



**SHIRE**  
*of*  
**DANDARAGAN**

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS JURIEN BAY**

**on**

**THURSDAY 26 APRIL 2012**

**COMMENCING AT 4.03 PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

# Table of Contents

<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>1</b>
1.1	DECLARATION OF OPENING .....	1
1.2	DISCLAIMER READING .....	1
<b>2</b>	<b>RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....</b>	<b>1</b>
<b>3</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>1</b>
<b>4</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>2</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>2</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>2</b>
6.1	MINUTES OF ORDINARY MEETING HELD 22 MARCH 2012.....	2
<b>7</b>	<b>NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS.....</b>	<b>2</b>
<b>8</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....</b>	<b>3</b>
<b>9</b>	<b>REPORTS OF COMMITTEES AND OFFICERS .....</b>	<b>3</b>
<b>9.1</b>	<b>FINANCE .....</b>	<b>3</b>
9.1.1	MARKETING AND PROMOTIONS ADVISORY COMMITTEE – CONSIDERATION OF RECOMMENDATIONS.....	3
9.1.2	ACCOUNTS FOR PAYMENT – MARCH 2012.....	6
9.1.3	FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 MARCH 2012.....	7
<b>9.2</b>	<b>WORKS AND PLANT.....</b>	<b>11</b>
9.2.1	ROAD VERGE WEED MANAGEMENT STRATEGY .....	11
<b>9.3</b>	<b>ADMINISTRATION .....</b>	<b>14</b>
9.3.1	APPLICATION OF COMMON SEAL .....	14
9.3.2	ANNUAL GENERAL MEETING OF FIRE CONTROL OFFICERS .....	16
9.3.3	CONSULTATION PAPER – RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL .....	18
<b>9.4</b>	<b>TOWN PLANNING .....</b>	<b>24</b>

9.4.1	FINAL ADOPTION: LOCAL PLANNING POLICY – OUTBUILDINGS AND TEMPORARY ACCOMMODATION IN RURAL RESIDENTIAL AND SPECIAL USE-RURAL DEVELOPMENT ZONES .....	24
9.4.2	MR S GILMAN, LOT 27 GERONIMO CRESCENT, ALTA MARE, JURIEN BAY – PROPOSED SHED.....	29
<b>9.5</b>	<b>HEALTH .....</b>	<b>31</b>
<b>9.6</b>	<b>BUILDING.....</b>	<b>31</b>
9.6.1	DANDARAGAN COMMUNITY RESOURCE CENTRE – CAFÉ – FUNCTION ROOM ADDITIONS TO BUILDING.....	31
<b>9.7</b>	<b>COUNCILLOR INFORMATION BULLETIN.....</b>	<b>35</b>
9.7.1	WALGA – 2012 ASSOCIATIONS HONOUR .....	35
9.7.2	HON MAX TRENORDEN MLC – LOCAL GOVERNMENT AMENDMENT BILL: CHIEF EXECUTIVE OFFICER REMUNERATION.....	36
9.7.3	NOEL WILLIAMS – MACC FISHING CLUB – IMPRESSED WITH JURIEN BAY.....	36
9.7.4	VISION RESEARCH SERVICES – 100 YEAR ANNIVERSARY OF WW1 IN 2014 .....	36
9.7.5	ALGA – CLEAN UP AUSTRALIA – BOOMERANG ALLIANCE – PROGRESSING A NATIONAL CONTAINER DEPOSIT SCHEME.....	37
9.7.6	LOCAL GOVERNMENT NEWS – ISSUE NO 8.12 – 27 FEBRUARY 2012.....	37
9.7.7	OFFICE OF THE APPEALS CONVENOR – APPEALS AGAINST DECISION NOT TO ASSESS – DRILLING PROGRAM AND HYDRAULIC FRACTURE STIMULATION IN EP407 – WARRO GAS FIELD – SHIRE OF DANDARAGAN .....	37
9.7.8	LOCAL GOVERNMENT NEWS – ISSUE 10.12 – 12 MARCH 2012.....	38
9.7.9	LOCAL GOVERNMENT NEWS – ISSUE 11.12 – 19 MARCH 2012.....	38
9.7.10	WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 23 MARCH 2012.....	38
9.7.11	WALGA INFOPAGE – METROPOLITAN LOCAL GOVERNMENT REVIEW ...	39
9.7.12	DEPARTMENT OF LOCAL GOVERNMENT – NEW COMMUNITY ENGAGEMENT RESOURCES .....	39
9.7.13	WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 16 MARCH 2012.....	39
9.7.14	CORRESPONDENCE FROM TERRY HUGHAN .....	39
9.7.15	WALGA INFOPAGE – WASTE STRATEGY FOR WA RELEASED.....	40
9.7.16	MINISTERIAL MEDIA STATEMENT – JOHN CASTRILLI – NEW REPORTING MODEL FOR LOCAL GOVERNMENT MISCONDUCT .....	40

9.7.17	TIWEST – 2011 ANNUAL ENVIRONMENTAL REPORT - COOLJARLOO .....	40
9.7.18	MINISTERIAL MEDIA STATEMENTS – SIMON O'BRIEN – MILESTONE FOR BUILDING INDUSTRY.....	40
9.7.19	NBN CO – MEDIA RELEASE – MORE THAN 395,000 WA HOMES AND BUSINESSES IN NBN THREE-YEAR PLAN.....	40
9.7.20	REGIONAL DEVELOPMENT AUSTRALIA – MEDIA RELEASE – WHEATBELT STRATEGIC FRAMEWORK LAUNCHED AT INAUGURAL WHEATBELT LOCAL GOVERNMENT CONFERENCE .....	41
9.7.21	LOCAL GOVERNMENT NEWS – ISSUE NO 13.12 – 2 APRIL 2012 .....	41
9.7.22	WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 30 MARCH 2012 EDITION 58.....	41
9.7.23	DEPARTMENT OF LOCAL GOVERNMENT – WA TRAINING AWARDS.....	42
9.7.24	WALGA PLANNING AND COMMUNITY DEVELOPMENT NEWLETTER – 13 APRIL 2012 – EDITION 60.....	42
9.7.25	JURIEN BAY DISTRICT HIGH SCHOOL BUSINESS PLAN 2012 – 2015 .....	42
9.7.26	SATELLITE TELEVISION AND RADIO AUSTRALIA – SATELLITE SUBSIDY SCHEME .....	43
9.7.27	CERVANTES CHAMBER OF COMMERCE – 50 YEAR ANNIVERSARY .....	43
9.7.28	STATE HERITAGE OFFICE – NEW HERITAGE REGULATIONS .....	43
9.7.29	WEST KOOJAN-GILLINGARRA – MINUTES OF THE OGM HELD 7 FEBRUARY 2012.....	44
9.7.30	WALGA INFOPAGE – REMINDER ON WORKING WITH CHILDREN CHECKS.....	44
9.7.31	WALGA INFOPAGE – VACANCIES ON BOARDS AND COMMITTEES.....	44
9.7.32	WALGA INFOPAGE – RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL.....	44
9.7.33	MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 159 – MARCH 2012.....	44
9.7.34	MINISTERIAL MEDIA STATEMENT – BRENDON GRYLLS – CLGF REVIEW REPORT RELEASED .....	45
9.7.35	LOCAL GOVERNMENT NEWS – ISSUE NO 14.12 – 9 APRIL 2012 .....	45
9.7.36	AUSTRALIAN GREENS SENATOR FOR WESTERN AUSTRALIA .....	45
9.7.37	WALGA – PLANNING REFORMS IMPROVE WA REPORT CARD .....	46
9.7.38	WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 6 APRIL 2012 – EDITION 59.....	46
9.7.39	MEDIA RELEASE – HON MIA DAVIES – \$6.6M INVESTED IN WHEATBELT AGED CARE AND RESPITE FACILITIES.....	46

9.7.40	VOLUNTEERING AUSTRALIA – NATIONAL VOLUNTEER WEEK .....	47
9.7.41	MINISTERIAL MEDIA STATEMENT – TERRY REDMAN AND BILL MARMION – GRANTS TO ENHANCE NATURAL ASSETS .....	47
9.7.42	SHARON AND GREG BAXTER – HAPPY STAY AT JURIE BAY .....	47
9.7.43	WALGA – ROAD SAFETY ROUND UP – VOLUME 7 – ISSUE 3 – APRIL 2012.....	48
<b>10</b>	<b>NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING .....</b>	<b>48</b>
<b>10.1</b>	<b>ADMINISTRATION .....</b>	<b>48</b>
10.1.1	BADGINGARRA CARAVAN PARK – ASSIGNMENT OF LEASE .....	49
<b>11</b>	<b>CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC.....</b>	<b>50</b>
<b>12</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>50</b>
<b>13</b>	<b>CLOSURE OF MEETING .....</b>	<b>50</b>

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 4.03pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were members of the public present.

