



ORDINARY MINUTES

DATE: Tuesday, 23 November 2021

TIME: 4:00pm

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


Cameron Woods
CHIEF EXECUTIVE OFFICER

Resolution numbers: 214/21 to 233/21

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

4:04pm The Presiding Member declared the meeting open.

The Presiding Member acknowledged the Traditional Custodians of the Land, paying respects to their 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 S Etherington	Councillor
Cr A Fraser	Councillor
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
Mr Andrus Budrikis	Executive Manager Strategic Development
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were 12 members of the public present when the meeting commenced.

Previously Approved Leave of Absence:

Nil

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3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 26 October 2021; Mr Adams, as President of the Woogenellup Progress Association, requested an update on progress with repairs to the Woogenellup Hall wall since it was damaged in July.

A letter of response from the CEO was sent on 2 November 2021 (attached).

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – MR RODNEY HOVELL, MR DAVID CARPENTER, MS SAMANTHA BURCHETT – ROCKY GULLY PROGRESS ASSOCIATION INC. (PENDING).

Mr Hovell, Mr Carpenter and Ms Burchett addressed the Council on their vision for the future of Rocky Gully (presentation attached).

The Shire President thanked the representatives of the Association for their presentation.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995.

Cr M O'Dea

Item: 9.4.2
Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.
Nature: Committee member of Mitchell House Arts Centre – the lessee.
Extent: N/A

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

6.1 APPLICANT: CR J OLDFIELD

Cr J Oldfield requested Leave of Absence from 29 November 2021 to 21 January 2022 (Inclusive).

Moved Cr M O’Dea seconded Cr B Bell:

That Cr J Oldfield be granted Leave of Absence for the period 29 November 2021 to 21 January 2022 (inclusive).

CARRIED (9/0)

NO. 214/21

7 CONFIRMATION OF MINUTES

7.1 SPECIAL MINUTES OF COUNCIL HELD 21 OCTOBER 2021

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

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 21 October 2021 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 215/21

7.2 ORDINARY MINUTES OF COUNCIL HELD 26 OCTOBER 2021

Moved Cr M O’Dea, seconded Cr A Fraser:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 October 2021 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 216/21

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President noted the passing of Antony 'Tony' Smith, offering condolences to his wife Alison and family.

Moved Cr C Pavlovich seconded Cr M O'Dea:

That the Council's condolences be extended to the family of Mr Antony 'Tony' Smith.

CARRIED (9/0)

NO. 217/21

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

9.1.1 LOT 49 MUIR HIGHWAY, ROCKY GULLY – PROPOSED SIGNAGE

File Ref:	N56589
Attachment:	<u>Location Plan</u> <u>Site Plan</u> <u>Signage Front Elevation</u> <u>Signs No. 1, 2 & 3</u> <u>Sign No. 4</u> <u>Sign Locations Plan</u> <u>Shop Floor Plan</u> <u>Renovation Photograph 1</u> <u>Renovation Photograph 2</u> <u>Renovation Photograph 3</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Clare Bonnie Planning Officer
Proposed Meeting Date:	23 November 2021
Applicant:	GM Cristinelli Pty Ltd

PURPOSE

The purpose of this report is to consider a proposal to install four advertising signs at Lot 49 Muir Highway, Rocky Gully.

BACKGROUND

Council records show the registered owner of Lot 49 Muir Highway is GM Cristinelli Pty Ltd.

Mr Cristinelli became the new owner of Lot 49 Muir Highway in May 2021 previously occupied by Carol's Country Store. The existing building at the site contains a shop with a second storey and a single garage. No records exist of any of the structures on site, these structures appear to be built before 1970. The timber frame shop is clad in fibre cement, metal roofing material and jarrah flooring. The owner applied for a liquor licence in June 2021. He intends to fully renovate the shop to accommodate a liquor store, take away food, coffee, grocery store and post office.

As part of renovating the building and changing the image of the business, the owner intends to install four advertising signs at the property. These signs include one roof sign, two wall signs and one on ground sign. The proposed signs will be advertising fast food and drink being prepared at the Rocky Gully General Store (RGGS).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 deemed provisions.

Shire of Plantagenet Local Planning Scheme No. 5 (LPS5) – zoned Commercial.

Clause 32.4(b) and Schedule 1 - details where development approval is not required for advertising signs. In this instance, development approval is required.

EXTERNAL CONSULTATION

There are no external consultation implications for this report.

FINANCIAL IMPLICATIONS

The application fee of \$64.00 has been paid.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 22 (Advertising Signs) (TPS Policy 22) is relevant. TPS Policy 22 permits signs in the Commercial zone subject to the provision of a total signage plan.

Sign No. 1 and 2 – Wall signs

These two signs are to be fixed to the front elevation of the RGGS building.

a) Sign No. 1

To be fixed to the external part of the front wall (see sign location plan).

Wording: '*Mean Street Café Rocky Gully 6397*' (including a sketch of a dog's head).

Colours: Black, white and green for one dog eye. Black lettering.

Size: 1.2m x 1.6m = 1.56m².

b) Sign No. 2

To be fixed to the external part of the front of the wall over the entrance (see sign location plan).

Wording: '*Rocky Gully General Store, Coffee, Fuel, Flavour*'.

Colours: Yellow, black and white. Black and white lettering.

Size: 1m x 470mm = 0.47m².

TPS Policy 22 Sign Requirements Wall Signs (Signs No. 1 and 2)	Proposed Sign Details	✓ = Compliant × = Non-compliant
Maximum area of 10m ² in aggregate	2.03m ² total	✓
Not project more than 300mm	No projections	✓
Maximum number of two signs	Two signs	✓

Only permitted in Commercial, Service Commercial, General-Industry and Residential zones	Commercial zone	✓
Shall if placed directly over door opening shall not project below the top of that door	No projections	✓
Part of roof to be fixed to a fascia or to the roof itself or which forms part of a projection above the eaves or ceiling of building	On front building elevation	✓
Only one sign on each building displaying name, number address not exceed 2m ²	Two signs on the one building	✗

The proposed wall signs do not conform to the one sign per building policy requirement. However, the cumulative area for the two wall signs is equal to 20.3% of the maximum 10m² wall sign area requirement set in the Council's policy. The addition of one more wall sign is seen as a minor variation in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

c) Sign No. 3 – On-Ground Sign (sandwich board)

This sign will be located within the front boundary of the property (see sign location plan).

Wording: 'Mean Street Café Rocky Gully 6397, Open, Bad Ass Coffee'

Colours: Black, white and red lettering.

Size: 500mm x 800mm = 0.32m².

TPS Policy 22 Sign Requirements – On-Ground Sign (Sandwich Board) (Sign No. 3)	Proposed Sign Details	✓ = Compliant ✗ = Non-compliant
Have an area of not more than 0.5m ²	0.32m ² .	✓
Be located within all boundaries	Sign located on-site	✓
Have a maximum vertical dimension of 1.2m and maximum horizontal dimension of 1.0m	500mm x 800mm	✓
No higher than 1.2m above ground level	At ground level	✓
Be limited to one sign per tenancy	One sign only	✓
Advertise only products or services available from the lot	Advertise coffee & Open status	✓
Only permitted in the Commercial, Service Commercial and General Industry zones	Commercial zone	✓

Be limited to a maximum of one sign per street frontage on any one lot.	One sign on Muir Highway	✓
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The proposed on-ground sign (sandwich board) conforms to all the sign requirements set in the Council's policy.

d) Sign No. 4 – Roof Signs

These signs are located on the fasciae of the fuel bowser canopy structure. The signs are positioned parallel to the canopy fasciae of the structure which is used as a fuel shelter for parking of vehicles. including the roof to which it is attached (see sign location plan).

