



## ORDINARY MINUTES

**DATE:** Tuesday, 22 October 2024

**TIME:** 5.00pm

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

  
**Julian Murphy**  
CHIEF EXECUTIVE OFFICER

Resolution numbers: 089/24 to 100/24

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm The Presiding Member declared the meeting open.

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

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

### Members Present:

Cr L Handasyde	President (Presiding Member)
Cr K Clements	Deputy President
Cr R Brown	Councillor
Cr S Etherington	Councillor
Cr A Fraser	Councillor (Joined via Teams)
Cr J Liebeck	Councillor
Cr W Sheard	Councillor

### In Attendance:

Mr Julian Murphy	Chief Executive Officer
Mr Anthony Middleton	Executive Manager Corporate and Community Services
Mr Kevin Hemmings	Executive Manager Infrastructure and Assets
Mr André Pinto	Acting Manager Development Services
Ms Nolene Wake	Executive Officer

### Apologies:

Cr J Oldfield

### Members of the Public Present:

There were 13 members of the public present at the meeting.

### Previously Approved Leave of Absence:

Cr B Bell

### Disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

##### **3.2.1 MEMBERS OF THE PUBLIC REPRESENTING THEMSELVES AND THE FOREST OF THE FALLEN, THE FOLLOWING QUESTIONS WERE ASKED OF COUNCIL**

###### **MICHAEL THORN**

1. How will the Shire of Plantagenet Council ensure that resident's personal medical choices regarding COVID-19 vaccines are respected and protected, in light of the concerns raised?
2. What is the Shire of Plantagenet Council's plan to ensure the voices and experiences of residents affected by adverse vaccine reactions are heard and addressed?
3. How will the Shire of Plantagenet Council be held accountable if it fails to take meaningful action in response to the concerns raised in the special council meeting?
4. Does the Shire of Plantagenet Councillors' oath of office include a commitment to upholding transparency and accountability to residents? If so, how does it apply in this situation?
5. How will the Shire of Plantagenet demonstrate that it is fulfilling its oath bound duty of care to the community if it fails to address the vaccine safety issues in a timely and substantive manner?
6. What specific clauses in the Councillors' declaration of office require them to prioritise public health and safety concerns, like those raised regarding the Pfizer and Moderna vaccines?

###### **HELEN MILLER**

1. Will the Shire of the Plantagenet Council be tabling and discussing the report by Dr David Speicher and the letters from MP Russell Broadbent at their next local council forum and then tabling their decision on actions to be taken at the November council meeting? If not, why not?

2. Does the Shire of Plantagenet Council intend to send a letter to the Prime Minister, similar to the one proposed in the meeting minutes, regarding the suspension of the Pfizer and Moderna vaccines? If not, why not?
3. How does the Shire of Plantagenet Council plan to distribute the information from Dr. Speicher's report and MP Broadbent's letters to all registered health practitioners and medical clinics in the local area?

### **PAMELA THORN**

1. How does the Shire of Plantagenet Council plan to communicate the information and concerns raised in the Town of Port Hedland special council meeting to local residents?
2. What is the Shire of Plantagenet Council's rationale for not taking the actions outlined in the Town of Port Hedland special council meeting motion, if that is their intention?
3. How will the Shire of Plantagenet Council ensure residents have access to the full information presented in the Town of Port Hedland special council meeting, including the exhibits and annexures?
4. How does the Shire of Plantagenet Council intend to monitor and address any potential backlash or funding risks from state/federal governments, as noted in the meeting minutes?
5. What specific actions will the Shire of Plantagenet Council take to ensure local health providers are advising patients of the potential risks associated with the Pfizer and Moderna vaccines, as outlined in the meeting minutes?

### **LYNNE DARLINGTON**

1. Does the oath of office taken by Shire of Plantagenet Council explicitly require them to prioritise the health and wellbeing of the local community? If not, why not?
2. How does the Shire of Plantagenet Council interpret the 'best interests of the community' clause in the councillors' oath, in the context of the vaccine safety concerns presented?
3. What provision in the Councillors' oath of office obligates them to investigate and respond to potential health risks, like those outlined in the special council meeting?

The President thanked the community for their questions and confirmed that the Council would take this on notice and respond in due course.

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

### **4.1 PRESENTATION – MR MICHAEL THORN – PORT HEDLAND MOTION**

Mr Thorn addressed the Council in relation to documentation associated with a motion to a Town of Port Hedland Special Meeting of Council held on 11 October 2024, concerning COVID-19 vaccines. Details of submission noted under:

*Dear Councillors*

*I use the word dear with intent here. I want this to be a friendly form of address with a sincere intention that we be open, civil and honest in this conversation and the many to come. Even though the issues we bring to you and the questions we have asked you may not be considered friendly.*

*I have had a chance to speak at length with many of you and I have been encouraged. I would have hoped by now that you are well informed. However, speaking with your CEO today, you haven't yet received this information through official channels.*

*I did share the special meeting minutes and attachments of the Town of Port Hedland meeting with Councillors Bell, Etherington, Sheard and Liebeck but was then asked by the proposer of the Port Hedland motion to hold off.*

*I hope those who have not received this information may have gone to the Town of Port Hedland website as it of course it is all available there. If you have done this, you will have of course have been able to balance this information with the government's reaction to it and the media reports that followed.*

*We understand you need to take this all on notice. The questions placed before you are onerous and arduous, yet in our view, appropriate to address the gravity of the situation. We all look forward to your proper consideration and detailed responses.*

*I will continue with a couple more questions for you to contemplate. Let's sidestep the content of the documents you will soon be able to access and more importantly, address the motivation and intent behind this action.*

*Why would the councillors of the Town of Port Hedland go to such lengths to inform you and all other councils in Australia of their motion, the actions taken, and the evidence backing it up?*

*Is it because in their view the matter is so serious and the evidence so compelling, that it transcends all other risk implications to their individual, community and council reputations?*

*Not to mention the severe potential financial implications.*

*Why would they do that when there is so much to lose?*

*I wonder if it is because they consider the dire implications for the health of their community and to all Australians so evident and extreme that they were duty bound to put the people first and proceed from that basis.*