*“No responsibility whatsoever is implied or accepted by the Shire of Dandaragan for any act, omission or statement or intimation occurring during this meeting.*

*It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.”*

## 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

**Members** Councillor S Love (President)  
 Councillor M Russell  
 Councillor L Holmes  
 Councillor W Gibson  
 Councillor T Bailey  
 Councillor K McGlew  
 Councillor M Sheppard

**Staff** Mr T Nottle (Chief Executive Officer)  
 Mr J Hurley (Manager Planning)  
 Mr R Pepper (Manager Technical Services and Works)  
 Mr W George (Manager Building Services)  
 Mr S Clayton (Manager Corporate Services)  
 Mr B Bower (Integrated Planning and Strategic Projects Coordinator)  
 Mr P Varelis (Senior Planner)  
 Miss D Kerr (Secretary)

**Apologies** Councillor L Short (Deputy President)  
 Councillor D Kent

### Approved Leave of Absence

**Observers** There was 1 member of the public present

## 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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**4 PUBLIC QUESTION TIME**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF ORDINARY MEETING HELD 22 MARCH 2012****COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Bailey**

**That the minutes of the Ordinary Meeting of Council held 22 March 2012 be confirmed.**

**CARRIED 7 / 0**

**7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS**Cr Sheppard

- |                 |                                      |
|-----------------|--------------------------------------|
| - 26 March 2012 | Jetty Committee Meeting              |
| - 28 March 2012 | Marketing and Promotions Committee   |
| - 5 April 2012  | JBDHS Waterwise Presentation         |
| - 18 April 2012 | Jurien Bay Chamber of Commerce       |
| - 21 April 2012 | Dandaragan CRC Opening               |
| - 24 April 2012 | Coastal Planning Strategy – Lancelin |

Cr Love

- |                      |   |
|----------------------|---|
| - 26 March 2012      | Jetty Committee Meeting   |
| - 27 March 2012      | Badgingarra Community Centre Management Committee AGM Badgingarra |
| - 29 / 30 March 2012 | Wheatbelt Local Government Conference – York                      |
| - 18 / 19 April 2012 | Directors General Tour – Cervantes and Jurien Bay                 |
| - 19 April 2012      | Governors Visit – Jurien Bay                                      |
| - 20 April 2012      | Avon Midland Zone Meeting – Wongan Hills                          |
| - 21 April 2012      | Dandaragan CRC Opening  |
| - 23 April 2012      | “Gasland” Fracking meeting – Jurien Bay                           |
| - 25 April 2012      | ANZAC Services – Cervantes and Jurien Bay                         |

Cr Bailey

- |                 |   |
|-----------------|---|
| - 17 April 2012 | CRC Meeting – Jurien Bay                    |
| - 20 April 2012 | Small Business Centre Meeting – Bindoon     |
| - 24 April 2012 | Turquoise Coast Tourism Meeting - Cervantes |

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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Cr McGlew

- 21 March 2012 Fire Control Officer's AGM
- 17 April 2012 Cervantes Town Centre Future Land Use Concept Plan
- 21 April 2012 Dandaragan CRC Opening

Cr Holmes

- 28 March 2012 Marketing and Promotions Meeting
- 12 April 2012 Cervantes Chamber of Commerce

Cr Gibson

Nil

Cr Russell

Nil

**COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Bailey**

**That the delegates' reports to 26 April 2012 as presented be accepted.**

**CARRIED 7 / 0**

## **8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Mr Mike Kenny – Subdivision from Rural to Rural Residential. Dave Porter from Porter Engineering has been engaged by Mike Kenny for assistance on this matter. Mr Kenny is looking for in principle support for his proposal.

Why wasn't the boundary line that differentiates the two zones continued through his property?

The President advised that there was some confusion of the boundary of the property.

Mr Kenny asked if the boundary line could be shifted further north.

The President advised Mr Kenny to write a letter to Council before his proposal could be considered.

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 FINANCE**

#### **9.1.1 MARKETING AND PROMOTIONS ADVISORY COMMITTEE – CONSIDERATION OF RECOMMENDATIONS**

Location:	Various
File Ref:	
Disclosure of Interest:	None
Date:	30 March 2012
Author:	Bob Bower, Integrated Planning & Strategic Projects Coordinator





**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

Signature of Author:

Senior Officer:

Signature of Senior Officer:

  
Ian Rennie, Deputy Chief Executive Officer  


**PROPOSAL**

To consider the recommendations put forward by the Marketing and Promotions Advisory Committee.

**BACKGROUND**

On 28 March 2012, the Marketing and Promotions Advisory Committee held a meeting to discuss the following items:

- Review and support of the Winter media advertising proposal for June 2012; and
- Review and support of the town brochure advertising proposal to be carried out by Jurien Bay Chamber of Commerce.

The Marketing and Promotions Advisory Committee made recommendations to Council in respect to how these items should be dealt with.

As a result of this meeting the Marketing and Promotions Advisory Committee resolved:

1. **COMMITTEE RECOMMENDATION/ COMMITTEE DECISION**

Moved: Christine Sparrow

Seconded: Trudy Williams

*The Marketing and Promotions Advisory Committee recommend to Council the \$49,000 budget allocation be spent on the Winter Media Campaign.*

**CARRIED UNANIMOUSLY**

2. **COMMITTEE RECOMMENDATION/ COMMITTEE DECISION**

Moved: Bronwyn Fox

Seconded: Christine Sparrow

*The Marketing and Promotions Advisory Committee recommend to Council the Town Brochure concept submitted by the Jurien Bay Chambers be funded with matching assistance up to \$10,000.*

**CARRIED UNANIMOUSLY**

**COMMENT**

COMMITTEE RECOMMENDATION 1 - The Committee discussed the merits of investing in follow-up media coverage to leverage off the advertising campaign carried out by the Shire in November-December 2010, which coincided with the opening of the Indian Ocean Drive. The TV advertisement promoted the region, the scenic beauty, and the wide open road without road trains.

A further promotional campaign is now being planned for this coming winter season. By running commercials for 2 weeks in

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

June 2012, it is envisioned that there may be an increase in visitors during the following 3 month period, when visitor numbers have traditionally been at there lowest.

The original footage of the TV advertisement can be re-worked with minor changes. This will save on production costs and continue to leverage off of the creative impressions made with the first add. *(Councilors may recall the advert with the backside of a kangaroo, an echidna, and the big road train at the end.)*

Unspent funding from last year's Tourism and Indian Ocean Drive Opening budget has been rolled over into the current 2011/12 period to meet the costs of running this program.

Two different TV stations will air the commercial in Perth. It will also be shown on GWN and WA Regional to target visitors from country areas and neighbouring regions. Cost to update the advertisement is \$7,000. Placing the adverticement over 2 weeks on a variety of TV Shows regionally and within Perth metro will be \$42,000.

#### COMMITTEE RECOMMENDATION 2

A submission for the development of a town brochure was initially raised by the Jurien Bay Chambers of Commerce in May 2011. A formal proposal outlining the project has now been tabled with the Committee.

The brochure will highlight attractions for visitors and have a direct focus for tourist related product. The cost to produced 60,000 to 80,000 is estimated to be around \$20,000. Advertising space in the brochure may generate income up to \$10,000.

The Jurien Bay Chamber of Commerce is prepared to organise production, with assistance from local businesses within the Shire, DEC and other relevant agencies. All businesses located within the Shire of Dandaragan will be eligible to purchase advertising space in the town brochure. One brochure will be created, that will promote tourist businesses from all four towns.

In 2011 Council resolved that funding to the Jurien Bay Chamber of Commerce to publish the Business Directory would no longer be available. Savings from this previously budgeted tourism component will be applied to the town brochure proposal.

#### CONSULTATION

- Chief Executive Officer
- Manager Corporate Services
- Chairperson, Marketing and Promotions Advisory Group

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no direct financial implications relevant, as these two projects will be funded from 2011/12 budget allocations.

STRATEGIC IMPLICATIONS

3.3.3 of the current Strategic Plan

*Undertake site identification, land acquisition and land use planning to accommodate the medium to long-term need for a purpose built Visitors Centre within the Shire.*

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Minutes of Marketing and Promotions Advisory Committee
- Funding proposal from Jurien Bay Chamber of Commerce  
**(Marked 9.1.1)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

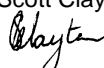
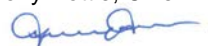
**Moved Cr Russell, seconded Cr McGlew**

**That Council:**

- 1. approve the winter marketing advertising campaign proposed for June 2012; and**
- 2. partnership with the Jurien Bay Chamber of Commerce and provide one off support of \$10,000 to develop the town brochure project.**

**CARRIED 7 / 0**

**9.1.2 ACCOUNTS FOR PAYMENT – MARCH 2012**

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Fin8
Disclosure of Interest:	None
Date:	16 April 2012
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque and direct debit listing for the month of March 2012.