Wording on the canopy front fascia: '*Rocky Gully General Store*' and '*24 HR Fuel, Coffee, Flavour*'.

Font sizes on canopy front fascia: '*Rock Gully*' (pop-up) 650mm x 3m = 1.95m², '*General Store*' 2m x 500mm = 1m² and '*24HR Fuel o Coffee o Flavour*' 4m x 500mm = 2m².

Wording on both the canopy side fasciae: '*24 HR Fuel*'.

Font sizes on both canopy side fasciae: 500mm x 650mm each (total area for both signs is 0.65m²).

Colours for all canopy fasciae lettering: Yellow and black and white.

Total area for all canopy fasciae signs is 5.6m².

TPS Policy 22 Sign Requirements Roof Signs (Sign No. 4)	Proposed Sign Details	✓ = Compliant x = Non-compliant
Maximum area of 3m ²	5.6m ² .	x
Not project more than 300mm	' <i>Rocky Gully</i> ' wording projects 650mm above the front canopy fascia.	x
Only permitted in Commercial, Service Commercial & General Industry zones	Commercial zone	✓
Part of roof to be fixed to a fascia or to the roof itself or which forms part of a projection above the eaves or ceiling of building	All signs are fixed to the canopy fasciae.	✓

The proposed canopy signs do not conform to the 3m² maximum area and 300mm projection requirements set in the Council's policy for roof signs. The nature of the proposed roof advertising signage is consistent with the existing use of the site as a shop and service station and is supported. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

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 risk implications for this report.

OFFICER COMMENT

The proposal involves the installation of four advertising signs at the Rocky Gully General Store. These signs include canopy roof signs, two wall signs and one on-ground sign and will replace all existing signs at the site. The proposed signs will be advertising fast food and drink being prepared at the shop.

Wall signs

The proposed wall signs do not conform to the one sign per building policy requirement. However, the cumulative area for the two wall signs is equal to 20.3% of the maximum 10m² wall sign area requirement set in the Council's policy. The installation of one additional wall sign is seen as a minor variation in this instance.

On-ground sign

The proposed on-ground sign (sandwich board) conforms to all the on-ground sign requirements set in the Council's policy.

Roof signs

The proposed canopy signs do not conform to the 3m² maximum area and the 300mm projection requirements set in the Council's policy for roof signs. The nature of the proposed roof advertising signage is consistent with the existing use of the site as a shop and service station.

All four sign locations conform to boundary setback requirements set in LPS5 for the Commercial zone and none of the signs will be illuminated.

Rocky Gully is a small rural village located 65km west of Mount Barker and 96km east of Manjimup. The existing grocery store has been closed for some time and the village has no café, accommodation, hotel, pub, or post office.

Other than the Rocky Gully General Store that is currently being renovated, there are no other existing businesses alongside Muir Highway for passing motorists to stop, rest or purchase refreshments. Hence, it is important that the Rocky Gully General Store is made visible from a distance through advertising.

A site visit was undertaken on 29 October 2021. The proponent advised that the exterior walls will be painted a medium grey to show up the black, white and yellow sign colour scheme. The proponent further advised that he has approached the Puma petroleum company to upgrade the fuel bowsers.

In summary, the proposed signs are setback within the site boundaries and do not impede on any significant views or traffic safety. The signage is considered appropriately proportioned to the site and building and will provide visibility of the shop and service station within proximity of the site. The proposed signage will not diminish the appearance of significant elements in the immediate area as the proposed signs are similar to the current planning package on the site. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable. In this case such variations are supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That in respect to the proposed signage at Lot 49 Muir Highway, Rocky Gully:

1. In accordance with clause 34(5) of the Shire of Plantagenet Local Planning Scheme No. 5, clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Shire of Plantagenet Town Planning Scheme Policy No. 22 (Advertising Signs) be varied and the signage being approved subject to:
 - a) The plans dated 21 October 2021.
 - b) Wall Sign No. 1
 - i) Sign will be fixed to the external part of the front wall.
 - ii) Wording: '*Mean Street Café Rocky Gully 6397*' including a sketch of a dog's head.
 - iii) Colours: Black, white and green for one dog eye. Black lettering.
 - iv) Size: 1.2m x 1.6m = 1.56m².
 - c) Wall Sign No. 2
 - i) Sign will be fixed to the external part of the front of the wall over the building entrance.
 - ii) Wording: 'Rocky Gully General Store, Coffee, Fuel, Flavour'.

- iii) Colours: Yellow, black and white. Black and white lettering.
- iv) Font size: 1m x 470mm = 0.47m².
- d) **On Ground Sign No. 3**
 - i) Sign will be located within the front boundary of the property.
 - ii) Wording: 'Mean Street Café Rocky Gully 6397, Open, Bad Ass Coffee'.
 - iii) Colours: Black, white and red.
 - iv) Font size: 500mm x 500mm = 0.25m².
- e) **Canopy Roof Sign No. 4**
 - i) Signs will be fixed to the fuel bowser canopy structure fasciae.
 - ii) Wording on front canopy fascia: 'Rocky Gully General Store, Coffee, Fuel, Flavour'.
 - iii) Font sizes on front canopy fascia: 'Rock Gully'(pop-up) 650mm x 3m = 1.95m², 'General Store' 2m x 500mm = 1m² and '24HR Fuel, Coffee, Flavour' 4m x 500mm = 2m².
 - iv) Wording on both side canopy fasciae: '24 HR Fuel'.
 - v) Font sizes on both side canopy fasciae: 500mm x 650mm each (total area for both signs is 0.65m²).
 - vi) Colours: Yellow and black and white.
 - vii) Total canopy fascia sign area = 5.6m².

CARRIED (9/0)

NO. 218/21

9.1.2 POSITION STATEMENT - MOUNTAIN BIKING IN RESERVES

File Ref:	N56602
Attachments:	<u>Reserve 11168 Map</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Laura Adams Economic Development Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

The purpose of this report is to consider the Shire of Plantagenet's position on mountain biking in reserves without formalised cycle trails.

BACKGROUND

Ranger Services has received complaints about children building their own mountain bike (MTB) trails and jumps in reserves in Mount Barker, particularly the Ingoldby Reserve and Don Collins Park.

Although there are plans to build a mountain bike trails park at Reserve 15162, Mount Barker, its construction will not start until the next financial year. Discussions with the children building unsanctioned trails and the local mountain bike group have identified a need for a location where they can ride their bikes off-road without disturbing anyone or clearing any bush.

Reserve 11168 is a Crown land C-class reserve of which the care, control and management is vested with the Shire of Plantagenet for the purpose of 'Park Lands'. It is located along Mitchell Street next to the intersection with St Werburghs Road, around 2km south of the town centre.

In the 1950s the land that is now Reserve 11168 operated as an 800-head cattle saleyards. Following the construction of the saleyards on Woogenellup Road and its subsequent expansion to include cattle in the late 1960s, the Mitchell Street saleyards were decommissioned. In 2004, the site was vested to the Shire for recreation and parkland purposes as Reserve 11168.

Reserve 11168 is largely cleared with a strip of bushland acting as a barrier between the site and Albany Highway. The flora consists of some sparsely sited native trees, with grass and weeds providing most of the coverage. There are some remnants from the site's use as a saleyards, namely some concrete blocks.