*And I ask you this, if it were possible that the evidence provided by them to you is all, or even a tiny bit, lies, inaccuracies and fabrication, then why would they be so stupid and reckless as to create such havoc for themselves, their family and the community?*

*As pointed out to me by your CEO, local councillors don't have the complete protection of parliamentary privilege as do State and Federal MPs.*

*I will ask you another question that comes right to the heart of your own health, the health of your near and dear ones, and the community you represent.*

*If someone was promoting an injectable product and encouraging you to take it and you became aware of credible evidence that it could combine with your DNA and cause serious side effects and possible death, wouldn't you want to know about that? Wouldn't you tell your family and friends to be cautious? Wouldn't you let your community know?*

*So as our community representative, an elected member of council who signed a declaration that you will 'take the office upon yourself, and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district*

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*according to the best of my judgement and ability, and will observe the code of conduct adopted by the Shire of Plantagenet under section 5.104 of the Local Government Act 1995'.*

*I leave you with this thought. Informed consent to medical procedures and interventions into our body is the most basic of human rights.*

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Nil

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

Section 5.25 Local Government Act 1995

## **7 CONFIRMATION OF MINUTES**

### **7.1 ORDINARY MINUTES OF COUNCIL HELD 24 SEPTEMBER 2024**

**Moved Cr J Liebeck, seconded Cr W Sheard:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 September 2024 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (7/0)**

**NO. 089/24**

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

Nil



## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 PROPOSED LOTS 61 AND 62 MENSTON STREET MOUNT BARKER – AFFIX COMMON SEAL

<b>File Ref:</b>	<b>N64654</b>
<b>Attachment:</b>	<u>Location Plan</u> <u>Deposited Plan 428869</u>
<b>Responsible Officer:</b>	<b>Andre Pinto</b> <b>Executive Manager Development &amp; Regulatory Services</b>
<b>Author:</b>	<b>Cobie MacLean</b> <b>Administration Officer Development Services</b>
<b>Proprietor/Applicant:</b>	<b>John Kinnear and Associates</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

### PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lots 61 and 62 on Deposited Plan 428869 Menston Street, Mount Barker.

### BACKGROUND

Council records show the registered owners of Lot 6 Menston Street are BT and DP Wallinger.

Lots 61 and 62 mentioned above and shown on the deposited plan, are the new lot numbers proposed for the residential subdivision, creating one additional lot.

The then Senior Planner considered the proposed subdivision of Lot 6 Menston Street on 5 March 2024 in accordance with Council Delegation 7.1.

The subdivision application was supported subject to the following conditions:

*That the Western Australian Planning Commission (WAPC) be advised the proposed subdivision of Lot 6 (5) Menston Street, Mount Barker (WAPC164512) is supported, subject to the following condition/s and advice:*

*Conditions:*

*Arrangements are to be made with a licenced water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision (Water Corporation).*

*This relates to Lot B*

*A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title(s) of the proposed lot(s). Notice of this notification is to be*

*included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*“A reticulated sewage service is not available to the lot(s).” (Local Government)*

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 18 April 2024 subject to a number of conditions including:

- ‘3. *A notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of proposed lot A. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*“A reticulated sewerage service is not available to the lot(s)”. (Local Government)’.*

## **EXTERNAL CONSULTATION**

There are no external consultation implications for this report.

## **STATUTORY ENVIRONMENT**

Land Administration Act 1997

Local Government Act 1995

Transfer of Land Act 1893 – Section 70A refers to factors that affects the use and enjoyment of land and notification on the title.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential.

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

The subdivision clearance fee of \$148.00 has been paid.

## **BUDGET IMPLICATIONS**

There are no budget implications for this report.

## **LEGAL IMPLICATIONS**

There are no legal implications for this report.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report

**RISK MITIGATION IMPLICATIONS**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Operational: Shire does not meet its obligations under the Transfer of Land Act 1893.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Provide authorisation to utilise Common Seal as requested</i>

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

Condition 3 of the WAPC approval requires a Notification under Section 70A of the Transfer of Land Act 1893. The notification on the deposited plan and the certificates of title will inform prospective owners that a reticulated sewerage service is not available to Lot 61 and 62.

The Council must resolve that the Shire President and Chief Executive Officer are to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893.

Authority is now sought for the Common Seal to be applied in order that a subdivision clearance can be issued.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr R Brown:**

**That Council grants authority to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) pertaining to the creation of proposed Lots 61 and 62 Menston Street, Mount Barker on Deposited Plan 428869.**

**CARRIED (7/0)**

**NO. 090/24**

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

## 9.2 INFRASTRUCTURE & ASSETS REPORTS

Nil

### 9.3 CORPORATE AND COMMUNITY SERVICES REPORTS

#### 9.3.1 DISABILITY ACCESS AND INCLUSION PLAN 2024 - 2029

<b>File Ref:</b>	<b>N64665</b>
<b>Attachment:</b>	<u>Disability Access and Inclusion Plan 2024 - 2029</u>
<b>Responsible Officer:</b>	Anthony Middleton Executive Manager Corporate and Community Services
<b>Author:</b>	Nicole Selesnew Manager Community and Recreation Services
<b>Proposed Meeting Date:</b>	22 October 2024

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#### PURPOSE

The purpose of this report is to adopt the draft Disability Access and Inclusion Plan 2024 – 2029.

#### BACKGROUND

All Local Governments are required to have a Disability Access and Inclusion Plan (DAIP) under the Disability Services Act 1993. The requirements of a DAIP include:

- Covering a five-year term (maximum) and be lodged with the Department of Communities;
- Listing actions that address access and inclusion across seven outcome areas identified in the Disability Services Regulations; and
- Consultation with internal and external stakeholders when creating or reviewing a plan.

The Shire of Plantagenet's DAIP 2017 – 2022 has expired and a new Plan is needed.

#### EXTERNAL CONSULTATION

The process of developing the DAIP 2024 – 2029 included consultation with the community and stakeholders. A survey was promoted Shire wide through social media and the Plantagenet News, with online and hard copy responses welcomed. The survey ran from 13 May to 27 June 2024.

A series of in-person focus groups was also held with Empowering Plantagenet Seniors, Probus Mount Barker and the Shire's Disability Advisory Group to seek feedback for the Plan.

Findings from a previous disability access and inclusion community survey conducted in 2022 were also considered.