BACKGROUND

As part of the Local Government Act 1995, Financial Management Regulations 1996, a list of expenditure payments is required to be

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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presented to Council.

COMMENT

The cheque and electronic funds transfer (EFT) listing for March 2012 totalled \$1,343,482.68 for the Municipal Fund.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- cheque and direct debit listings for March 2012  
**(Marked 9.1.2)**

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Sheppard**

**That the Municipal Fund cheque and EFT listing for the period ending 31 March 2012 totalling \$1,343,482.68 be accepted.**

**CARRIED 7 /0**

**9.1.3 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 MARCH 2012**

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Fin8
Disclosure of Interest:	None
Date:	April 2012
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b></p>
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ending 31 March 2012.

**BACKGROUND**

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 March 2012.

**COMMENT**

Regulation 34 of the Financial Management Regulations (1996) requires the following information to be provided to Council:

1. **Net Current Assets**

Council's Net Current Assets [ie surplus / (deficit)] position as at the 31 March 2012 was \$5,329,477. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. **Material Variances**

The Statement of Financial Activity provides variances to budget by way of percentages. Council's adopted policy states a 10 percent threshold for these variances to be reported. An explanation of these variances is as follows:

*Governance*

Income is at 178.2%% of Y-T-D budget and is due to other reimbursements, primarily the LGIS members experience bonus, good driver rebate, and 100% reimbursement of cleaning costs at Dandaragan CRC.

*General Purpose Funding*

Expenditure is at 70.4% of Y-T-D budget and is due to legal and valuation expenses being less than budgeted.

*Health*

Expenditure is at 75.7% of Y-T-D budget and is primarily due to doctor servicing invoices not yet received, as well as employee costs being less than budgeted as a result of the Environmental Health Officers position being vacant.

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b></p>
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*Community Amenities*

Income is at 176.3% of Y-T-D budget and is due to the SuperTowns grant. This does present a true variance and the budget will be amended at budget review.

*Recreation and Culture*

Expenditure is at 74.7% of Y-T-D budget. This is due to salaries and materials and contracts being less than budgeted. This can partly be explained by the recognition of accrued salaries as at the 30 June 2011 and reversed on 1 July 2011. In addition, there was a significant number of Parks and Gardens Staff taking annual leave over the first two months of the financial year.

A further examination of timesheets suggest a significant portion of the parks and garden teams hours are being directed to other departments in the first half of the year, such as septic tank cleaning, waste site maintenance, road patching and verge maintenance. This is being monitored, it currently presents an allocation issue rather than a true cost saving. This information will be used for formulating the 2012/2013 budget.

Further information regarding this has been received from the Technical Services Department during the budget review process as follows;

*“There are several reasons for the parks & gardens to be down slightly for the 6 month period of the budget expenditure, which are as follows.*

- 1. The septic truck had been running for 1 day a week (26 days) emptying Beachridge sewerage pit.*
- 2. We have been running one person down for most of the 6 months since [employee] resigned, [employee] filled that position then [employee] has been on sick leave without pay for over two months.*
- 3. There has been capital works projects P&G staff have spent time engaged in, jetty, Collinson Park footpath, Turquoise path.*
- 4. We have spent more time at Beachridge on swales.*
- 5. More time is being spent at the Jurien Waste Landfill site, 2 days a week.*
- 6. Waiting for a fertilizer order to arrive worth \$20,000.*
- 7. Reticulation pump order still coming worth \$4,000.*

*I hope this explains the short fall, which if you took into account would be close to the 6 month target.”*

*Economic Services*

Expenditure is at 71.2% of Y-T-D budget. This is due to less than budgeted expenditure related to tourism and the Local Tourism Planning Strategy.

*Other Property and Services*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

Income is at 115.0% of Y-T-D budget and is due to unexpected private works income received for the clearing of seaweed from the Jurien Bay Marina, as well as an insurance reimbursement for a burnt trailer.

Expenditure in at 221.0% of Y-T-D budget and is due to no cost allocations of plant operations. The Y-T-D budget attempts to allocate the plant operation costs to individual jobs through timesheets. However, the Y-T-D budget evenly distributes these on-costs and does not give consideration of the timing of the actual expenses.

Should Councillors wish to raise any issues relating to the 31 March 2012 financial statements, please do not hesitate to contact the Manager Corporate Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

**CONSULTATION**

- Chief Executive Officer

**STATUTORY ENVIRONMENT**

- Regulation 34 of the Local Government Financial Management Regulations (1996)

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

There are no adverse trends to report at this time.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

**ATTACHMENTS**

Circulated with the agenda is the following item relevant to this report:

- Financial statements for the period ending 31 March 2012  
**(Marked 9.1.3)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Russell**

**That the monthly financial statements for the period ending 31 March 2012 be adopted.**

**CARRIED 7 / 0**

*Mr Peter Varelis left the Council Chambers at 4.23pm*

## 9.2 WORKS AND PLANT

### 9.2.1 ROAD VERGE WEED MANAGEMENT STRATEGY

Location: Shire of Dandaragan  
 Applicant: West Midlands Group  
 File Ref:  
 Disclosure of Interest: None  
 Date: 11 April 2012  
 Author: Allan Rourke, Engineering Technical Officer  
 Signature of Author: 

Senior Officer: Ray Pepper, Manager Technical Services and Works  
 Signature of Senior Officer: 

#### PROPOSAL

That Council consider the endorsement of the Road Verge Weed Management Strategy.

#### BACKGROUND

In 2008 The Roadside Conservation Committee undertook the surveying of 918km of road reserve within the Shire of Dandaragan. Before the Ordinary Council Meeting on 22 March 2012 the West Midlands Group presented Council with the Road Verge Weed Management Strategy Report.

#### COMMENT

The following is an extract from the Road Verge Weed Management Strategy prepared by Alison Cooke on behalf of the West Midlands Group:

*“The Shire of Dandaragan is responsible for the maintenance of 1,363km of roadways and associated road reserve within the Shire boundaries which encompass 668,507 hectares. This Road Verge Weed Management Strategy makes an assessment of the extent of weeds across three major Shire roads and recommends a course of action, while outlining challenges associated with adopting a herbicide spray program.*

*Maintenance of the road reserve is primarily concerned with providing a safe and efficient transport route. If not appropriately maintained, roadside vegetation can affect: driver safety; the useful life of the road infrastructure; and present a fire risk where high fuel loads accumulate. The Shire’s ultimate aim is to maintain good roadways whilst minimising its annual and recurrent maintenance costs.*

*This report involved a survey of three roads – North West Road, Dandaragan Road and Badgingarra Road - in total 141km. According to the Shire of Dandaragan, the annual average cost of mechanical slashing for road verge weed control is \$75,000. This is a costly and dangerous practice and requires the tractor and slasher to be in operation, year round. In addition, the slasher has the effect of spreading weed seeds if weeds are slashed after seed set and where the slasher is not cleaned down before moving to*



*new sections of road.*

*A survey of weeds and roadside vegetation on these three roads noted: the type and extent of weeds on the roadsides; the width of road verges; and the condition of native vegetation within the road reserve. Typically, 'African love grass' is found in the roadside drain and where there is little or no remnant vegetation to the fence line, then weeds – African love grass, radish, wild oats and perennial veld grass - predominate. Where there is remnant vegetation, African love grass is again common in the drain, with perennial veld grass and wild oats scattered throughout the native vegetation.*

*A mixture of herbicides to treat the grasses and broadleaf weeds in the drain, coupled with grass selective herbicides in the native vegetation could reduce the roadside weeds in the Shire, but this approach needs to be long term, thorough and methodical. Herbicide resistance is a real risk and monitoring – to assess weed kill and herbicide efficacy - will have to be constant, with good documentation.*

*Integrated Weed Management - a co-ordinated approach to weed control, such as physical removal or slashing, combined with chemical control - will help to prolong the useful life of herbicides. In addition, weed sensor technology may have applications in years to come. WeedSeeker® technology makes use of advanced optics to detect a weed which then signals a spray nozzle to deliver a predetermined amount of herbicide. Only weeds are sprayed, rather than a blanket coverage being applied to, what is sometimes bare ground.*

*Roadways are used by the public and they are bounded by farmland. Weed seeds are carried by water, the wind, animals and spread by agricultural and road maintenance machinery. The idea of removing all weeds from the roadside is not only a costly exercise, it would seem impossible. Weeds are disturbance opportunists - removal of one weed leaves an opening for another. The source of the weed seed needs to be considered as part of this approach. Removing flat sedge from a roadside culvert is a waste of time unless the source of the seed is eradicated higher in the catchment.*