This report also concerns the question of whether mountain bike riding is appropriate in Don Collins Park, Mount Barker. This public open space has recently been named after a long-term resident who was instrumental in lobbying the Council to save the site from residential development. The bush block has a number of firebreaks through it, which are currently used by walkers and cyclists.

STATUTORY ENVIRONMENT

Reserve 11168 is a Crown land C-class reserve of which the care, control and management is vested with the Shire of Plantagenet for the purpose of 'Park Lands'. MTB trails have been confirmed by the Department of Planning, Lands and Heritage (DPLH) as ancillary to the 'Park Lands' purpose.

Don Collins Park is a 47101m² lot at the corner of Oatlands Road and Martin Street and is owned in freehold by the Shire of Plantagenet. It is zoned for Recreation.

EXTERNAL CONSULTATION

There has been significant external consultation at various levels of the strategic hierarchy of the Mount Barker Hill/Pwakkenbak project. This is relevant as the consultation established a high level of local interest in mountain biking with a complete lack of places to do it without travelling outside of the Great Southern.

FINANCIAL IMPLICATIONS

There are no financial or budgetary 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. Mountain bikers are responsible for obtaining their own insurance.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report. Reserve 11168 would be offered on the basis that the Shire does not assist with maintenance of the reserve. A quantity of clay-based soil would be supplied to the site by the Shire for volunteers to construct jump lines from.

There are also no asset management implications for Don Collins Park.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2020-2021 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.2:

'Promote sporting, recreation and leisure facilities and programs in the District.'

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. The permitted use of Reserve 11168 for mountain biking is intended to meet local short-term needs and is not intended as any sort of visitor attraction.

OFFICER COMMENT

There is strong local support for mountain biking as a way to improve overall health and social benefit outcomes for the community, particularly for children and young people. It is also important to promote opportunities for unstructured active recreation and encourage appreciation of nature.

Reserve 11168 has been selected as suitable for providing an interim location for mountain biking for the following reasons:

- The vesting of the reserve allows for recreational cycling activities.
- The site has already been cleared due to its previous use as a cattle saleyard.
- The site is accessible from town by bicycle, avoiding main roads.
- The use of this site has support from local mountain bikers.

It is not proposed that any Shire labour be used, beyond supplying some soil for volunteers to construct jumps from. The users would be responsible for the site themselves, including spraying weeds and maintaining their own trails.

There is also the opportunity to utilise this site for a trail education program. Options have been explored with professional trail builders to run an educational session aimed at children and young people illegally building trails. The session will feature information on environmental protection and sustainability and have a practical element showing how to sustainably and safely construct trails in appropriate places.

Separately, Don Collins Park is proposed as a site where mountain bikers can utilise the existing firebreaks. The Park's central location in a residential area means it is suitable for younger children, with passive supervision nearby.

It is not proposed that any additional trails be constructed at Don Collins Park. The intention would be to allow use of existing fire breaks by both cyclists and walkers, extending the user groups who can enjoy the public open space with no detriment to the environment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the Council issues a position statement:

- 1. Authorising the use of Reserve 11168 for recreational mountain biking.**
- 2. Authorising the use of Don Collins Park for mountain bike riding on established trails and firebreaks only.**

CARRIED (9/0)

NO. 219/21

9.1.3 RESERVE 17849 - TRANSFER OF CROWN LAND

File Ref: N56601

Attachments: [Aerial View](#)
[Location Plan](#)

Responsible Officer: Cameron Woods
Chief Executive Officer

Authors: Laura Adams
Economic Development Officer
and
Vincent Jenkins
Principal Planning Officer

Proposed Meeting Date: 23 November 2021

PURPOSE

The purpose of this report is to seek the Council's consent to apply to the Department of Planning, Lands and Heritage (DPLH) to transfer the portion of Crown land adjacent to Reserve 17849, Lot 51 Albany Highway, Narrikup.

BACKGROUND

Reserve 17849 located at Lot 51 Albany Highway, Narrikup has been vested with the Council for the purposes of recreation and show grounds since May 1932. It is now the Narrikup oval / sports ground.

Various infrastructure located at the Narrikup sports ground, including the tennis courts and clubrooms, has been constructed on 1.5ha of unallocated Crown land (UCL) which adjoins Reserve 17849.

The locations of the buildings and infrastructure are shown on the attached plan. The aerial photo shows that most of the oval and the cricket nets are located on the reserve, but all other infrastructure is located on the unallocated Crown land.

At the Council meeting held on 7 February 2012 it was resolved:

'That:

- 1. The Department of Regional Development and Lands be requested to transfer the 1.5ha portion of unallocated Crown land adjacent to Reserve 17849 as shown on the attached plan dated 31 January 2012 for inclusion into Reserve 17849.*
- 2. The Department be further requested to include Power to Lease in the Management Order.'*

Following this resolution, the Shire of Plantagenet applied to DPLH for the UCL to be included in the adjoining Reserve 17849 and sought Power to Lease over the new expanded Reserve. However, the Native Title settlement had not been finalised at that time, and so the proposal was placed on hold until the outcome of the South West Settlement.

The UCL lot was subsequently included in the pool of potential UCL subject to Native Title that was under consideration for allocation to the Noongar Land Estate.

Due to the existing infrastructure built on the lot this UCL has strategic importance to the Shire. It is likely to be unsuitable for allocation to the Noongar Land Estate due to this reason, and as it has no identified cultural or developmental value to the Noongar people.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 deemed provisions.

Shire of Plantagenet Local Planning Scheme No. 5 - zoned Local Scheme Reserve (Public Open Space). LPS5 Public Open Space Reserve objectives include setting aside areas for public open space, particularly those established under the Planning and Development Act 2005 and to provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage infrastructure.

Reserve 17849 is Crown land reserve and the care, control and management of the reserve is vested with the Shire of Plantagenet for the purpose of recreation and show grounds.

EXTERNAL CONSULTATION

There has been substantial prior correspondence with DPLH about amalgamating the UCL with Reserve 17849.

Initial consultation has taken place with the Mount Barker Aboriginal Progress Association about land in Plantagenet up for allocation to the Noongar Land Estate. This unallocated Crown land at the Narrikup oval was identified in a map of eligible land but was not identified as having Aboriginal heritage or historical significance. The land is also unsuitable for development under the Noongar Land Estate due to its zoning and the infrastructure already built on it.

There have also been preliminary discussions with the South West Aboriginal Land and Sea Council (SWALSC), the Native Title holders, about their priorities for Noongar Land Estate property selection.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report.

BUDGET IMPLICATIONS

Once the vesting has been finalised, amalgamation fees in the order of \$8,000.00 will need to be added to the budget.

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

In seeking transfer of the portion of UCL to the reserve it would be advantageous to seek the Power to Lease. Without the Power to Lease being granted to the Shire, any lease of the infrastructure granted to sporting clubs would be *ultra vires* – exceeding the Shire's powers.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.1:

'Maintain and improve sporting and recreation facilities in the District based on catchment needs.'

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

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The transfer of the portion of UCL to the reserve is required to allow the land to be legally utilised for its purpose as a sports ground.

It is recommended that the issue of the Narrikup oval being built across UCL be dealt with through this planning process, rather than through the Native Title consultation process. Even if the UCL were removed from the Noongar Land Estate, the issue with the Shire not having tenure over the UCL section of the oval would not be resolved.

