard wood timber supplied and constructed by the Shire of Plantagenet in accordance with an adopted Shire design.
7. All plaques on memorial seating being of the dimensions 150mm x 75mm and being affixed to the front of the seat.
8. The memorial seating is maintained by the Council for a minimum of 15 years from the date of placement.

This policy does not entirely fit with the current request, which relates to an existing bench. Cody's family resides in the Shire.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens), the following Strategy:

Strategy 2.3.2:

'Develop, maintain and enhance town streetscapes and public spaces.'

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

OFFICER COMMENT

The bench in question is made of recycled plastic and is situated just to the west of the courts.

In discussion with Mrs Burrell, it was pointed out that the Council is proposing to redevelop Wilson Park at some stage so if the basketball court location is moved, the bench may be subject to a similar location change as well. This has been discussed with the family and as part of this application, the Council is requested that the bench not be moved at all as part of any re-development of Wilson Park, given that this location will look over to where Cody passed away.

It is possible that the location of the bench may not work in with future plans of Wilson Park. The options are that planning can work around the retention of the bench or that the approval be granted, but on the basis of the location being subject to change. The second option will give the Council more flexibility with regard to future planning and is therefore preferred from a pragmatic point of view, although such planning could be cognisant of the views of the family.

Mrs Burrell would like the plaque to be in place by the one-year anniversary (June 2022) for family and friends. While the application is not fully in line with the policy, no objections are raised to the application.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr K Woltering:

That:

- 1. The application for a memorial plaque for Cody Purvis to be placed on an existing park bench in Wilson Park near the basketball courts be approved, subject to the costs associated with the manufacture and installation of the plaque being met by the applicant.**
- 2. The applicant be advised that the bench in question may not remain in its current location in perpetuity.**

CARRIED (9/0)

NO. 046/22

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 FUEL CARDS

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

Moved Cr B Bell, seconded Cr K Clements:

That:

- 1. The Council make direct representation to both our current member of WA Parliament Mrs Jane Kelsbie and the WA Premier Mr Mark McGowan to increase the value of the fuel card issued to rural and regional recipients.**
- 2. This fuel card is increased in value with increases in fuel and travel costs annually.**
- 3. This issue be put on the agenda for the next WALGA Zone meeting.**

AMENDMENT

Moved Cr J Oldfield,

That in point 3 the words 'If a satisfactory positive response is not received in response to point 1' be inserted before the first word 'This'.

The motion lapsed for want of a seconder.

COUNCIL DECISION

The motion was put.

CARRIED (8/1)

NO. 047/22

Cr O'Dea voted against the motion.

10.2 ALBANY HIGHWAY MURAL PAINTING/STRUCTURE

Cr B Bell gave notice of his intention to move a motion relating to the Albany Highway Mural Painting/Structure at the next Ordinary Meeting of the Council pursuant to Clause 5.3 of Standing Orders:

MOTION TO GO BEHIND CLOSED DOORS

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

6:03pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED (9/0)

NO. 048/22

MOTION TO PROCEED IN PUBLIC

Moved Cr B Bell, seconded Cr K Clements:

6:23pm That the meeting proceed in public.

CARRIED (9/0)

NO. 049/22

MOTION TO ADJOURN THE DEBATE

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

That the debate be adjourned to enable the CEO to seek further legal and technical advice for consideration by Councillors prior to the Council meeting to be held on 24 May 2022.

CARRIED (9/0)

NO. 050/22

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

Moved Cr K Clements, seconded Cr M O’Dea:

That new business of an urgent nature, namely:
Amendment of Lease – Plantagenet Historical Society, be introduced to the meeting.

CARRIED (9/0)

NO. 051/22

11.1 AMENDMENT OF LEASE – PLANTAGENET HISTORICAL SOCIETY

6:24pm Cr K Clements left the meeting.

Cr K Clements

Item: 11.1
Type: Proximity pursuant to Section 5.60B of the Local Government Act 1995.
Nature: Chair of Plantagenet Historical Society
Extent: N/A
Will be leaving the meeting.