*The Shire of Dandaragan needs to adopt a strategic approach to weed control on its road reserves. Declared plants have to be the first priority since the Shire has a statutory obligation. Beyond Declared plants, constant follow up is essential until the weed seed bank is exhausted, with not only the removal of woody weeds such as tagasaste, but also annual and perennial weeds that are to be sprayed. All the while, the Shire must work within the myriad legislation relating to land clearing, Declared and Rare Flora and work within the protocols if an infestation of Phytophthora dieback is confirmed.*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
--

*Once weeds have been eradicated, revegetation of native roadside vegetation is the ideal, but it remains a challenge due to weeds, seasonal conditions and rabbits. Revegetation only makes sense where the new planting will link blocks of good quality remnant vegetation. Given the challenge of establishing young plants, the emphasis should be on preserving and improving the native vegetation remaining on road verges.*

*In considering a Weed Management Strategy, the Shire of Dandaragan will have to first set some goals. These will be influenced by a number of constraints, not restricted to, but including the following:*

- *financial – cost benefit analysis of current practices versus new approach*
- *legal – public liability issues associated with providing a safe transport corridor*
- *regulatory – state and federal legislation*
- *practical objectives - agree on a realistic level of weed control*
- *staffing – current and future implementation of the strategy*

*Having satisfied its legal obligations, the Shire needs to establish a level of weed control that is desirable and achievable. The goal of 100 percent weed control is impractical and idealistic. Within the cost benefit analysis, the full cost of implementing a spray program in-house needs to be compared to engaging a specialist spraying contractor to deliver the service. Consideration needs to be given to capital set up costs, appropriate training of staff, public liability insurance to cover spray drift and ongoing Occupational Health and Safety risks.”*

#### CONSULTATION

- West Midlands Group
- Alison Cooke

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

#### STRATEGIC IMPLICATIONS

To use the Road Verge Weed Management Strategy as the basis for managing road side verges in the future

#### ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Road Verge Weed Management Strategy  
**(Marked 9.2.1)**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

VOTING REQUIREMENT

Simple Majority

*Mr Peter Varelis returned to the Council Chambers at 4.27pm*

*Mr Scott Clayton left the Council Chambers at 4.27pm*

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr McGlew**


**That Council;**

- 1. endorse the Road Verge Weed Management Strategy as attached;**
- 2. acknowledge the fourteen recommendations as outlined in the Road Verge Management Strategy; and**
- 3. use the Road Verge Management Strategy as a guide for the strategic management of road verges in the Shire of Dandaragan.**

**CARRIED 7 / 0**

**9.3 ADMINISTRATION**

**9.3.1 APPLICATION OF COMMON SEAL**

Location:	N/A
Applicant:	Shire of Dandaragan
Document ID:	4230
Disclosure of Interest:	None
Date:	10 April 2012
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

*Cr Holmes disclosed a financial interest due to being the owner of the Pinnacles Caravan Park and left the Council Chambers at 4.31pm.*

**PROPOSAL**

To seek Council's endorsement for the application of the Shire of Dandaragan's common seal on the following documents:

1. Deed of Surrender of Lease between Holmes Holidays Pty Ltd, Peter Frederick Holmes and Shire of Dandaragan
2. Form LAA-1047 Surrender of Lease (S) between Holmes Holidays Pty Ltd and Shire of Dandaragan
3. Lease of Crown Land (L) between Holmes Holidays Pty Ltd and Shire of Dandaragan
4. Jurien Bowling Club Inc Loan Agreement for \$200,000 (Loan No 130) from Western Australian Treasury Corporation to the Shire of Dandaragan dated as of 23 March 2012

**BACKGROUND**

The Shire of Dandaragan's common seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
--

Application of the Seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the Seal is applied.

Generally, the common seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the Seal is required to be applied urgently and Council's endorsement is sought retrospectively.

COMMENT

Not applicable

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

*Mr Scott Clayton returned to the Council Chambers at 4.32pm*

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Sheppard**

**That Council endorse the affixing of the Shire of Dandaragan's common seal to the following documents:**

- 1. Deed of Surrender of Lease between Holmes Holidays Pty Ltd, Peter Frederick Holmes and Shire of Dandaragan;**
- 2. Form LAA-1047 Surrender of Lease (S) between Holmes Holidays Pty Ltd and Shire of Dandaragan;**
- 3. Form Approval No LAA-1022 Lease of Crown Land (L) between Holmes Holidays Pty Ltd and Shire of Dandaragan; and**
- 4. Jurien Bowling Club Inc Loan Agreement for \$200,000 (Loan No 130) from Western Australian Treasury Corporation to the Shire of Dandaragan dated as of 23**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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**March 2012.**

**CARRIED 6 / 0**

*Mr Bob Bower left the Council Chambers at 4.33pm*

*Mr Ray Pepper left the Council Chambers at 4.34pm*

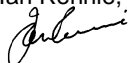

*Mr Bob Bower returned to the Council Chambers at 4.34pm*

*Cr Holmes returned to the Council Chambers at 4.34pm*

*1 member of the public entered the Council Chambers at 4.34pm*

*The President read aloud the resolution of Council*

### **9.3.2 ANNUAL GENERAL MEETING OF FIRE CONTROL OFFICERS**

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
File Ref:	
Disclosure of Interest:	None
Date:	3 April 2012
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### **PROPOSAL**

To consider the matters raised at the Annual General Meeting of Fire Control Officers held at Badgingarra on 21 March 2012.

#### **BACKGROUND**

Every year, the Fire Control Officers of the Shire of Dandaragan hold an annual meeting in order to carry out the election of various office bearers and to raise any issue pertaining to bushfire control. The meeting was held on Wednesday, 21 March 2012.

#### **COMMENT**

A copy of the minutes of the Annual Meeting of Fire Control Officers is attached to the Council Agenda.

The matters that require Council to consider and in some cases endorse are as follows:

- Elections;
- Cancellations / Approval of Bushfire Control Officers;
- Appointment of a Fire Weather Officer as an authorised person under the Bushfires Act;
- Appoint the Shire of Dandaragan as an approved Local Government in accordance with the Bushfires Act; and
- Presentation to various Bushfire Control Officers of long service awards.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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During the meeting, the Fire and Emergency Services Authorities representatives advised the meeting incorrectly that approximately two years ago Council had been approached by FESA to become an authorised Local Government which means that in certain circumstances the authorised Fire Weather Officer could overrule the ruling by the Bureau of Meteorology in regard to severe or extreme weather conditions.

It was indicated to the meeting that Council had never considered nor resolved on this issue. This was subsequently found to be incorrect.

Following the meeting, the Fire and Emergency Services Authority had advised Council that in fact Council had considered the matter and that it was an authorised Local Government for the purposes of the Bushfires Act.

#### CONSULTATION

- Bushfire Control Officers
- Fire and Emergency Services Authority
- Department of Environment and Conservation

#### STATUTORY ENVIRONMENT

Bushfires Act 1954

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Minutes of the Annual General Meeting of the Fire Control Officers of 21 March 2012

**(Marked 9.3.2)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Gibson**

**That Council;**

- 1. Endorse the appointment of Mr Richard William Allen as the Chief Bushfire Control Officer / Fire Weather Officer / Clover Burning Permit Officer for a period until the 2013 Annual General Meeting of Fire Control Officers;**
- 2. Endorse the appointment of Messrs Aubrey Panizza, Peter**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

- Damian Ivey and Hugh Bryan Roberts as Deputy Chief Bushfire Control Officers for a period until the 2013 Annual General Meeting of Fire Control Officers;
3. Endorse the appointment of Messrs John Alistaire Auld, Richard James Brown and Aubrey Panizza as Deputy Fire Weather Officers for a period until the 2013 Annual Meeting of Fire Control Officers; and
  4. Accept the cancellation of the appointment of Mr Herbert Charles Roberts as a Fire Control Officer.

**CARRIED 7 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Russell, seconded Cr Bailey

In view of the fact that the Shire of Dandaragan is an approved Local Government in accordance with the Bushfire Act, that Council appoint the Fire Weather Officer as an authorised person for the purposes of the Act.

**CARRIED 7 / 0**


**OFFICER RECOMMENDATION 3 / COUNCIL DECISION**

Moved Cr McGlew, seconded Cr Bailey

That Council's appreciation and congratulations be passed on to Mr Allen, Mr Panizza and Mr Roberts in receiving long service awards and Mr Hobden being presented with a 10 year medal as well as the National Medal for 15 years service.

**CARRIED 7 / 0**

**9.3.3 CONSULTATION PAPER – RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL**

Location:	N/A
Applicant:	N/A
File Ref:	FID8105
Disclosure of Interest:	None
Date:	11 April 2012
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

**PROPOSAL**

To consider the Draft submission in relation to the recently announced *Resolution of Misconduct Complaints at the Local Level Consultation Paper (March 2012)*.