Once the vesting of the UCL is transferred to the Shire, it will be prudent to have the UCL and Reserve 17849 amalgamated in order to have all of the civic structures and oval on one title.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

- 1. The Department of Regional Development and Lands be requested to transfer the 1.5ha portion of unallocated Crown land adjacent to Reserve 17849 as shown on the attached plan dated 28 August 2014 for inclusion into Reserve 17849.**
- 2. The CEO be authorised to proceed to amalgamate the lots.**
- 3. The Department be further requested to include Power to Lease in the Management Order.**

CARRIED (9/0)

NO. 220/21

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS – OCTOBER 2021

File Ref:	N56584
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Diana Marsh Senior Finance Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

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

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets.
- b) explanation of the material variances.
- 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 S Etherington, seconded Cr K Woltering:

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

CARRIED (9/0)

NO. 221/21

9.3.2 LIST OF ACCOUNTS – OCTOBER 2021

File Ref:	N56622
Attachment:	<u>List of Accounts September 2021</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of October 2021.

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (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 S Etherington, seconded Cr K Woltering:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 October 2021 be received and recorded in the minutes of the Council, the summary of which is as follows:

- 1. Electronic Payments and Direct Debits totalling \$1,263,434.18; and**
- 2. Municipal Cheques 47197 - 47206 totalling \$2692.50.**

CARRIED (9/0)

NO. 222/21

9.3.3 POLICY REVIEW - GROUP RATING

File Ref:	N56588
Attachment:	<u>Valuer General's Office Policy 3.103 – Land – The Unit of Valuation, Gross Rental Value</u> <u>Valuer General's Office Policy 4.310 – Group Valuations – Unimproved Values in Rural Areas</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Abigail Bartell Rates Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

The purpose of this report is to review Council Policy A/PA/13 – Group Rating.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 6 November 2019.

STATUTORY ENVIRONMENT

Group rating of land parcels is covered by the Valuation of Land Act 1978 and is also subject to legal precedent as detailed in Valuer General's Office (VGO) Policies 3.103 and 4.310.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

This policy review is presented to the Council as part of the ongoing Council 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 4.6.3:

'Maintain, develop and monitor rating and property strategies.'

Further, the Council's Corporate Business Plan 2019/2020 – 2022/2023 includes Action 4.6.3.1:

'Set fair and reasonable property rating levels, which aim to achieve equity in the maintenance of infrastructure between generations and maintain accurate rating roll records.'

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.

OFFICER COMMENT

The VGO provides valuation details to local government for the purposes of applying property rates. The Council has no choice but to apply rates and charges on land parcels as valued by the VGO.

The VGO has policies (3.103 and 4.310 - attached) which require valuing adjoining lots as a single valuation in the following circumstances:

Unimproved Value Properties

- The lots are contiguous and in common ownership.
- The lots are used and occupied as one holding and would normally be expected to sell as one holding.
- The current contiguity and use will continue into the foreseeable future.
- The bases of valuation is confirmed by sales evidence.

Gross Rental Value Properties

- Land in common ownership.
- Actual and contiguous occupation extends across more than one lot.
- Open storage used in conjunction with an industrial building.
- Improvements erected across lot boundaries.
- Residential garden, pool, tennis courts etc used in conjunction with a house.

It is considered appropriate for the Council to reaffirm this policy that reflects the current practice of applying single lot rating to all lots within the Shire, except for situations where the VGO applies a group valuation to them.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O'Dea, seconded Cr A Fraser:

That Council Policy A/PA/13 – Group Rating, as follows:

'OBJECTIVE:

To clarify the situations where group rating of separate lots can be applied.

POLICY:

That the Council will individually rate all separate lots unless the Valuer General's Office applies a group valuation in accordance with that Department's policies relating to group valuations.'

be endorsed.

CARRIED (9/0)

NO. 223/21

9.3.4 POLICY REVIEW - NATURAL BURIALS

File Ref:	N56414
Attachment	<u>Policy with amendments</u> <u>Mount Barker (West) Cemetery Plan</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

The purpose of this report is to review Council Policy A/CA/1 – Natural Burials.

BACKGROUND

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

STATUTORY ENVIRONMENT

Cemeteries Act 1986
Local Government Act 1995
Shire of Plantagenet Cemeteries Local Law 2020
1.

The Cemeteries Act 1986 provides that local governments perform the functions of a Cemetery Board.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle.

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 2.3.3:

'Provide appropriately maintained cemeteries for our community'

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

RISK IMPLICATIONS

There are no risk implications for this report.

OFFICER COMMENT

No delegations relate to this policy. No natural earth burials have yet taken place. Nevertheless, the existing policy is considered appropriate although two minor changes are recommended, after some discussion with the Metropolitan Cemeteries Board.

The depth of burial to facilitate rapid natural decomposition has been clarified to be 1.4m.

It is not intended that any artificial joints, limbs or other implants be removed prior to burial, although funeral directors shall remove any heart pacemakers, infusion pumps and any other battery operated devices.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That Council Policy A/CA/1 - Natural Burials, as follows:

OBJECTIVE:

To provide natural burial opportunities that conserve and enhance local biological diversity, water resources and soil quality, and by doing so, maintain the ecological functions and integrity of the larger regional ecosystem.

POLICY:

1. To reduce the impact of conventional burial and cremations on the environment:
 - a) No embalming of the body will be permitted and the deceased must be conveyed in an approved casket or coffin, constructed of a biodegradable and untreated material derived from a sustainable resource.
 - b) It is not intended that any artificial joints, limbs or other implants be removed prior to burial, although funeral directors shall remove any heart pacemakers, infusion pumps and any other battery operated devices.
 - c) Burial sites will be planted with indigenous flora.
2. To maintain or enhance the quality of the natural environment:
 - a) Plots may be laid out in a similar way as a conventional cemetery but regeneration will be used in place of traditional memorial practices.
 - b) Additional flora may be grown around the plot to create a green or natural setting that will provide a haven for fauna in the future.
 - c) Natural burials shall only involve a single burial except where two burials are to occur simultaneously during the conduct of the same funeral, in which case a second burial will be permitted. This ensures that the newly created environment remains undisturbed.

- d) Plot locations will be surveyed and mapped. A defined survey mark will be placed nearby to indicate grave locations.
3. To achieve rapid and real return of the body to the earth:
- a) Natural burial is defined as burial that conforms to the ordinary course of nature.
 - b) The aim is to return the body to the soil as quickly as would naturally occur.
 - c) The absence of embalming may assist this.
 - d) The body is buried to a depth with an active layer of soil (1.4m) to maximise the rate of decomposition and the use of biodegradable coffins or caskets will further enhance this process.
4. To provide a more natural and sustainable alternative to conventional burial:
- a) Natural burial aims to lower the environmental impact and carbon footprint of burial.
 - b) In the absence of embalming and through the use of coffins and caskets which are simpler and less ornate certain environmental components attributed to the conduct of conventional funerals may be reduced.
5. To ensure low ongoing sustainable maintenance requirements:
- a) Less maintenance will be carried out in a natural burial cemetery due to the reduced need for landscaping, plot manicuring, and headstone upkeep and memorabilia management.
 - b) Natural cemeteries do not require regular mowing and only require minimal upkeep such as initial watering, tending of juvenile trees and weed control.
6. Cremated remains interred in the designated gravesite shall be contained in a biodegradable container that is non-retrievable. Alternatively, cremated remains may be placed directly into the earth.
7. No headstone or memorial, marker, stone, vase, tribute or any structure temporary or otherwise may be placed or erected at the gravesite.
8. Charges for natural earth burials be based on cost recovery.'
- be endorsed.

AMENDMENT

Moved Cr B Bell,

That the debate be adjourned to a workshop for further discussion.

The motion lapsed for want of a seconder.