A total 250 participants provided feedback.

The draft DAIP was made available for public comment with advertisements placed in local newspapers and promoted through social media. Two submissions were received.

## **STATUTORY ENVIRONMENT**

The Disability Services Act 1993, Section 28 requires all public authorities to have a DAIP.

The Disability Services Regulations 2004 detail the standards for DAIPs. These standards address seven outcome areas, ensuring that people with disability have the same opportunities as other people to:

1. Access the services of, and any events organised by, the relevant public authority;
2. Access buildings and other facilities of the relevant public authority;
3. Receive information in an appropriate format;
4. Receive quality service from staff;
5. Make complaints to the local authority;
6. Participate in any public consultation conducted by the local authority; and
7. Gain employment with the local authority.

The Regulations also require that the public is engaged when developing or reviewing a Plan.

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

The DAIP includes a number of actions that will have financial implications for the Shire, for example providing carers with free access to Shire events and amending Shire facilities and/or disabled carparks to improve accessibility. These actions will be linked to the Corporate Business Plan and Annual Budget to ensure expenditure is planned and accommodated.

## **BUDGET IMPLICATIONS**

There are no budget implications for this report.

## **LEGAL IMPLICATIONS**

There are no legal implications for this report.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Corporate Business Plan 2022/2023 – 2025/2028 provides:  
At *Outcome 1.2 Seniors and Disabled* the following Strategy:

Strategy 1.2.3:

*‘Provide services, facilities and information that are accessible to people of all abilities.’*

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

### RISK MITIGATION IMPLICATIONS

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<p><i>Organisational, Reputational and Financial</i></p> <p>Council may not be complying with access and inclusion requirements</p>	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	Adopt a DAIP that meets the requirements of the legislation and is suited to the needs of the Plantagenet community.
<p>Opportunity: To collaborate with the community to ensure the Shire is addressing access and inclusion across its services and facilities.</p>				

### REGIONAL IMPLICATIONS

There are no regional implications for this report.

### OFFICER COMMENT

The DAIP 2024 – 2029 was developed from feedback provided through two community surveys, focus groups and input from Shire staff.

The draft Plan was presented to a Council Forum on 10 September 2024 where Council reviewed and noted the document. Following the Forum, the DAIP was made available for public comment with advertisements placed in the Plantagenet News and Albany Advertiser and information distributed through the Shire's social media channels.

At the conclusion of the public comment period, two submissions were received. Shire staff also provided input on the Plan with several inclusions and amendments proposed.

A majority of changes related to the Strategy and Action Plan at the rear of the document. These include:

- Outcome 1 – Action 6: Additional details added regarding which staff will undergo training and the frequency of training;
- Outcome 1 – Action 10: Follow-up action following the trial of a 'quiet hour' at the Recreation Centre gymnasium;
- Outcome 2 – Action 16: Clarification;
- Outcome 2 – Action 17: Clarification;
- Outcome 2 – Action 23: New action to include reviewing parking areas across the Shire with people with a disability, to identify where additional carparking may be required ; and



- Outcome 4 – Action 32: Additional details added regarding which staff will undergo training and the frequency of training.

The revised DAIP 2024 – 2029 (attached) is recommended for adoption.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr R Brown:**

**That Council adopts the Disability Access and Inclusion Plan 2024 – 2029, as proposed.**

**CARRIED (7/0)**

**NO. 091/24**

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

**9.3.2 FINANCIAL STATEMENTS – SEPTEMBER 2024**

<b>File Ref:</b>	<b>N64664</b>
<b>Attachment:</b>	<u>Financial Statements - September 2024</u>
<b>Responsible Officer:</b>	<b>Anthony Middleton</b> <b>Executive Manager – Corporate &amp; Community</b>
<b>Author:</b>	<b>Anthony Middleton</b> <b>Executive Manager – Corporate &amp; Community</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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**PURPOSE**

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 September 2024.

**BACKGROUND**

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

**EXTERNAL CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* sets out the basic information which must be included in the monthly reports to Council.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

## STRATEGIC IMPLICATIONS

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

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

Strategy 4.1.3:

‘A Shire that is open and transparent with its community.’

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

## STRATEGIC RISK IMPLICATIONS

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

## REGIONAL IMPLICATIONS

There are no regional implications for this report.

## OFFICER COMMENT

The attached Statement of Financial Activity for the period 1 July 2023 to 30 September 2024 represent three (3) months, or 25% of the year. The following items are worthy of noting:

- Closing surplus position of \$10.9m;
- Operating results:
  - 79% of budgeted operating revenue has been received; and
  - 10% of budgeted operating expenditure spent (no depreciation has been raised until after the prior years audit is finalised);
- Capital expenditure achieved 2% of budgeted projects;
- Cash holdings of \$15.6m of which \$6.9m is held in cash backed reserve accounts;
- Rates debtors outstanding equate to 34.6% of total rates raised for 2024/2025; and
- Page 10 of the statements detail major variations from year to date (amended) budgets.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Liebeck, seconded Cr K Clements:**

**That Council note the monthly financial statements for the period ending 30 September 2024, as proposed.**

**CARRIED (7/0)**

**NO. 092/24**

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

**9.3.3 LIST OF ACCOUNTS – SEPTEMBER 2024**

<b>File Ref:</b>	<b>N64672</b>
<b>Attachment:</b>	<u>List of Accounts – September 2024</u>
<b>Responsible Officer:</b>	<b>Anthony Middleton</b> <b>Executive Manager Corporate and Community Services</b>
<b>Author:</b>	<b>Debbie Evans</b> <b>Finance Officer - Creditors</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of September 2024.

**EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

**STATUTORY ENVIRONMENT**

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

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

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**RISK MITIGATION IMPLICATIONS**

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

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr R Brown, seconded Cr J Liebeck:

That Council receive in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2024 as follows:

1. Electronic Payments and Direct Debits totalling \$812,377.02; and
2. Municipal Cheque totalling \$0.

**CARRIED (7/0)**

**NO. 093/24**

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

**9.3.4 RATES EXEMPTION REQUEST - 132 FIFTH AVENUE KENDENUP – PERPETUAL LIMITED**

<b>File Ref:</b>	<b>N64658</b>
<b>Responsible Officer:</b>	<b>Anthony Middleton Executive Manager Corporate and Community Services</b>
<b>Author:</b>	<b>Pam Chambers Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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**PURPOSE**

The purpose of this report is to consider a request from Perpetual Limited as trustee for the Noongar Boodjar Trust for a rates exemption for 132 Fifth Avenue, Kendenup.