**BACKGROUND**

The following is an extract from the Executive Summary of the Resolution of Misconduct Complaints at the Local Level Consultation Paper (Consultation Paper):

*In 2010, Hon John Castrilli MLA, Minister for Local Government, requested the Department of Local Government to undertake a*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

*review of the Local Government Standards Panel (Standards Panel) and its supporting legislation. The Minister has considered the Report of the Review Committee and has identified that there is an opportunity to implement a more effective process for resolving complaints against elected members involving low-level misconduct.*

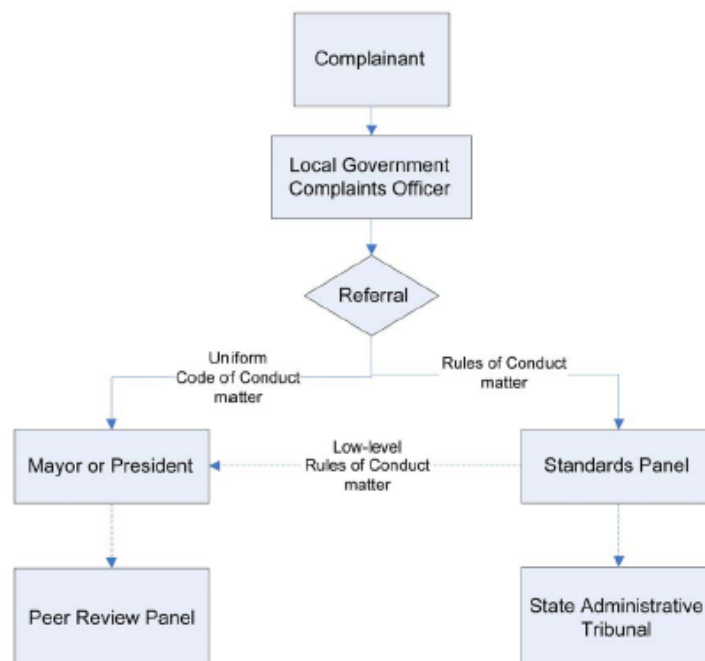
*Specifically, data contained in the report highlighted that:*

- *the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;*
- *the total number of complaints made were attributable to approximately one quarter of all local governments;*
- *over 75 per cent of allegations made to the Panel resulted in findings of no breach in the 2010/11 financial year;*
- *the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and*
- *under current legislation, the Standards Panel is required to deal with every allegation made.*

*Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with misconduct complaints of a low-level nature. This solution would be designed to complement and streamline the operations of the Standards Panel.*

The proposed model for dealing with complaints involves a “two pronged” approach whereby those complaints that are “low level” will be decided by the Mayor or President in the first instance then the Peer Review Panel.

The following is the proposed model from the Consultation Paper:





**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

The attached draft submission and the comments later in this report will address specifically both the positives and negatives for such an approach.

Since the establishment of the Standards Panel in 2007, it can be argued that the majority of allegations referred to the Standards Panel were perhaps either in fact not a breach, or vexatious / frivolous complaints.

The following table from the Consultation Paper highlights this point:

<b>Minor Breach Allegations Completed 1 July 2010 to 30 June 2011</b>										
<b>For Minor Official Conduct Projects</b>										
	<b>Breach of Meeting Procedures Local Law (Standing Orders)</b>	<b>General Principles Governing Elected Member Behaviour</b>	<b>Improper Use of Information</b>	<b>Miscellaneous</b>	<b>Misuse of Local Government Resources</b>	<b>Non-Disclosure of Interest Adverse to Impartiality</b>	<b>Prohibition Against Involvement in Administration</b>	<b>Relations with Local Government Employees</b>	<b>Securing Personal Advantage or Disadvantaging Others</b>	<b>Total</b>
<b>No Breach</b>	14	3	3	2	2	5	7	12	25	73
<b>Public Apology</b>	2							5	2	9
<b>Training</b>	5									5
<b>Public Censure</b>			1						2	3
<b>Complaint Dismissed</b>					1				1	2
<b>No Jurisdiction</b>								1		1
<b>Censure and Public Apology</b>									1	1
<b>Total</b>	<b>21</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>18</b>	<b>31</b>	<b>94</b>

Source: Department of Local Government, *Annual Report 2010-11*.

Minister Castrilli requested the Department for Local Government (DLG) to undertake a review of the Standards Panel and supporting legislation as stated above in 2010.

A report was presented to the Minister by the Standards Panel Review Committee with the data highlighting:

- *the number of complaints submitted to the Standards Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;*
- *the total number of complaints made were attributable to approximately one quarter of all local governments;*
- *most allegations made to the Panel resulted in findings of no breach;*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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- *the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and*
- *under current legislation, the Standards Panel is required to deal with every allegation made.*

As a result of this, the Minister has requested the DLG to investigate the implementation of a locally based process for dealing with “low level” misconduct.

### COMMENT

#### **Current Process**

Since the establishment of the Standards Panel, there have been a number of breaches reported by local governments. As stated above, there is concern at the time and resources being allocated to a large proportion of complaints that could have been dealt with at a local level.

The fact that under the current legislation the Standards Panel is required to deal with every allegation has produced lengthy response times, possibly wasted resources on vexatious or frivolous complaints and perhaps defeats the original purpose of what the Standards Panel was originally established for.

It is the opinion of the author that a process is required to deal with minor complaints at a lower level rather than be referred to the Standards Panel. However, the method of how these complaints are dealt with requires further consideration.

Under the proposed model the integral feature is to amend the Local Government Act 1995 to:

- a) *empower the Standards Panel to refer a low-level breach of the Rules of Conduct regulations for assessment by the relevant Mayor or President (see figure 2);*
- b) *to allow the Standards Panel to reject complaints on the basis that they are trivial or vexatious. This will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel.*

#### **Proposals**

##### *Referral to the Mayor or President of Low-level Allegations*

The Consultation Paper proposes that low-level allegations of misconduct be referred to the Mayor or President (as opposed to the Standards Panel) for assessment and resolution. The Mayor or President would have a range of options to deal with a complaint which could include the power to dismiss it, order mentoring or training or refer it to a Peer Review Panel.

It is questionable whether an elected member, who generally operates on a voluntary capacity, should be tasked with such

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

responsibility. Complaints handling is an administrative process, and this proposal would add a significant burden to the existing role of Mayor or President.

This proposal also negates the risk that internal political processes could put unnecessary pressure on an individual to dismiss a complaint even if it were legitimate. The role of Mayor or President would then significantly change as to one of a community and Council leader to the role of an adjudicator and administrator.

The role of considering minor complaints should not be one of an Elected Member and should be dealt with in the proposed Peer Review Panel (PRP).

*Uniform Code of Conduct for Elected Members*

It is proposed that a uniform code of conduct for elected members that will encompass the Rules of Conduct. It is anticipated that a uniform code of conduct would also reflect the existing general principles to guide the behaviour of elected members included in the Rules of Conduct Regulations.

It should be noted that a uniform code of conduct will guide the behaviour of elected members, and is not intended to replace existing local government codes of conduct which guide the behaviour of local government employees (as required by section 5.103 of the Local Government Act 1995).

There is little detail in the Consultation Paper as to what the Uniform Code of Conduct would actually contain, as it suggests it will be developed with appropriate stakeholders. Of concern is the fact that this Code would then become a part of legislation, binding actions of poor behaviour into complaint mechanisms that would need to be addressed by the Mayor or President.

Of particular concern could be the risk of behaviour outside of Council functions or the Council Chamber. There is a risk that this approach could encourage an influx of complaints that would then need to be considered by the Mayor or President.

*Establishment of Peer Review Panels*

The Consultation Paper proposes the establishment of a system of Peer Review Panels to deal with low-level complaints that cannot be resolved by the Mayor or President. Each panel would be drawn from an approved pool of experienced local government personnel and would be paid for by the local government concerned. The Panels would have similar powers to the Mayor or President in dealing with complaints but their decisions would not be reviewable.

The establishment of such a Panel is supported. However, there is

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b></p>
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no need to refer just the complaints that cannot be resolved by the Mayor or President, this Panel should deal with all complaints of a low level nature AND the costs associated should be borne by the State and not the local authority.

*Proposed new Powers for Standards Panel*

The CP proposes that the Standards Panel be given the power to refer an allegation of a low-level breach of the Rules of Conduct to the relevant Mayor or President. Guidelines would help define such matters.

The Standards Panel should be given the Power to refer low-level breaches to the Peer Review Panel. Not the Mayor or President in line with the previous comments.

*Handling of Vexatious or Frivolous Complaints*

The Consultation Paper proposes that the Standards Panel and Mayors and Presidents be given the power to decide not to deal with complaints they consider frivolous or vexatious. Guidelines would assist their decision making and any such decisions would not be reviewable.