COUNCIL DECISION

The Motion was put.

CARRIED (9/0)

NO. 224/21

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 ENDORSEMENT - FORMATION OF A WORKING GROUP TO ADDRESS ROAD SAFETY CONCERNS ON ALBANY HIGHWAY NARRIKUP

File Ref:	N56639
Attachment:	<u>Letter of Request for a Special Meeting of Electors</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

The purpose of this report is to seek Council endorsement of the motion moved at the Electors Special Meeting held on 19 October 2021 to form a Working Group to progress road safety concerns on Albany Highway Narrikup.

BACKGROUND

The Shire received a letter on 21 September 2021 from Mr Tony Poad in Narrikup, supporting a petition request for a Special Meeting of Electors to be held to consider the following:

- a) A proposed upgrade to the intersection of Albany Hwy and Hannan Way; and
- b) A safe and adequate path to the cricket ground from the Narrikup town centre.

At its Ordinary Meeting of Council held on 28 September 2021, the following Narrikup residents, representing petitioning ratepayers of Narrikup, addressed the Council as noted under:

- Ms Cass Porter, representing petitioning ratepayers of Narrikup, addressed the Council in support of a request for a special meeting of electors in Narrikup to consider (a) a proposed upgrade to the intersection of Albany Hwy and Hannan Way; and (b) a safe and adequate path to the cricket ground from Narrikup town centre (attachment 1)
- Mr Jeff Schneider, representing petitioning ratepayers of Narrikup, addressed the Council in support of the petition as above. Mr Schneider also read out a submission from Mr Tony Poad who was not available to attend in person. (attachment 2)
- Ms Kate Harriss, representing ratepayers of Narrikup and all road users of Albany Highway in Narrikup, addressed the Council in support of Albany Highway / Narrikup Road safety.

An Elector's Special Meeting was held on 19 October 2021, the following motion was unanimously carried:

'That:

- 1. A Working Group be established to urgently progress solutions for the issues raised in Agenda Items 3.1 and 3.2 and related road safety concerns on the 'Narrikup' section of Albany Highway between the Spencer Road Intersection and the bus stops south of the Hannan Way/Jackson Rd intersections.*
- 2. The Working Group be comprised of four (4) members of the Narrikup community; the Shire President Cr Chris Pavlovich, Cr Len Handasyde, Shire Chief Executive Officer Cameron Woods and such other technical support from the Shire of Plantagenet as may be required.*
- 3. The representatives of the Narrikup community to be Tony Poad, Kate Harriss, Carolyn (Cass) Porter and Jeff Schneider.'*

STATUTORY ENVIRONMENT

Local Government Act 1995 – s5.28

Local Government (Administration) Regulations 1996 – Part 3 – Elector' meetings

FINANCIAL IMPLICATIONS

Currently there is no known financial impacts other than staff and elected members time with the formation and participation in the working group. Any expenditure required from corrective actions will be subject to Council approval

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications at this time as no assets are being created, maintained or acquired.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.4:

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

And

Outcome 2.4 (Safe and reliable transport infrastructure)

Strategy 2.4.2

'Advocate for improvements to roads controlled by Main Roads WA'

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

If Council does not endorse the recommendation to form a working group to resolve the concerns of the Narrikup community significant reputational damage is likely.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

Pursuant to S5.33 of the Local Government Act 1995 (1) *'All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable – (a) at the first ordinary council meeting after that meeting.'*

Council has shown leadership and good governance in being responsive to the concerns of the Narrikup community by hosting the Special Meeting of Electors and agreeing on a process to resolve the community concerns.

By endorsing the recommendation that was unanimously agreed at the Special Meeting of Electors the Council continues to show strong and effective leadership.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

- 1. A Working Group be established to urgently progress solutions for the issues raised in Agenda Items 3.1 and 3.2 at the Special Meeting of Electors held on 19 October 2021 and related road safety concerns on the 'Narrikup' section of Albany Highway between the Spencer Road Intersection and the bus stops south of the Hannan Way/Jackson Rd intersections.**
- 2. The Working Group be comprised of four (4) members of the Narrikup community; the Shire President Cr Chris Pavlovich, Cr Len Handasyde, Shire Chief Executive Officer Cameron Woods and such other technical support from the Shire of Plantagenet as may be required.**
- 3. The representatives of the Narrikup community to be Tony Poad, Kate Harriss, Carolyn (Cass) Porter and Jeff Schneider.'**

CARRIED (9/0)

NO. 225/21

9.4.2 LEASE RENEWAL - MITCHELL HOUSE - PLANTAGENET ARTS COUNCIL

Cr M O'Dea

Item: 9.4.2
 Type: Impartiality pursuant to Schedule 1, Clause 22 of the Local Government (Model Code of Conduct) Regulations 2021.
 Nature: Committee member of Mitchell House Arts Centre – the lessee.
 Extent: N/A

4:50pm Cr M O'Dea left the meeting.

File Ref: N56625
Attachments: Draft Lease
Responsible Officer: Cameron Woods
 Chief Executive Officer
Author: Donna Fawcett
 Human Resources Coordinator
Proposed Meeting Date: 23 November 2021

PURPOSE

The purpose of this report is to recommend the renewal of the lease agreement with The Plantagenet Arts Council Incorporated (The Arts Council) for Mitchell House, situated at Lot 10 Albany Highway, Mount Barker.

BACKGROUND

The Arts Council has occupied the Council owned building at Lot 10 Albany Highway Mount Barker, known as Mitchell House, since 1986.

A formal lease agreement has been in place since 2011.

The annual rental amount applicable to the lease was reduced from \$1,125.00 per annum to \$10.00 per annum (excluding GST), effective from 18 October 2020.

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 lease to the Arts Council would be an exempt disposition.

FINANCIAL IMPLICATIONS

Rental received from the Arts Council is \$10.00 per annum (excluding GST). The lease renewal proposes that this amount stay the same.

The Arts Council covers all electricity, gas, and other service charges.

POLICY IMPLICATIONS

Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land - Rateability provides that an organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.

Under the Policy, The Arts Council falls into the category of Other Service Organisations/Sporting Clubs. Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. Rates levied on the property for the 2021/2022 financial year are \$1,120.53.

This matter will need to be formally decided by the Council prior to the lease being renewed.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy:

Strategy 1.8.3:

'Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression.'

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

Further, the Key performance indicator (KPI) is *'No. of cultural, arts and learning opportunities available to the people of Plantagenet.'*

By supporting the renewal of the lease agreement the KPI will be met.

OFFICER COMMENT

Although minimal rent is received by the Council for the lease of the premises and structural maintenance is ongoing, The Arts Council provides a valuable community service by providing arts facilities and cultural activities to the community.

By leasing the premises, The Arts Council also contributes to the upkeep of the building which is listed in the Council's Municipal Heritage Inventory.

A lease agreement has been drafted using the Shire's updated standard template lease. Generally, terms and conditions are the same as the current agreement. A new clause provides that the Lessee will be responsible for the cost of any policy excess in the event of an insurance claim and in some cases, the cost of repairs where

that cost is less than the policy excess. Public liability insurance requirements have increased from at least \$10 million to \$20 million.

It is recommended that the lease agreement be renewed for a term of five years with an option to renew for a further five years.