**BACKGROUND**

Noongar Boodjar Land Sub Pty Ltd is a registered charity and do not own any other land within the Shire of Plantagenet.

132 Fifth Avenue Kendenup is currently vacant residential land and is owned freehold by the Noongar Boodja Trust, through its holding entity the Noongar Boodja Land Sub Pty Ltd.

**STATUTORY ENVIRONMENT**

Section 6.26(2) (d) - (g) of the Local Government Act 1995 specifies non rateable land as:

- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
  - (e) land used exclusively by a religious body as a school for the religious instruction of children; and*
  - (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
- and*
- (g) land used exclusively for charitable purposes;'*

**EXTERNAL CONSULTATION**

Other than the request from Perpetual Limited, there has been no further consultation.

**FINANCIAL IMPLICATIONS**

In 2024/2025, the rates and other Shire charges on this this property were:

- Rates \$1,066.00; and
- Waste Rate \$66.00.

## **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**

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

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

Strategy 4.1.3:

‘A Shire that is open and transparent with its community.’

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

## **OFFICER COMMENT**

The Noongar Boodjar Trust is a charity registered with The Australian Charities and Not-for-profits Commission. Section.6.26(2)(g) of the Local Government Act provides that land is not rateable if the land is used exclusively for a charitable purpose. Therefore, the question becomes is this land used exclusively for charitable purposes?

The Noongar Boodjar Trust have declared that it cannot use the property for any commercial purpose and it receives no income from the property as it is vacant land. It further declares that it holds and uses the property exclusively for the benefit of the Noongar People, therefore the use of the land is charitable.

Should Council question whether the use of the land is in fact charitable it may, under Section 6.47 of the Local Government Act 1995 apply a concession. This is generally applied when a property does not fall into any category of Section 6.2.6.

Where a local government refuses a rates exemption application, an applicant can make an application to the Minister for Local Government for consideration that the property be rates exempt.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That Council accept the rates exemption request from Perpetual Limited for 132 Fifth Avenue, Kendenup, to be deemed to be used exclusively for a charitable purpose, and therefore be non-rateable under s6.26 (2) (g) of the *Local Government Act 1995*.**

**CARRIED (7/0)**

**NO. 094/24**

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



### 9.3.5 RESERVES 11254 WOOGENELLUP AND 50478 ROCKY GULLY – CHANGE OF PURPOSE – PROPOSED FIRE SHEDS

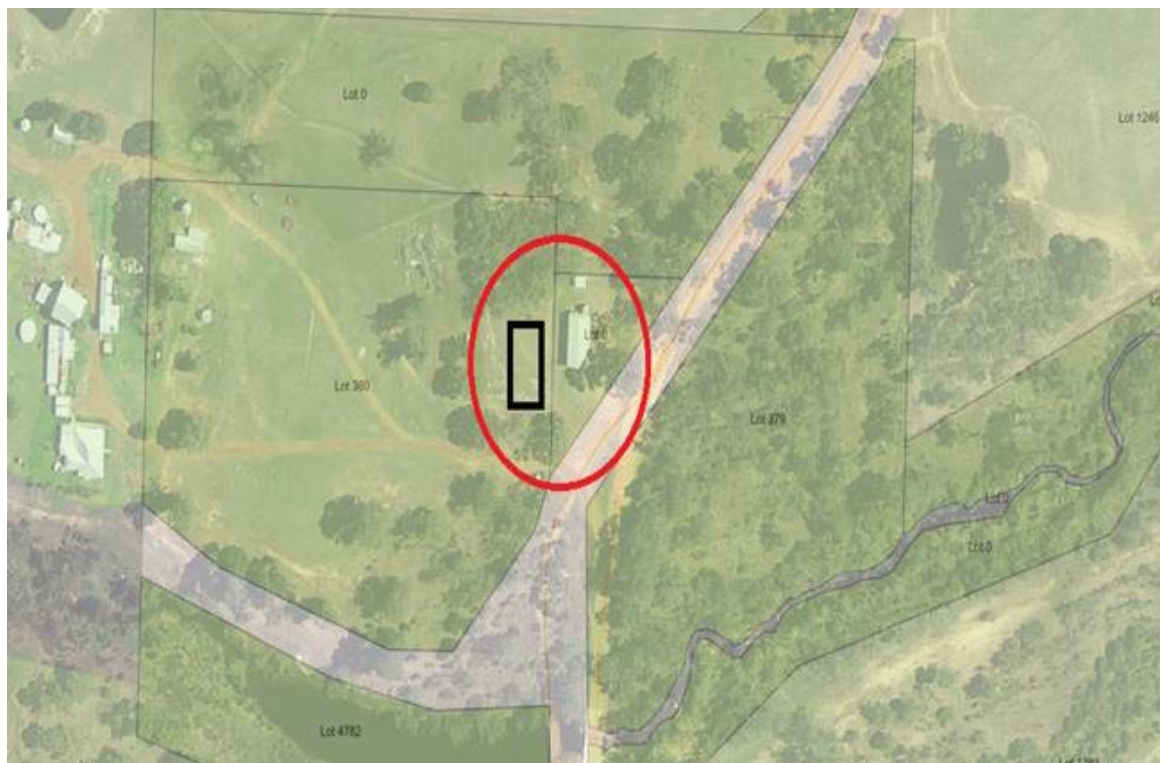
<b>File Ref:</b>	<b>N64662</b>
<b>Attachment:</b>	<u>Recreation Reserve 11254- Woogenellup Trustees Reserve Details Report 1125</u>
<b>Responsible Officer:</b>	<b>Anthony Middleton</b> <b>Executive Manager Corporate and Community Services</b>
<b>Author:</b>	<b>Delma Baesjou</b> <b>Coordinator Corporate Services</b>
<b>Proprietor/Applicant:</b>	<b>Crown Land / Shire of Plantagenet</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

#### PURPOSE

The purpose of this report is to consider commencing the process to seek a change in the Purpose and Management Orders for Reserves 11254 and 50478 to facilitate the development of the new Woogenellup and Rocky Gully Fire Sheds.