This is not a power that should rest with the Mayor or President, for the same reasons as mentioned above. These should be dealt with by the Peer Review Panel.

CONSULTATION

- Department of Local Government
- WALGA
- LGMA

STATUTORY ENVIRONMENT

- Local Government Act 1995
- Local Government (Official Conduct) Amendment Act 2007
- Local Government (Rules of Conduct) Regulations 2007

POLICY IMPLICATIONS

There are no policy implications to this item.

FINANCIAL IMPLICATIONS

There are no financial implications to this item. However proposed changes could see an added cost should official complaints be lodged.

STRATEGIC IMPLICATIONS

There are no strategic implications in regard to this item.

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

- Resolution of Misconduct Complaints at the Local Level Consultation Paper (Department of Local Government March 2012)
- WALGA Infopage regarding Misconduct Complaints at the Local Level Consultation Paper
- Draft submission in relation to the Resolution of Misconduct Complaints at the Local Level Consultation Paper
- Officer Recommendation to WALGA State Council Meeting 2 May 2012.

**(Marked 9.3.3)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**



**Moved Cr Gibson, seconded Cr Russell**

**That Council endorse the attached submission as its response to the Resolution of Misconduct Complaints at the Local Level Consultation Paper prepared by the Department of Local Government.**

**CARRIED 6 / 1**

**9.4 TOWN PLANNING**

**9.4.1 FINAL ADOPTION: LOCAL PLANNING POLICY – OUTBUILDINGS AND TEMPORARY ACCOMMODATION IN RURAL RESIDENTIAL AND SPECIAL USE-RURAL DEVELOPMENT ZONES**

Location:	N/A
Applicant:	Shire of Dandaragan
File Ref:	LPS7c
Disclosure of Interest:	None
Date:	28 March 2012
Author:	Peter Varelis, Senior Planner
Signature of Author:	
Senior Officer:	Jerom Hurley, Manager Planning
Signature of Senior Officer:	

**PROPOSAL**

To consider final adoption of a Local Planning Policy relating to Outbuildings and Temporary Accommodation in the Rural Residential and Special Use-Rural Development zones (the Policy). The Outbuildings in Rural Residential and Special Use-Rural Development Zones Local Planning Policy was amended to incorporate requirements for temporary accommodation in the subject zones and was deemed satisfactory for advertising by Council. The Policy has now been advertised and is presented to Council for final adoption.

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b></p>
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**BACKGROUND**

Council at its Ordinary Meeting held 15 December 2011 gave consent to advertise the Policy.

*A copy of the advertised Policy is with the attachment marked 'Attachment 1'.*

Council's intent was to assimilate the Shire's individual Outbuildings and Temporary Accommodation Policies into one Policy that covers both types of proposals in the the Rural Residential and Special Use-Rural Development zones. The Policy provides a framework for the assessment of outbuildings and applications for temporary residents in the Rural Residential and Special Use-Rural Development zones and will be utilised by officers in the assessment process.

The key matters that the Policy seeks to address include but are not limited to:

- Revised objectives to better reflect the intent of the Policy.
- Introduction of provisions dealing with positioning of outbuildings on lots where there are no building envelopes and considerations in relation to the filling of land.
- Provision for lean-tos.
- A table specifying acceptable floor area and ridge heights.
- Criteria outlining when neighbour consultation and consideration by Council is required.
- Provision for Council to approve outbuildings that exceed specified maximums.
- Inclusion of a provision requiring proponents to demonstrate the appropriate management of the visual impacts of outbuildings proposed in the Hill River Heights Rural Residential zone with views from Indian Ocean Drive.
- Inclusion of a provision setting out considerations where an outbuilding is proposed without an existing dwelling on the lot or where the outbuilding is proposed in a location other than behind the dwelling.
- Assimilation of the Shire's Temporary Accommodation (Rural and Special Rural Lots) into the policy with clarification on the use of outbuildings for temporary habitation.
- Standard requirements for outbuildings to developed to an acceptable standard to be used for temporary accommodation.
- A maximum period of time for which temporary accommodation is to be considered at any one time.
- The opportunity for residents to reapply for temporary accommodation in situations where a permanent dwelling has not been constructed on the lot.
- Clarification on what deems an outbuilding habitable and self-contained.
- Requirements for outbuildings to be decommissioned once approval has lapsed or a permanent dwelling has been constructed.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012****COMMENT**

The aim of the Policy is to ensure the proper and orderly development and use of outbuildings in the Rural Residential and Special Use-Rural Development zones. The Policy framework endeavours to protect the overall aesthetics and amenity of neighboring properties in the locality.

This report provides Council the opportunity to consider the recommended modifications following the community consultation period and adopt the finalised version of the Policy for operation and implementation.

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the Policy following the consultation process in response to comments made. In addition to modifications, minor typographical and formatting modifications were made to ensure consistency.

The finalised version of the Policy is presented to Council for final adoption.

*A copy of the advertised Policy is with the attachment marked 'Attachment 2'.*

**CONSULTATION****Advertising / Community Consultation**

The Policy was advertised for public comment in accordance with the provisions of the Shire's Local Planning Scheme No.7.

In addition officers recommended that a copy of the Policy was sent to all landowners in the Rural Residential and Special Use-Rural Development zones.

A total of forty (40) submissions were received and the Policy has been revised based on these comments.

*A copy of the Summary of Submissions and Responses is with the attachment marked 'Attachment 3'.*

**Existing Policy / Revocation**

As the Policy assimilates the Shire's existing Temporary Accommodation (Rural and Special Rural Lots) Policy it is recommended that Council revoke the existing policy to avoid any potential conflicts.

It is recommended that a notice of revocation is published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area, in accordance with clause 2.5(b) of Local Planning Scheme No.7.

STATUTORY ENVIRONMENT

The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area. The Scheme allows Council to amend or rescind its planning policies.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2 of the Scheme.

The Policy does not exempt compliance with all other requirements of the Shire of Dandaragan Local Planning Scheme No.7 and any other policy of Council.

POLICY IMPLICATIONS

If Council adopts the Policy relating to Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones, it will be included in the Shire's Policy Manual.

FINANCIAL IMPLICATIONS

There will be a cost involved in publishing a notice of revocation and advertising the amended policy; this is covered in the adopted budget.

STRATEGIC IMPLICATIONS

The Policy will assist in the procedural and governing aspects of the Shire's development control responsibilities. This includes providing direction and guidance on the floor area and height limit for outbuildings and clearly stipulate the approval processes for outbuildings, within Rural Residential and Special Use-Rural Development zones.

The policy will also provide clarification on the use of outbuildings as temporary accommodation and ensure that there is no contradiction between temporary accommodation and the use of outbuildings for this purpose.

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- *Attachment 1* – Advertised Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Local Planning Policy
- *Attachment 2* – Amended (post-advertising) Outbuildings and Temporary Accommodation in Rural Residential and Special



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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- Use-Rural Development Zones Local Planning Policy
- *Attachment 3 – Schedule of Submission & Responses*  
**(Marked 9.4.1)**

#### VOTING REQUIREMENT

Simple majority

#### OFFICER RECOMMENDATION

That Council:

- Note the submissions received during the advertising of the Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Local Planning Policy (the Policy) as outlined in Attachment 3;
- Pursuant to clause 2.4.2(b) of Local Planning Scheme No.7 adopt the Policy as outlined in Attachment 2;
- Following final adoption of the Policy, notification of the final adoption shall be published once in a newspaper circulating the Scheme area, in accordance with clause 2.4.3(a) of Local Planning Scheme No.7;
- Forward a copy of the Policy to the Western Australian Planning Commission, in accordance with clause 2.4.3(b) of Local Planning Scheme No.7;
- Pursuant to clause 2.5 of Local Planning Scheme No.7 revoke the Temporary Accommodation (Rural and Special Rural Lots) Policy; and
- Following revocation, notification of the revocation shall be published once a week for 2 consecutive weeks in a newspaper circulating the Scheme area, in accordance with clause 2.5(b) of Local Planning Scheme No.7.