Further, it will be recommended that pursuant to Policy A/PA/14 the rate subsidy be set at 100% due to the level of community benefit provided by the Arts Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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 Arts Council Incorporated for Lot 10 Albany Highway Mount Barker under the following terms and conditions:
 - a) Rental to be set at \$10.00 per annum (excluding GST).
 - b) The term of the lease to be five years with an option to renew for a further five years.
 - c) The Lessee be permitted to hire the building for community purposes.
 - d) The Lessee will be responsible for public liability insurance, contents insurance, minor building and garden maintenance and all service charges.
2. For the term of the lease referred to in part one above, the Shire shall be responsible for 100% of land rates levied under the Local Government Act 1995 and the Emergency Services Levy under the Fire and Emergency Services Act 1998.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION**Moved Cr K Clements, seconded Cr L Handasyde:****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 Mitchell House Arts Centre Inc. for Lot 10 Albany Highway Mount Barker under the following terms and conditions:
 - a) Rental to be set at \$10.00 per annum (excluding GST).
 - b) The term of the lease to be five years with an option to renew for a further five years.
 - c) The Lessee be permitted to hire the building for community purposes.
 - d) The Lessee will be responsible for public liability insurance, contents insurance, minor building and garden maintenance and all service charges.
2. For the term of the lease referred to in part one above, the Shire shall be responsible for 100% of land rates levied under the Local Government Act 1995 and the Emergency Services Levy under the Fire and Emergency Services Act 1998.

CARRIED (8/0)**NO. 226/21**Reason for Change

'Plantagenet Arts Council' changed their name on their Certificate of Incorporation to 'Mitchell House Arts Centre Inc' on 16 March 2021.

4:45pm Cr M O'Dea returned to the meeting

9.4.3 ENDORSEMENT – SHIRE OF PLANTAGENET BECOMING A PROPOSER FOR LOCAL HAZARA SAFE HAVEN VISA HOLDERS

File Ref:	N56435
Attachments:	<u>Western Australian Migration Services Request for the Shire of Plantagenet to act as a proposer for Mount Barker Hazara SHEV holders</u>
Responsible Officer:	Cameron Woods Chief Executive Officer
Author:	Cameron Woods Chief Executive Officer
Proposed Meeting Date:	23 November 2021

PURPOSE

The purpose of this report is to consider a request for the Shire of Plantagenet to become a 'proposer' for members of the Mount Barker Hazara community, who are Safe Haven Enterprise Visa (SHEV) holders, that have family members wishing to apply for Humanitarian Visa's to Australia.

BACKGROUND

Australia is home to more than 800,000 refugees and our country has a proud history of settling refugees from all over the world. Refugees have made a significant contribution to our economic, social and cultural life and in the fields of medicine, science, engineering, education, the arts and our sporting successes.

When processing an application for a Humanitarian visa, the Immigration Department will initially consider the degree of persecution the applicant suffers in his or her own country, based upon being a member of a particular group. This is the case with Hazara people living in Afghanistan, Pakistan and Iran where many are subject to persecution by the Taliban

The immigration Department will also consider the following in the application process for a humanitarian visa:

1. The extent of the applicant's connection with Australia.
2. Whether or not there is another suitable country available, other than Australia, that can provide for the applicant's settlement and protection from persecution.
3. The capacity of the Australian community to provide for the permanent settlement of persons, such as the applicant, in Australia.

In a case where the applicant's visa has been proposed by an Australian citizen, permanent resident or organisation, the application is given a much higher priority than if it were not proposed. For some Australian visa holders, there is an exclusion in the above; namely that refugees who arrived into Australia by boat (Unauthorized Maritime Arrivals) after 13 August 2012 and the holders of SHEV (Safe Haven Enterprise Visa) or TPV (Temporary Protection Visa) are prohibited from proposing. All SHEV and TPV holders arrived into Australia after 13 August 2012.

The local Hazara community members who are SHEV or TPV holders have a strong demonstrated connection with Australia, having settled here and become productive community members. If the Shire of Plantagenet, as an organisation, acts as a proposer for these local families, it further strengthens their application and demonstrates the capacity of the community to provide permanent settlement and ongoing support to the visa holders.

It is also recognised that having the Shire of Plantagenet act as the Proposer, in part, mitigates at least some of the suffering experienced by these people by offering a pathway for them to be reunited with their families.

STATUTORY ENVIRONMENT

Nil

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 3.1 (Diverse, profitable and sustainable local business) and Outcome 3.2 (A strong and diverse economic base) the following Strategies:

Strategy 3.1.3 – *‘Develop and implement policies and initiatives to support local business, employment opportunities and agricultural prosperity.’*

Strategy 3.1.4 – *‘Promote the long-term growth of the district.’*

Strategy 3.2.3 – *‘Develop and review policy to facilitate and support business development and economic growth.’*

Strategy 3.2.7 – *‘Attract new residents through promoting and marketing the benefits of living in the area.’*

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

FINANCIAL IMPLICATIONS

No financial implications have been identified for this report. Local family members have provided assurances that they can meet all financial and non-financial obligations expected of the proposer.

REGIONAL IMPLICATIONS

The Shire of Plantagenet is one of four regional Refugee Welcome Zones in Western Australia.

OFFICER COMMENT

The role of a proposer is to assist in the settlement of the entrants proposed.

This includes:

- meeting the entrants at the airport
- providing accommodation for the entrants on arrival
- assisting the entrants to find permanent accommodation; and
- introducing the entrants to relevant services.

Clearly an organisation proposing a refugee for a humanitarian visa is not making a financial commitment, rather assisting the new arrivals. In this instance, where an organisation proposes the families of SHEV or TPV holders, this assistance will be provided by the SHEV or TPV holders themselves. This is not only legal but also the way it is envisaged under Migration Policy.

As a result of recent meetings with the Hazara community, a total of seven Hazara SHEV holders have been identified as requiring assistance to bring family members out of harm's way; some in Afghanistan, some as refugees in Pakistan and some as refugees in Iran. The total number of people this represents is known to be thirty-three at the time of preparing this report.

Last month the Shire formally became A Refugee Welcome Zone.

A Refugee Welcome Zone is a Local Government Area (LGA) which has made a commitment in spirit to welcoming refugees, and migrants from refugee backgrounds, into the community, upholding the human rights of refugees as we do for all our residents and enhancing cultural and religious diversity in the community.

The request for the Shire to act as a proposer on behalf of the Hazara SHEV holders already living in our community reinforces our commitment to becoming a Refugee Welcome Zone and shows leadership by actively attempting to provide a home for those able to receive a humanitarian visa that have family support in our community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Fraser:

That Council endorse the Shire of Plantagenet becoming a Proposer for the identified Hazara SHEV holders within our community and authorise the CEO to work with Western Australian Migration Services and the Hazara community to fast track the application.

CARRIED (9/0)

NO. 227/21

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 MEMORIAL PLAQUE 'ANTONY (TONY) SMITH MEMORIAL ROSE GARDEN'**

Cr S Etherington gave notice of her intention to move the following motion at the next ordinary meeting of the council pursuant to clause 5.3 of standing orders:

Moved Cr S Etherington, seconded Cr B Bell:

That:

- 1. The Council grants approval for a plaque to be placed in the rose garden adjacent to Empowering Plantagenet Seniors.**
- 2. Wording to the effect 'Antony (Tony) Smith Memorial Rose Garden' be inscribed on the plaque.**

CARRIED (9/0)

NO. 228/21

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

Nil

12 CONFIDENTIAL**12.1.1 TENDER CO1-2122 – PLANTAGENET BUSHFIRE MITIGATION WORKS**

File Ref: N56597
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Mike Barnes
Community Emergency Services Manager
Proposed Meeting Date: 23 November 2021

PURPOSE

The purpose of this report is to consider submissions received for Tender CO1-2122 Plantagenet Bushfire Mitigations Works.