#### BACKGROUND

It is proposed to construct new Fire Sheds on eastern and northern portions respectively of Reserves 11254 (Woogenellup) and 50478 (Rocky Gully).



Indicative Development Footprint for Woogenellup Fire shed – Reserve 11254

Reserve 11254 is Lot 380 on Plan 81039 Volume LR301 Volume 145, Woogenellup North Road, Woogenellup. Lot 380 is 2.7696ha. It is adjacent to the Woogenellup Hall

and is the site of the former Tennis Courts and Cricket Oval. The existing Fire Shed is on the western side of the subject land.

Reserve 11254 is currently set aside for the purpose of 'Recreation' with a management order to 'Trustees'. The Original Gazettal and vesting of the 7-acre reserve date back to June 1909. Various Trustees were appointed between then and 1940. Research carried out with the assistance of the State Land Officer from Department of Planning Lands and Heritage (DPLH) shows there are five 'remaining' Trustees.



Indicative Development Footprint for Rocky Gully Fire shed – Reserve 50478

Reserve 50478 is Lot 500 on Plan 65075 Arbour Street Rocky Gully Volume LR3157 Volume 893. The Management Order registered 18 January 2010 shows the Shire of Plantagenet as the Management Body. It is designated for the purpose of "Recreation" only, with power to lease (for up to 21 years).

Reserve 50478, aka Higgins Park, is the former school oval. The nominated site for the Fire Shed fronts Arbour street, east of the existing crossover.

### **EXTERNAL CONSULTATION**

Consultation has been undertaken with DPLH, the Department of Fire and Emergency Services and the Woogenellup and Rocky Gully Bush Fire Brigades.

### **STATUTORY ENVIRONMENT**

Land Administration Act 1997

### **POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no significant financial implications for this report. There will be minor administrative costs associated with the process of changing the historic vestings of the two Reserves.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

Formalisation of the tenure arrangements for the Reserves will assist in the governance and administrative of the proposed Fire Sheds.

The existing fire shed at Woogenellup is no longer fit for purpose. Additional facilities are needed to service Rocky Gully. Ongoing maintenance of the new facilities is expected to form part of the annual Local Government Grants Scheme.

**STRATEGIC IMPLICATIONS**

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

*At Outcome 1.4 Support for community groups and volunteers and 1.5 A safe Plantagenet the following Strategies:*

Strategy 1.4.3:

*Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.*

Strategy 1.5.1:

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

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

**RISK MITIGATION IMPLICATIONS**

This item has been evaluated against the Shire of Plantagenet's Risk Assessment and Acceptance Criteria. The level of risk is considered to be "Low" risk and, subject to a favourable decision from the Minister, can be managed by routine procedures and with currently available resources.

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

A formal request to the Minister is required to change the status of the two Reserves and request the issue of new Management Orders. The Shire of Plantagenet needs to submit a Crown Land Enquiry Form (CLEF), supported by a Council Resolution, relevant justification, plans and advice on the current status of the individual trustees. DPLH requires verification that all nominated Trustees are deceased. Relevant cemetery records and death certificates are currently being obtained.

It is considered prudent to submit the CLEF and concurrently progress with the site evaluations, detailed design and relevant approvals for the construction of the two new fire sheds at Woogenellup and Rocky Gully.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr W Sheard:**

**That Council:**

- 1. Supports the development of new Fire Sheds on Reserve 11254, Lot 380 Woogenellup North Road, Woogenellup and Reserve 50478 is Lot 500 on Plan 65075 Arbour Street Rocky Gully.**
- 2. Requests the Minister for Lands:**
  - i. Revoke the 1909 Management Order for Reserve 11254 to 'Trustees' pursuant to section 50 (2) of the Land Administration Act 1997;**
  - ii. Amend the purpose of Reserve 11254 to include Fire Shed and power to lease; and**
  - iii. Grant of a Management Order over Reserve 11254 to the Shire of Plantagenet, pursuant to section 46 LAA**
- 3. Requests the Minister for Lands amend the Purpose of Reserve 50478 to include Fire Shed pursuant to section 51 of the Land Administration Act 1997.**

**CARRIED (7/0)**

**NO. 095/24**

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

### 9.3.6 SALE OF LAND FOR NON-PAYMENT OF RATES AND CHARGES IN EXCESS OF 3 YEARS

<b>File Ref:</b>	<b>N64657</b>
<b>Responsible Officer:</b>	<b>Anthony Middleton Executive Manager Corporate and Community Services</b>
<b>Author:</b>	<b>Pam Chambers Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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#### **PURPOSE**

The purpose of this report is to consider the sale of 41 Westfield Street, Rocky Gully, (Assessment A137893) as property rates and charges have been in arrears for more than three years.

#### **BACKGROUND**

Proceedings against the owner of assessment A137893, an uncompleted, built to lock up house has been commenced under delegated authority. The property owner cannot be located and has failed to pay rates for a period of more than three years.

#### **EXTERNAL CONSULTATION**

Enquiries have been made with AMPAC Debt Recovery to estimate the cost of selling and or taking possession of the property.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 (The Act)

Local Government (Financial Management) Regulations 1996 (Regulations)

Sections 6.64 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 (3) years.

Sections of the Act referenced:

- *6.64 Actions to be taken*
- *6.68 Exercise of power to sell land*

State-wide public notice of sale of land for non-payment of rates or service charges is to be given and sale must be in the way of a public auction as prescribed in form 5 of the Regulations [reg. 75].

#### **POLICY IMPLICATIONS**

Clause 1.5(c) of Council Policy F/FM/15 – Debt Collection indicates that other courses of action may be taken to collect debt which include sale of land under s6.64 of the *Local Government Act 1995* under delegation.

#### **FINANCIAL IMPLICATIONS**

As at 18 September 2024, the total amount outstanding on the property is at \$22,876.27, including penalties.

## BUDGET IMPLICATIONS

For AMPAC to proceed with the sale process, a management fee of \$1,800 is charged. In addition, there is an approximate cost of \$6,000 per property over a 6 - 12 month period. If a property does not sell, it may need to be transferred to the Shire or the Crown. The approximate cost of the transfer is a further \$2,000. The Shire would become responsible for water rates as well as maintenance of the property and associated costs if a transfer to the Shire was to proceed.