#### **COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Bailey**

**That Council:**

- **Note the submissions received during the advertising of the Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Local Planning Policy (the Policy) as outlined in Attachment 3;**
- **Pursuant to clause 2.4.2(b) of Local Planning Scheme No.7 adopt the Policy as outlined in Attachment 2;**
- **Following final adoption of the Policy, notification of the final adoption shall be published once in a newspaper circulating the Scheme area, in accordance with clause 2.4.3(a) of Local Planning Scheme No.7;**
- **Forward a copy of the Policy to the Western Australian Planning Commission, in accordance with clause 2.4.3(b) of Local Planning Scheme No.7;**
- **Pursuant to clause 2.5 of Local Planning Scheme No.7 revoke the Temporary Accommodation (Rural and Special Rural Lots) Policy; and**
- **Following revocation, notification of the revocation shall be published once a week for 2 consecutive weeks in a**

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b></p>
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**newspaper circulating the Scheme area, in accordance with clause 2.5(b) of Local Planning Scheme No.7.**


- **That point 13 under outbuildings be amended to include “(in aggregate)” after 300 m<sup>2</sup>.**

**CARRIED 7 / 0**

*The Officer Recommendation was not carried due to an amendment being made to point 13 under outbuildings to provide clarification.*

**9.4.2 MR S GILMAN, LOT 27 GERONIMO CRESCENT, ALTA MARE, JURIE BAY – PROPOSED SHED.**

Location:	Lot 27 Geronimo Crescent, Alta Mare, Jurien Bay.
Applicant:	Mr S Gilman
File Ref:	08/12
Disclosure of Interest:	Nil
Date:	22 February 2012
Author:	William George, Manager Building Services
Signature of Author:	

Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

To consider an application submitted by Mr S Gilman seeking planning approval for a proposed 142.5m<sup>2</sup> shed with an eaves height of 4.0m and an unspecified ridge height calculated to be 4.33m to be erected on Lot 27 Geronimo Crescent, Alta Mare, Jurien Bay.

**BACKGROUND**

The site is 2.25 ha in area and is zoned ‘Rural Residential’ under Shire of Dandaragan’s current Local Planning Scheme and is developed with a dwelling, an existing greenhouse, and an existing shed of 192.5m<sup>2</sup>. The lot has frontage to Geronimo Crescent.

**COMMENT**

The proposed shed is of steel construction with colorbond Rivergum colour “trim-dek” roof and wall cladding, and the shed is nominated for use as storage shed.

The proposed building setbacks comply with the setback requirements specified in the Design Guidelines for Alta Mare.

Council’s Policy relating to the scale of outbuildings in ‘Rural Residential’ and ‘Special Use Rural Development’ zones states the intent to provide direction and guidance on the area and height of outbuildings that the Council will permit within the ‘Rural Residential’ and ‘Special Use – Rural Development’ zones of the Shire of Dandaragan.

The table for Outbuildings under Section 6(a) for Alta Mare sets

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012

out that the maximum area of permitted outbuildings in total for Alta Mare is 216m<sup>2</sup> (with written approval from adjoining properties owners and Council approval) The permitted wall height is 4.0m which may be increased to 4.2m with written approval from all adjoining properties owners and adequate screening through landscaping. The maximum permitted ridge height is 5.5m.

The proposed new shed in itself is below the maximum area permitted in total for Alta Mare, however the existing shed on the lot with a floor area of 192.m<sup>2</sup>, and without taking the greenhouse structure into account, exceeds the maximum permitted floor area by 119m<sup>2</sup> which is 55% higher than the maximum permitted.

### CONSULTATION

The neighbour consultation process with four (4) adjoining land owners was undertaken by staff but no responses were received.

### STATUTORY ENVIRONMENT

- Building Code of Australia
- Shire of Dandaragan's Local Planning Scheme No 7 requires Planning Approval for all development on properties in this zone.
- Development Standards are contained in Local Planning Scheme No 7, Clause 5.14.
- Clause 5.14.1 (xi) states:  
*"All residences, outbuildings, carports and the like shall be constructed of materials sympathetic to the character of the locality, as may be approved or required by Council. The scale of outbuildings shall be of a domestic nature such that the Rural-Residential amenity of the locality is not prejudiced. Large industrial type buildings will not be permitted."*
- Additional Specific provisions relating to this area are contained under part 3 of Schedule 11 of the Shire of Dandaragan Local Planning Scheme No 7.

### POLICY IMPLICATIONS

Council's Policy relating to building in Alta Mare.

### FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$139.00.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Site Plan
- Floor Plan and elevations  
**(Marked 9.4.2)**

### VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Sheppard**

**That Council refuse approval for the proposed 142.5m<sup>2</sup> shed proposed for Lot 27 Geronimo Crescent, Alta Mare on the basis that the application together with the floor area of the existing shed on the lot provides a total outbuilding floor area grossly in excess of the maximum building area permitted under section 6(a) of Council's Policy Relating to the Scale of Outbuildings – 'Rural Residential' and 'Special Use Rural Development zones.**


**Advice:**


**That the proponent be advised should he be aggrieved by this decision there is a right of review under the Planning and Development Act 2005. An application for review must be submitted in accordance with part XIV of the Planning Development Act 2005 within 28 days of the date of this decision to:**

**The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845**

**CARRIED 7 / 0**

**9.5 HEALTH****9.6 BUILDING****9.6.1 DANDARAGAN COMMUNITY RESOURCE CENTRE – CAFÉ – FUNCTION ROOM ADDITIONS TO BUILDING**

Location:	Dandaragan Community Resource Centre.
Applicant:	Dandaragan Community Resource Centre inc.
File Ref:	BUI6
Disclosure of Interest:	None
Date:	11/04/ 2012
Author:	Will George, Manager Building Services
Signature of Author:	

Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

*Cr McGlew disclosed an impartiality interest to this item as she is the Chair of the Dandaragan Community Resource Centre.*

**PROPOSAL**

The Management Committee of the Dandaragan Community Resource Centre Inc, requests Landlord approval to construct additions to the northerly side of the existing renovated building. (Formerly the Shire office building in Dandaragan)

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012****BACKGROUND**

In May of 2009 Chris Maher Architect was engaged by the Dandaragan Community Resource Centre Management Committee to provide project documents for the overall refurbishment of the building to provide facilities acceptable for a multi-use facility primarily to service the community needs in the town of Dandaragan and nearby district.

The documentation and specifications outlined key areas for renovation work to upgrade the existing building to a standard which provides flexibility for the multi-use requirements of a Resource Centre for the Dandaragan townsite and surrounding environs.

The renovations required the toilet facilities to be upgraded to meet current standards for access for people with disabilities and part of this solution was the construction of an access ramp which culminates with a deck at the entry point to the building to comply with the requirements of the Building Code of Australia (BCA) 2011, and Australian Standard AS 1428.1-2009 as amended.

The architect's documentation includes as STAGE 4 a cafe – function room as part of the access deck with direct communication to the existing kitchen. It is this cafe – function room that the Management Committee of the Dandaragan Community Resource Centre Committee request written consent from the Shire of Dandaragan as Lessor, to construct the additions in accordance with the requirements of clauses 13.1 and 13.2 of the existing lease agreement.

The Dandaragan Community Resource Centre Inc in conjunction with the major tenant have secured substantial funding from available sources which, coupled with monies allocated by the Shire through the Royalties for Regions program have undertaken extensive renovations of the existing former Shire Administration building situated in the townsite of Dandaragan.

The relocation of Council's administrative operations from Dandaragan to Jurien Bay provided the opportunity to develop the existing building to achieve a multi-purpose building asset for the benefit of the Shire and the community as a whole.

The works involved in this renovations programme are approaching completion and provide the opportunity to construct the final stage 4 of the project identified in the Architect's documentation for the overall project vision.

**COMMENT**

Funding became available to undertake the original study of the building and the scope of work required to transform the building into a multi-purpose facility, through the services of an architect who has provided project drawings covering 4 (four) stages of the

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

project as the basis of documentation to upgrade the building to satisfy current requirements of a Class 9b (public assembly) and Class 5 (office) use.

Works to refurbish any building automatically requires by regulation that facilities for people with access and mobility disadvantages are to be provided for as a mandatory requirement for any project. (as at May 1<sup>st</sup>, 2011). The complying access ramp and terminating deck area of 53.1m<sup>2</sup> are a part of the current project stage under construction within the budget funding for the existing stages of the work. The proposed cafe – function room addition is a 32.1m<sup>2</sup> room construction on top the deck and which will open along the front easterly wall onto 21m<sup>2</sup> of alfresco open deck space for the remainder of the available deck floor area. In effect the inevitable deck space is to be surmounted in part by the proposed room to be used as the cafe – function room. (refer to attached floor plan) The additional funding recently approved by Council to relocate existing septic tanks and leach drains was primarily to facilitate the construction of the disability access deck which will underpin the proposal subject of this application to Council.

The main building contractor, JG Brassington of Moora has quoted \$93,000 to construct the proposed addition onto what will be the existing deck and the Dandaragan Community Resource Centre Management Committee is securing funding for the entire cost of the additional work. The funding will include the cost of fitting out the proposed additions which is likely to include tables and chairs. Council will not be requested to provide any additional funding for the work to complete STAGE 4 of the project as outlined above.

The previous stages of the work have progressed within the confines of allocated funding sources to achieve the staged outcomes of the project to this point. The Dandaragan Community Resource Centre Management Committee regard the current proposal and available funding as an opportunity to further enhance the scope and function of the building with improved benefit and flexibility above the results of the first three stages of the work to refurbish the existing building.