5.05pm Remaining members of the public left the meeting.

MOTION TO PROCEED BEHIND CLOSED DOORS

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

5:05pm 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:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED (9/0)

NO. 229/21

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr J Oldfield:

5:27pm That the meeting proceed in public.

CARRIED (9/0)

NO. 230/21

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr K Clements:

That:

1. Tender CO1-2122 - Plantagenet Bushfire Mitigation Works (six packages) be awarded to Down South Timber Co. at a fixed price of \$326,820.00 (ex GST).
2. The contract with Down South Timber Co. to include a set rate for any works that may need to be included as variations as they are identified by the Executive Manager Works and Services.
3. The Chief Executive Officer be authorised to negotiate a start date for the contract.
4. A Request for Quote be put out to relevant contractors for the chemical works treatments not quoted upon in the tender request and the work be awarded to the successful contractor.

CARRIED (9/0)

NO. 231/21

12.1.2 TENDER CO2-2122 – PROJECT SUPERVISION AND MANAGEMENT OF THE REINSTATEMENT OF SHIRE OF PLANTAGENET ROADS FOLLOWING AGRN 973 STORMS AND ASSOCIATED FLOODING ACROSS THE SOUTHERN COASTAL DISTRICT (20-21 JUNE 2021)

File Ref: N56447
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Administration Officer Works and Services
Proposed Meeting Date: 23 November 2021

PURPOSE

The purpose of this report is to consider submissions received for Tender CO2-2122 Project Supervision and Management of the Reinstatement of Shire of Plantagenet Roads following AGRN 973 Storms and Associated Flooding Across the Southern Coastal District (20-21 June 2021).

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M O’Dea seconded Cr A Fraser:

That:

- 1. Tender CO2-2122 Project Supervision and Management of the Reinstatement of Shire of Plantagenet Roads following AGRN 973 Storms and Associated Flooding across the Southern Coastal District (20-21 June 2021) be awarded to Talis Consultants at the pricing schedule provided in the tender submission.**
- 2. The Chief Executive Officer be authorised to negotiate the total contract cost which will be dependent on the extent of work to complete the road reinstatement, noting the local government contribution of \$187,000.00 (ex GST).**
- 3. The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.**

CARRIED (9/0)

NO. 232/21

12.1.3 TENDER CO4-2122 MULCHING SERVICES

File Ref: N56661
Responsible Officer: David Lynch
Executive Manager Works and Services
Author: Amy Chadbourne
Administration Officer Works and Services
Proposed Meeting Date: 23 November 2021

PURPOSE

The purpose of this report is to consider submissions received for Tender CO4-2122 Mulching Services.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements seconded Cr L Handasyde:

That:

1. Tender CO4-2124 Mulching Services be awarded to Down South Timber Co Pty Ltd T/As MC Civil Contractors for \$188,945.50 (ex GST).
2. The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.

CARRIED (9/0)

NO. 233/21

13 CLOSURE OF MEETING

5:30pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON



DATE: 21 / 12 / 21



ROCKY GULLY

WILDFLOWERS + WILDERNESS

Introduction

Rocky Gully - The little town that could.

On the 26th of November at 6pm a small but significant number of community members gathered at the CWA Hall in Rocky Gully after being called to action and placed at a Cross Road. Our General Store had been bought, invested in and is currently being revitalized. This offers a glimpse of hope to our small community, many present and absent would like to find a way to support that investment. People also saw it as an opportunity to build on the momentum gained from it's sale and incorporate some of their own ideas and offer experience, knowledge of the area and its history. Everyone present was for creating change, moving towards a more positive environment and a friendly town. A town that embracing creative, joyful and engaging spaces not only for the people that reside in Rocky Gully but the Travelers that currently pass us by.

On the other hand the block across the road from the newly developed store is a Metaphor for abandonment and confusion in a town. This town has long been left to its own devices given no resources to manage itself or integrate and attract responsible active members to its community. Many valued community members that have long held up what is left of a once vibrant town have grown tired and disillusioned by the lack of support and investment, from both the Government and the majority of the community that no longer engages. Many people have questions, some have answers but at the end of the evening what became clear was that everyone present in the CWA hall that night plus many people in the Gully wish for the same thing. To live in a healthy, safe environment and to be part of a friendly inclusive community.

In being a small town it is possible to make an impact with the resources we have, however we need guidance from the shire and the relevant professionals. It is important to coordinate viable projects that bring us together as a community and maximize the return on any available funding.

We understand that projects of this level need to be assessed, budgeted, built and managed by qualified individuals. The Rocky Gully Progress Association wish to offer our assistance in liaising with the community and our combined skills to see this to fruition.

Please visit our website if you wish to get in contact.
We welcome any offer of assistance after this presentation.

www.rockygullywa.com



For Your Immediate Attention

Out of our original meeting and through much discussion later with the wider community a wish list was created. Ideas and energy have started to flow and for the most part everyone is in agreement. Out of the wish list a priority list has been developed, The progress Association believe the people that live in the town site and surrounding Farms of Rocky Gully as rate payers have the right to basic, functional and safe amenities in the town.



Streetlights ▶ Maintenance - Rocky Gully Website maintenance section?

Roads ▶ Finish sealing all roads within the town site.

Drainage ▶ Install Repair and maintain – recycle culvert pipe – main road – green initiative.



Water Supply ▶ Filtration – New filtration system.

Tip ▶ Clarification on vouchers and problem solve dumping in the bush - signs and fines.

Kerbing ▶ Backfill recent works.

Security ▶ Address the ways we can catch and eliminate anti social behavior both in town, surrounding bushland and farms.



Emergency Services ▶ Support and respite.

Making an entrance

Our mission is to tell the story of Rocky Gully by creating a visual time line through the main street of town. Incorporating exhibits and displays telling tales of the early days at Settlers Rest (Currently a parking bay and rest stop) through to the 50's and 60's with the local store and petrol station rocking a retro vibe, to the present day with the focus shifting to sustainable agriculture. Weaving a pallet of materials that are commonly found in the area, including agricultural building materials, recycled fencing, machinery, native plants and wildflowers.

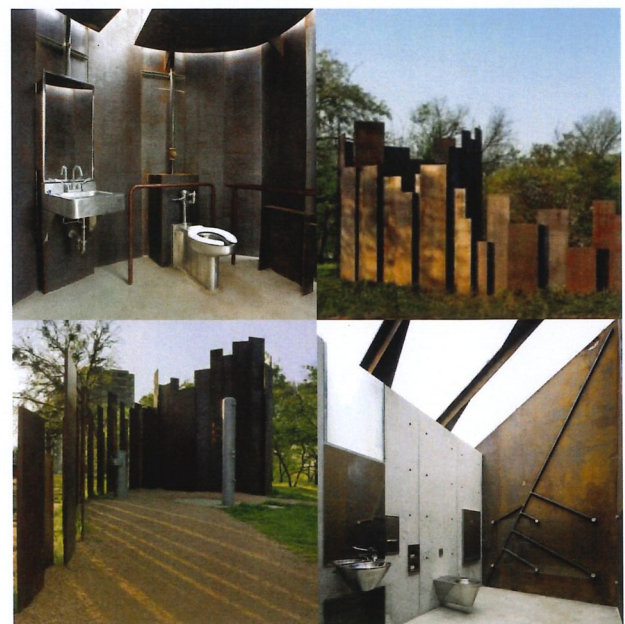


Settlers Rest - Stage one

- ▶ Area Map and wild flower ID board.
- ▶ Wild flower and native gardens spilling out of recycled truck beds and sculptural looking machinery.
- ▶ Landscaping pathways with colour. Rocks gravel and mulch.
- ▶ Recycled design sculpture + features.
- ▶ Display Old mill equipment
- ▶ Grain Silo shelters.