## LEGAL IMPLICATIONS

Transfer of land documentation is required. The Shire may acquire and become responsible for the property after a failed auction.

## ASSET MANAGEMENT IMPLICATIONS

The Shire may acquire property which would need to be added to the asset register if it were to be retained for its own purposes. The Shire would become responsible for general maintenance of the property.

## STRATEGIC IMPLICATIONS

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

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

Strategy 4.1.3:

‘A Shire that is open and transparent with its community.’

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

## RISK MITIGATION IMPLICATIONS

Reference: Policy No: CE/RM/1 – Risk Management

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Financial</i>  Costs associated with the sale and or transfer of the property, outstanding debts from other entities and future costs associated with maintenance.	<i>Likely</i>	<i>Minor</i>	<i>Moderate</i>	<i>Comments</i>  Assess the risk of allowing the rates and charges to continue to accrue and become unrecoverable in due course.
<i>Reputational</i>  If the legislated process is not followed, a person may claim improper	<i>Rare</i>	<i>Minor</i>	<i>Low</i>	<i>Comments</i>  Ensure compliance with current legislation and regulations

use of power and a remedy is open to them for damages against the Shire				
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**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

Authority is sought to exercise the power to sell land and affix the Common Seal of the Shire to the transfer of land documentation and any other documentation required to effect the transfer.

The property was purchased by the current owner in 2015. Prior to 2015, there was a lease in place between the Department of Lands and the current owner. The rates were the responsibility of the lessee and were in excess of three years arrears at the time. The rates have not been paid in full since 2009/2010. The building was at lock up stage when the transfer was finalised.

At it's Ordinary Council Meeting held on 3 March 2015 Council resolved that:

1. *Having made reasonable efforts to do so, the owner of the property at 37 Westfield Street, Rocky Gully, is unable to be located; and*
2. *Authority be given for the sale of land at Lot 137 (37) Westfield Street, Rocky Gully (Assessment No. 137190) in accordance with Section 6.64 (1) (b) of the Local Government Act 1995, for non-payment of rates.*

In 2016, a Memorial was placed on the property under the *Criminal Property Confiscation Act 2000* and further attempts to sell the land were dismissed due to the complicated nature of the transfer of the land. The owner was declared a drug trafficker in 2017, and the property was subsequently confiscated by the Department of Public Prosecutions (DPP) in 2018. In 2023, the Memorial was withdrawn and the property handed back to the current owner.

Shire Staff and other agencies have exhausted all avenues of action and attempts to locate the owner. The DPP was not able to assist with contact details.

It is recommended that power of sale under section 6.64 and 6.68 of the Act, be exercised pursuant to delegation 2.11 Rates – Recovery where unpaid. The Chief Executive Officer has the delegated authority to take possession of land where any rates or service charges have been unpaid for at least 3 years.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr R Brown, seconded Cr K Clements:

That Council, having noted that reasonable efforts to locate the owner of the property at 41 Westfield Street, Rocky Gully have been made, pursuant to Section 6.64; 6.68 and 6.71 of the Local Government Act 1995:

1. Approves taking possession of the property Assessment number A137893; Certificate of Title 2882/353; [Lot 17 On Deposited Plan 205881](#); 41 Westfield Street, ROCKY GULLY 6326; and
2. Grants authority to the Shire President and the Chief Executive Officer to execute and, if necessary affix the Common Seal of the Council to any documentation required to effect the property sale in Clause 1 above.

**CARRIED (7/0)**

**NO. 096/24**

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



## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 CHRISTMAS/NEW YEAR CLOSURE POLICY

<b>File Ref:</b>	<b>N646886</b>
<b>Responsible Officer:</b>	<b>Julian Murphy Chief Executive Officer</b>
<b>Author:</b>	<b>Julian Murphy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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#### **PURPOSE**

The purpose of this report is to consider the proposed new policy relating to the closure of Council facilities over the Christmas/New Year period each year.

#### **BACKGROUND**

Each year Council authorises the closure or modification of opening hours of a range of facilities over the Christmas New Year period.

To improve the efficiency of this process it is recommended that Council adopt a new policy which authorises and provides guidance to the CEO on the closure of Council facilities during the Christmas/ New Year period.

The policy takes into consideration the need to maintain essential services over the closure period as well as open key facilities including the swimming pool, recreation centre and waste sites outside of gazetted public holidays.

Last year Council authorised the following modifications to opening hours:

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

#### **EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

If adopted the new policy will provide guidance to the CEO on the closure of Council facilities during the Christmas/ New Year period

**FINANCIAL IMPLICATIONS**

Shire staff affected by the closure of facilities during this period will be required to use leave entitlements during this closure period for those days that are not designated public holidays. The cost of staff leave is already provided for in the budget.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

Strategy 4.1.1:

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

Strategy 4.1.3:

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

Strategy 4.1.4

*‘Continuous improvement in service delivery’*

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

**RISK MITIGATION IMPLICATIONS**

This item has been evaluated against the Shire of Plantagenet’s Risk Assessment and Acceptance Criteria. The level of risk is considered to be “Low” risk and can be managed by routine procedures and with currently available resources.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

It is recommended that Council adopts the following policy:

## **CHRISTMAS/NEW YEAR CLOSURE POLICY**

### **Policy Objective**

This policy provides guidance on the closure of Council facilities during the Christmas/ New Year period.

### **Policy Scope**

This policy applies to all Shire of Plantagenet services and facilities.

### **Policy Statement**

The Chief Executive Officer is authorised close the Shire Administration Centre, Library, Community Centre and Works Depot at 12 noon on the last working day before Christmas and re-open on the first working day following the New Year's Day public holiday.

The Chief Executive Officer is authorised to close or modify opening hours for the Mount Barker Swimming Pool, Recreation Centre and Waste Facilities during the Christmas New/Year Period.

Throughout the Christmas closure period, the Shire will endeavour to provide essential services and respond to any emergency works.

The Shire will provide suitable notice to the public regarding closures and modified operating hours during the closure period to minimise any inconvenience to the public.