File Ref: N57751
Responsible Officer: Cameron Woods
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 22 March 2022

PURPOSE

The purpose of this report is to consider an amendment to the lease agreement for Reserve 29661, being Lot 500 Albany Highway, Mount Barker, to the Plantagenet Historical Society for the management of the Old Police Station Museum.

BACKGROUND

At its meeting held on 14 July 2020, the Council resolved:

‘That:

- 1. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease agreement (as attached) between the Shire of Plantagenet and the Plantagenet Historical Society for Reserve 29661, being Lot 500 Albany Highway, Mount Barker.*
- 2. For the purposes of interpreting Council Policy A/PA/14 ‘Sporting and Community Organisations using Council and Vested Land – Rateability’ it is determined that a 100% waiver of annual levied rates shall apply.*

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 applies to the disposition of property, including leasing.

EXTERNAL CONSULTATION

Correspondence has been received from the President of the Plantagenet Historical Society.

FINANCIAL IMPLICATIONS

No financial implications relate to this report.

BUDGET IMPLICATIONS

No budget implications relate to this report.

POLICY IMPLICATIONS

Council Policy A/PA/14 ‘Sporting and Community Organisations using Council and Vested Land – Rateability’ applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategies:

Strategy 1.3.1:

‘Encourage and support community groups and initiatives to help people to work together for the benefit of our community.’

Strategy 1.3.2:

‘Promote and support the initiatives and achievements of our volunteers.’

The Shire of Plantagenet Strategic Community Plan 2017-2026 also provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.6:

‘Support the conservation and maintenance of heritage buildings, heritage items and places of interest.’

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

OFFICER COMMENT

The Council has entered into a lease with the Historical Society under the Shire’s standard template lease. Clause 6.2 (f) of the lease states that the Lessee must not:
‘(f) permit the use of any part of the Leased Premised for living or sleeping or for any unlawful purpose;’

The Plantagenet Historical Society has requested that the part of the lease that restricts persons to stay overnight on the leased premises be changed.

The Society has advised that there have recently been a number of security issues with people accessing the site after hours, such as:

- Alarm call outs to the main buildings, although no one has been seen.
- There has been free caravaners in the rear parking area and backpackers staying on the grounds and in the sheds.
- The Society has had to clean up rubbish, alcohol, food wrappers and other unsavoury articles.

The Society has a volunteer willing to camp overnight for a while to discourage unwanted visitors. It is proposed that he will have access to the kitchen and toilets.

No objection is raised to this proposal, although there is no discretion to allow it under the current lease agreement. It is recommended that the lease be amended by exchange of letters which would:

(f) permit the use of any part of the premise accommodating overnight accommodation for the purpose of acting as a caretaker.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr M O'Dea, seconded Cr K Woltering:

That:

1. **Clause 6.2 (f) of the lease agreement between the Shire of Plantagenet and the Plantagenet Historical Society for Reserve 29661, being Lot 500 Albany Highway, Mount Barker be amended to read as follows, to *permit the use of any part of the premise accommodating overnight accommodation for the purpose of acting as a caretaker:***

'The Lessee must not:

...

(f) permit the use of any part of the Leased Premised for any unlawful purpose;'

2. **The amendment to the lease be executed by exchange of letters.**

AMENDMENT

Moved Cr J Oldfield, seconded Cr M O'Dea:

That in point 1 of the motion replace the words 'to discourage unwanted visitors' with the words 'at the discretion of the CEO'.

CARRIED (9/0)

NO. 052/22

Reason for Change

To provide some flexibility to the management of the lease, to alleviate the risk of any potential issues that could occur under a new committee.

COUNCIL DECISION

That:

1. Clause 6.2 (f) of the lease agreement between the Shire of Plantagenet and the Plantagenet Historical Society for Reserve 29661, being Lot 500 Albany Highway, Mount Barker be amended to read as follows, to *permit the use of any part of the premise accommodating overnight accommodation at the discretion of the CEO.*

'The Lessee must not:

...

(f) permit the use of any part of the Leased Premised for any unlawful purpose;'

2. The amendment to the lease be executed by exchange of letters.

CARRIED (9/0)

NO. 053/22

6:30pm Cr Clements returned to the meeting.

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

6.30pm The President declared the meeting closed.

CONFIRMED: CHAIRPERSON



DATE:

20 / 4 / 22