Renovation of toilet block

- ▶ Up grade of vanity, mirror and toilets.
- ▶ Easy to clean surfaces.
Budget to cleaner and maintain
- ▶ Interior doors.
- ▶ Filtered light feature in roof.
- ▶ Epoxy resin or tiled floor.
- ▶ Rendered/cladding or tiled interior.
- ▶ Check out Miro Rivera Architects Public toilets in Austin Texas.



Making an entrance - Part 2

Building on our first year of development and in consultation with all key stake holders in the area we wish to expand, adding value to public spaces and eradicating vacant spaces in the town site. With the anticipated success of our initial faze we hope to entice regional, national and International artists, designers, horticulturists and agri business consultants to help us add to the spaces and liaise with the shire on expanding viable industries in the area.

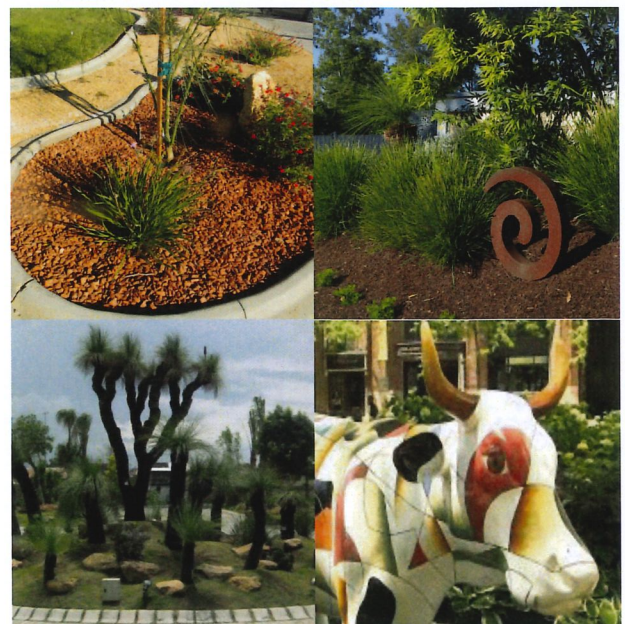


Town square

- ▶ Away from Highway but still visible to tourists. Location to support the shop
- ▶ Space to hold outdoor events. Kids nature play ground.
- ▶ Encourage community participation and ownership of the space.
- ▶ Small Community shed – storage for event furniture, shade and shelter.
- ▶ Rows of Community Orchard and seating.
- ▶ Recycle Bins - EV Charging station.

Verges on the Main + Entry

- ▶ Entry statement sculpture and signage.
- ▶ Gravel and rock gardens on The Main.
- ▶ Walkway/track on The Main.
- ▶ Creative safety barriers on main road possibly vines or recycled fence posts.
- ▶ Use private fences as back drops for wildflower displays.
- ▶ Creative boundaries to set the frame work for individual/community landscaping.

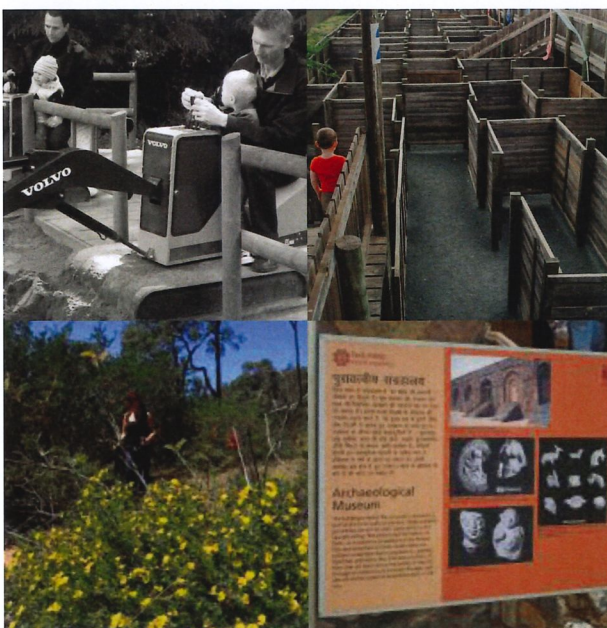


Creating Community

Once we have community spaces established we believe a local understanding of community and respect for the spaces should continue to be nurtured. Through having a viable and affordable event calendar we can offer ongoing opportunities for local people to get involved and enjoy being part of a team. Enjoy healthy activities, friendship and communication would truly benefit the mental and physical health of the people of such an isolated community. Some examples are Summer Film Screenings, Quiz Nights, Car Boot Sales, Scavenger hunts, Markets and A Family Christmas Festival.

Fire Station

- ▶ On going Shire and community support for new Fire Station.
- ▶ Up grade/landscape existing park. New memorial. Recycle Bins.
- ▶ Create safety mascots for park and the Gully.
- ▶ Create the Gully's first event calendar for the next year based on what we have achieved with our infrastructure.
- ▶ Organize and promote community event calendar. Set up Social media accounts.



Settlers Rest - Stage two

- ▶ Sci tech style interactive simple machinery museum/park.
- ▶ Signage with history – Help ladies finish project
- ▶ Wild flower walk to the Cattle Yard Maze. Spot the Gully Panther and Geo Cashing.
- ▶ Fencing on main road side – Safety barrier - Grape vines? Promote we are a wine region too.

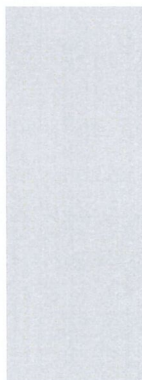
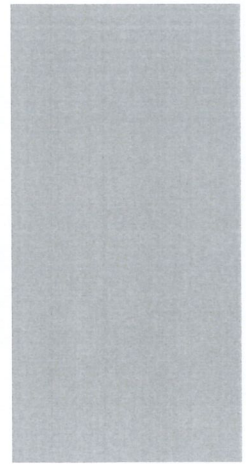


Educate and Evaluate

Historically there has always been a great divide in small rural towns such as Rocky Gully that must be address in order to move forward in creating an inclusive community. The town and the limitations in opportunities it can provide in education and experience could be addressed in a positive manner through research, perseverance and understanding. Turning a blind eye to some of the social problems in the area or coming down with a heavy hand may and has done more harm than good in the past.

There have been many studies into the “psychology of Space” to draw from, this has been considered in putting this proposal together. Space can have a whole lot of impact on how we act and feel and research into beautiful spaces show they enhance mental health and wellness.

We need to look at legislation and revise how the vacant blocks in town are marketed and managed. There needs to be a significant investment from stake holders to create enough of a visual change in the town to be able to evaluate it's successes and also address and problem solve any issues that arise.





Looking forward to the future

If you believe that from little things big things grow then Rocky Gully has the potential to be the Biggest Little Town in WA. We live in a beautiful wilderness that offers us the opportunity to Integrate the latest technologies to preserve and enhance our environment. Possibly a town with very little infrastructure but a vast supply of natural resources is something of a fresh start for a new age. A reboot, a reset, that starts with spaces to have the conversation.

Holiday craft markets and NEIS Community start up sheds support.



Rural Arms opens again or repurposed as accomadation



Local food festival value add to existing festivals in the area.



Summer holiday Events in the Tiny Town square.



Rocky Gully Rally