Shire staff affected by the closure of facilities during this period will be required to use leave entitlements during this closure period for those days that are not designated public holidays.

### **Essential Services**

The Chief Executive Officer will ensure staff and resources are available to provide essential services and assist emergency services personnel in case of fires, emergencies or extreme weather events during the closure period.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr W Sheard:

That Council adopts the following policy:

**CHRISTMAS/NEW YEAR CLOSURE POLICY****Policy Objective**

This policy provides guidance on the closure of Council facilities during the Christmas/ New Year period.

**Policy Scope**

This policy applies to all Shire of Plantagenet services and facilities.

**Policy Statement**

The Chief Executive Officer is authorised close the Shire Administration Centre, Library, Community Centre and Works Depot at 12 noon on the last working day before Christmas and re-open on the first working day following the New Year's Day public holiday.

The Chief Executive Officer is authorised to close or modify opening hours for the Mount Barker Swimming Pool, Recreation Centre and Waste Facilities during the Christmas New/Year Period.

Throughout the Christmas closure period, the Shire will endeavour to provide essential services and respond to any emergency works.

The Shire will provide suitable notice to the public regarding closures and modified operating hours during the closure period to minimise any inconvenience to the public.

Shire staff affected by the closure of facilities during this period will be required to use leave entitlements during this closure period for those days that are not designated public holidays.

**Essential Services**

The Chief Executive Officer will ensure staff and resources are available to provide essential services and assist emergency services personnel in case of fires, emergencies or extreme weather events during the closure period.

**CARRIED (7/0)**

**NO. 097/24**

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

**9.4.2 LOCAL GOVERNMENT ELECTIONS – WALGA ADVOCACY POSITION**

<b>File Ref:</b>	<b>N64684</b>
<b>Attachments</b>	<u>WALGA Info Page</u>
<b>Responsible Officer:</b>	<b>Julian Murphy</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Anthony Middleton</b> <b>Executive Manager – Corporate &amp; Community</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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**PURPOSE**

The purpose of this report is to provide feedback to the WA Local Government Association (WALGA) on the Council's preferred stance on electoral issues to enable WALGA to form an advocacy position.

**BACKGROUND**

Following significant local government electoral reforms introduced by the *Local Government Amendment Act 2023*, the WALGA are reviewing their advocacy position on key electoral matters.

The *Local Government Amendment Act 2023* introduced several reforms, effective before the 2023 Local Government elections. These reforms included:

- Optional Preferential Voting (OPV)
- Extended election periods due to postal service delays
- New candidate information publication rules
- Provisions for backfilling extraordinary vacancies
- Public election of Mayors or Presidents for larger Local Governments
- Abolishing wards for smaller Local Governments
- Alignment of council sizes with population sizes.

Following the 2023 elections, WALGA conducted an analysis of five election cycles, focusing on postal elections run by the WA Electoral Commission (WAEC). The report highlighted both rising costs and a reduction in service quality. In response, WALGA has requested that Council's review and provide feedback on its current advocacy positions to guide its State Council deliberations.

The purpose is to seek the Council's recommendation for WALGA's upcoming State Council meeting in December 2024, or the round of Zone meeting's scheduled for November, with feedback to WALGA closing on 28 October 2024.

**EXTERNAL CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

The *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* legislates elections in local government.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

Strategy 4.1.3:

‘A Shire that is open and transparent with its community.’

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

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

WALGA has requested the following six (6) advocacy positions be considered by Councils:

**1. PARTICIPATION**

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

Option (a) above, voluntary voting, is the Officer's Recommended position based on historical local government practices that have served the community well.

## **2. TERMS OF OFFICE**

(a) The sector continues to support four-year terms with a two year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

Option (a) above, four-year terms with a two year spill, is the Officer's Recommended position based on the format that has existed since the 1995 Act came into effect and provided stability to the sector.

## **3. VOTING METHODS**

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

Option (a) above, first past the post voting method, is the Officer's Recommended position based on its simplicity to communicate to electors.

## **4. INTERNAL ELECTIONS**

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

Option (a) above, first past the post voting method, is the Officer's Recommended position based on its simplicity in small voting counts.

## **5. VOTING ACCESSIBILITY**

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

All three (3) options above are supported by the Officer's Recommendation based, noting that investment in electronic voting technology may be required to ensure its suitability and robustness.

## **6. METHOD OF ELECTION OF MAYOR**

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Option (b) above is the Officer's Recommendation to ensure that each local government authority has the flexibility and autonomy in choosing what is best for its own community governance.

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr K Clements, seconded Cr J Liebeck:

That the Shire of Plantagenet recommends that WALGA adopts the following Local Government Election Advocacy Positions:

1. **PARTICIPATION – Council support advocacy position (a) - the sector continues to support voluntary voting at Local Government elections;**
2. **TERMS OF OFFICE - Council support advocacy position (a) - the sector continues to support four-year terms with a two year spill;**
3. **VOTING METHODS - Council support advocacy position (a) - the sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections;**
4. **INTERNAL ELECTIONS - Council support advocacy position (a) - the sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections;**
5. **VOTING ACCESSIBILITY - Council support advocacy position (a) - Electronic voting; and/or (b) - Postal voting; and/or (c) - In-Person voting; and**
6. **METHOD OF ELECTION OF MAYOR - Council support advocacy position (b) - return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.**

**CARRIED (7/0)**

**NO. 098/24**

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

### 9.4.3 NEW SHIRE LOGO

<b>File Ref:</b>	<b>N64687</b>
<b>Responsible Officer:</b>	<b>Julian Murphy Chief Executive Officer</b>
<b>Author:</b>	<b>Julian Murphy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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#### PURPOSE

The purpose of this report is to consider the adoption of the proposed new logo for the Shire of Plantagenet.

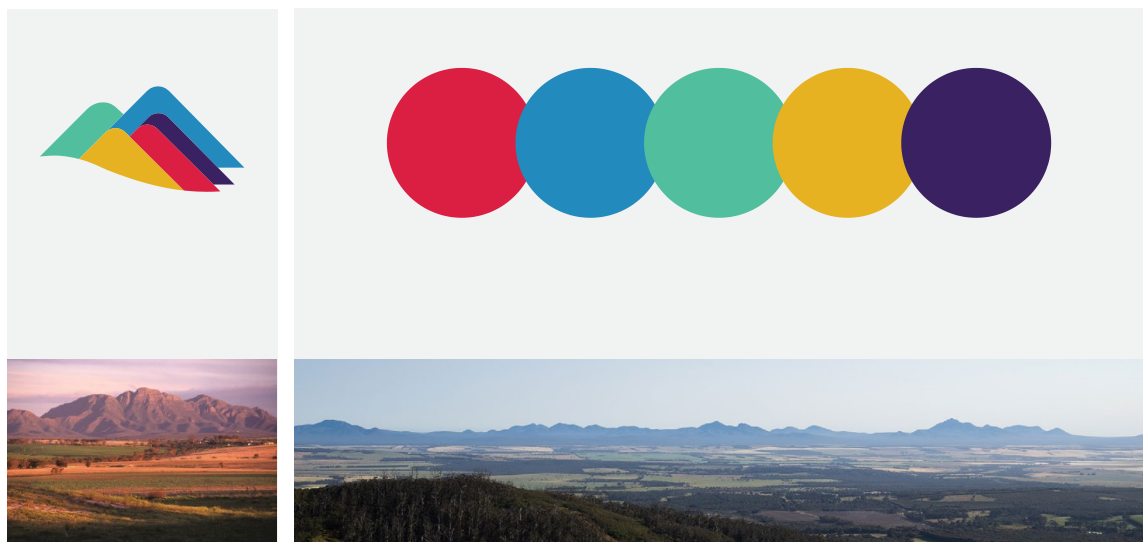
#### BACKGROUND

The Shire of Plantagenet logo is approximately 20 years old. The CEO has commissioned a brand refresh to retain aspects of the old logo whilst creating a more contemporary logo. The proposed new logo is below.



The new logo retains the design principles of 5 mountains and five colours to represent Plantagenet's 5 communities. The refreshed logo also allows for the addition of the names of the five communities when appropriate.





*Logo Rationale: Mountains are combined and staggered for depth and ease of use as a logo-mark - these shapes represent the mountain landmarks and five communities within the Shire of Plantagenet. A wave in the negative space refers to the water-bodies and its importance to the Shire. Colours represent the landscape and man-made environment of the Shire of Plantagenet. These colours also point to the five different communities within the Shire.*

## **EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **FINANCIAL IMPLICATIONS**

Changes to signage and stationery to accommodate the new logo will be made as required. No wholesale rebranding will be undertaken.

## **BUDGET IMPLICATIONS**

There are no budget implications for this report.

## **LEGAL IMPLICATIONS**

There are no legal implications for this report.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

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

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

Strategy 4.1.1:

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

Strategy 4.1.3:

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

Strategy 4.1.4

*'Continuous improvement in service delivery'*

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

### **RISK MITIGATION IMPLICATIONS**

This item has been evaluated against the Shire of Plantagenet's Risk Assessment and Acceptance Criteria. The level of risk is considered to be "Low" risk and can be managed by routine procedures and with currently available resources.

### **REGIONAL IMPLICATIONS**

There are no regional implications for this report.

### **OFFICER COMMENT**

The concept above is recommended for adoption as it retains the key elements of the Shire's existing brand.

The roll out of the new logo will be staged to allow a renewal of signage over time. The digital use of the new logo will be implemented immediately.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr A Fraser, seconded Cr S Etherington:**

**That Council adopts the new Shire of Plantagenet Logo as proposed.**

**CARRIED (7/0)**

**NO. 099/24**

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

#### 9.4.4 WALGA AWARDS CEREMONY

<b>File Ref:</b>	<b>N64690</b>
<b>Responsible Officer:</b>	<b>Julian Murphy Chief Executive Officer</b>
<b>Author:</b>	<b>Anthony Middleton Executive Manager – Corporate &amp; Community</b>
<b>Proposed Meeting Date:</b>	<b>22 October 2024</b>

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#### PURPOSE

The purpose of this report is to consider requesting the WA Local Government Association (WALGA) to review its timing and location for its annual awards ceremony.

#### BACKGROUND

The WA Local Government Association (WALGA) run an annual awards program to recognise individuals and teams in Local Government. The WALGA Award Categories include:

- Local Government Medal
- Life Membership
- Eminent Service
- Merit Award
- Local Government Distinguished Officer Award
- Troy Pickard Young Achievers Award
- RoadWise Council Road Safety Awards
- ALGWA WA Professional Award
- ALGWA WA Elected Member Award

This Award ceremony has historically been held as part of the annual Local Government Convention, undoubtedly the State's biggest local government event. However, in 2024, this ceremony was a standalone event held Friday, August 2.

#### EXTERNAL CONSULTATION

Nil.

#### STATUTORY ENVIRONMENT

There is no statutory environment 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.

#### FINANCIAL IMPLICATIONS

There are no financial implications for this report. Incurring possible future costs to attend two events in Perth rather than one is one of the motivations for presenting this report.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

Strategy 4.1.3:

‘A Shire that is open and transparent with its community.’

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

**STRATEGIC RISK IMPLICATIONS**

There are no strategic risk implications for this report.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

Individual Plantagenet Councillors have expressed their disappointment with the change in conducting this ceremony as a standalone event, citing a possible ‘watering down’ of the importance of the Awards, additional costs incurred in getting to Perth twice and a reduction in the number of attendees. This subject was discussed at the Council Forum held 15 October 2024 and consensus was that a formal agenda item be prepared to consider requesting, via the Great Southern Zone of WALGA, a change back to the previous format for the awards ceremony.

Other factors that the Council may wish to consider, when discussing this item, include reducing the number of Award categories (to reduce the total time taken and enable presentation during the annual convention) and/or including as part of the Gala Dinner.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr K Clements, seconded Cr S Etherington:

That Council formally request, via the Great Southern Zone of WALGA, that WALGA include the presentation ceremony for the annual awards program as part of the annual convention each year, not as a separate stand-alone event.

Rationale for this change being:

- a) A reduction in the perceived importance of the Awards;
- b) Additional costs incurred through attending two events in the metropolitan area; and
- c) A reduction in the number of attendees.

**CARRIED (7/0)**

**NO. 100/24**

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

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

Nil

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

5.33pm The President declared the meeting closed.

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