The proposed addition is considered to be beneficial as an adjunct to the existing function room created in the former Council Chambers room. The proposed addition serves to provide additional facilities for various other functions from time to time and will increase the capacity and range of functions that can be considered for the Resource Centre. The proposed additions are not intended to be used in direct competition with any other similar service provider in the Dandaragan townsite and in contrast to that possibility the use of the room may on occasions benefit the existing service providers in the town as an additional catering possibility for functions normally catered for at existing venues. The Management Committee regards the additional facility as a

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

benefit to the community as opposed to being a competitor for existing facilities within the community. Further, for the smaller use groups relying on the Resource Centre the additions will serve as a convenient lunchroom for students or seminar groups who may be in attendance at the resource Centre for educational purposes or seminars that may extend over the normal lunch break periods.

The efforts of the Dandaragan Community Resource Centre Inc and the major building tenants, along with the Shire's contributions to date, have ensured that a modern and improved asset is to be realised by the Shire of Dandaragan. Without the injection of funds from various sources the building may have remained as an under-utilised building which would continue to be a maintenance burden for the Council for years to come. The proposal subject of this application to Council further extends the scope and value of the refurbished existing building in Dandaragan.

#### CONSULTATION

The Manager of Building Services has held discussions with the following people involved in the refurbishment work:

- Mr John Brassington, building contractor of Moora;
- Members of the Dandaragan Community Resource Centre Management Committee;
- The Executive Staff members of the Shire of Dandaragan; and
- The Manager Environmental Health for the Shire of Dandaragan.

#### STATUTORY ENVIRONMENT

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia 2011, Volume One for Class 2 to 9 buildings
- Health Act – Public Buildings 1992

#### POLICY IMPLICATIONS

There are no policy implications associated with this item.

#### FINANCIAL IMPLICATIONS

The additions to an existing Shire owned building will involve additional budget costs in the future to maintain the additions in conjunction with any existing costs to maintain the existing building. The lease agreement relating to the responsibilities of the lessee will include the use of the additions to the building as already provided for in the lease Agreement between the Shire of Dandaragan as Lessor, and the Dandaragan Community Resource Centre Inc.

A quantitative estimate of the additional cost is unknown at this time.

Council's Environmental Health Officers will need to undertake at least two (2) Food Premises or Public Buildings inspections during

a twelve month period.

There is no budget allocation from Council for this proposal.

#### STRATEGIC IMPLICATIONS

The strategic implications at this time relate to work currently underway to produce Council's Asset Management Plan as a maintenance strategy for all Council owned properties.

#### ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Overall site plan.
- Floor plan of proposed building additions.
- Elevations of proposed building additions.

**(Marked 9.6.1)**

#### VOTING REQUIREMENT

Absolute majority

#### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Russell, seconded Cr Holmes**

**That Council as Lessor provides written consent in accordance with clauses 13.1 and 13.2 of the Lease Agreement between the Shire of Dandaragan and the Dandaragan Community Resource Centre Inc to allow construction of the proposed additions to the building as shown in the proposal drawings by JG Brassington of Moora.**

#### ***Conditions***

- **The applicant is advised that the existing lease agreement has effect over the proposed additions to the building as described above as if the proposed additions were part of the building subject of the original lease agreement.**
- **The applicant is to obtain Planning Consent for the additions to the existing building prior to applying for a building permit to carry out the proposed building work.**
- **The use of the building will be subject to an occupancy Permit being issued from the permit Authority prior to the use of the proposed new additions.**

**CARRIED 7 / 0**

## **9.7 COUNCILLOR INFORMATION BULLETIN**

### **9.7.1 WALGA – 2012 ASSOCIATIONS HONOUR**

Document ID:

Nominations for the 2012 WA Local Government Association Honours program opened 15 March 2012.

The Honours program is a significant public recognition and



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
--

celebration of the outstanding achievements and lasting contributions made by Elected Members and Officers to their respective Council's, to Local Government as a sector and to the wider community. Awards given as part of the Honours program will be presented to recipients at an awards ceremony held during the 2012 Local Government Convention at the Perth Convention Centre.

Nominations close 5pm on Friday 25 May 2012. No late nominations will be accepted.

Attached to the agenda is a copy of the above mentioned correspondence and a nomination pack is also on hand if required.  
**(Marked 9.7.1)**

**9.7.2 HON MAX TRENORDEN MLC – LOCAL GOVERNMENT AMENDMENT BILL: CHIEF EXECUTIVE OFFICER REMUNERATION**

Document ID: 3643

On Wednesday 7 March 2012 the "Local Government Amendment Bill 2011" successfully completed its passage through Parliament, with the conditional support of The Nationals.

Following the introduction of the Bill into Parliament in October 2011 the Hon Max Trenorden MLC and his parliamentary colleagues immediately raised concern with Minister Castrilli regarding section 5.39 of the bill.

More information is on hand if required.

**9.7.3 NOEL WILLIAMS – MACC FISHING CLUB – IMPRESSED WITH JURIEN BAY**

Document ID: 3617

*"On the long weekend my mates and I stay in Jurien Bay for a week. We fished the state boat comp. I was very impressed with your town, the cleanliness of the streets, the wheelie bin control throughout the town sets an example. But your town beach and jetty swim area was or is exceptional. But wait your boat launch ramp was great! But wait your fish processing facilities were fantastic. Congratulations we loved it all. Can't wait to come back and bring my grandchildren and family."*

**9.7.4 VISION RESEARCH SERVICES – 100 YEAR ANNIVERSARY OF WW1 IN 2014**

Document ID: 3616

1914 saw the first of our troops leave from Albany Western Australia to participate in the fighting of WW1. The last sighting they had of Australia was Mt Clarence in Albany and for many of them it was to be the last sighting of their homeland.

2014 will see numerous celebrations across Australia and the globe as we honour those brave and very young men who fought for our freedom.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
--

Early bird prices are still on offer however these will increase from \$25 to \$35 in June 2012.

Attached to agenda is a copy of the above mentioned correspondence. **(Marked 9.7.4)**

**9.7.5 ALGA – CLEAN UP AUSTRALIA – BOOMERANG ALLIANCE – PROGRESSING A NATIONAL CONTAINER DEPOSIT SCHEME**

Document ID: 3017

*“We are writing to urge you to have your say in support of a national Container Deposit Scheme (CDS) following the release for comment of the Consultation Regulation Impact Statement (RIS) on Packaging.”*

The Consultation RIS was released for comment in December 2011 by the COAG Standing Council on Environment and Water and submissions have been sought by 30 March 2012.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.5)**

**9.7.6 LOCAL GOVERNMENT NEWS – ISSUE NO 8.12 – 27 FEBRUARY 2012**

Document ID: 3034

Inside this issue:

- Local Government Emergency Management Forum – Change of Date
- Get Ready for the 2012 Blessing of the Road Campaign
- Local Government Service Delivery to Aboriginal Communities Forum
- Bill Payment Preferred Supply Update
- Officer Training
- Elected Member Training
- Microsoft Big Picture Experience
- Department of Climate Change and Energy Efficient Information Seminars
- Procurement Reform – Costing and Pricing for the Disability Sector
- Grants Available – Local Government Injury Prevention and Community Safety Capacity Building Project.

**9.7.7 OFFICE OF THE APPEALS CONVENOR – APPEALS AGAINST DECISION NOT TO ASSESS – DRILLING PROGRAM AND HYDRAULIC FRACTURE STIMULATION IN EP407 – WARRO GAS FIELD – SHIRE OF DANDARAGAN**

Document ID: 3364

The Minister for Environment has determined the appeals lodged in objection to the decision of the Environmental Protection Authority not to assess to above proposal.

A copy of the Minister for Environment’s appeal determination is on hand if required.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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**9.7.8 LOCAL GOVERNMENT NEWS – ISSUE 10.12 – 12 MARCH 2012**

Document ID: 3469

Inside this issue:

- Container Deposit System Policy Forum – Expression of Interest
- WA Transport and Roads Forum 2012 – Registrations Now Open
- Draft River Protection Strategy for Public Comment
- Adaption Planning Policy Guideline – Out for Comment
- Council's Online is Going Live
- WALGA Integrated Bill Pay Solution
- Status of Coastal Planning (Biennial Audit) – Request for Information
- Children and Youth People Wellbeing Report Released

**9.7.9 LOCAL GOVERNMENT NEWS – ISSUE 11.12 – 19 MARCH 2012**

Document ID: 3659

Inside the issue:

- Do You Support The Introduction of a Container Deposit System in WA?
- Draft WA Bicycle Network Plan (2012 – 2021)
- 2012 Banners in the Terrace Final Reminder
- WALGA Integrated Bill Pay Solution – Important Update
- Officer Training
- State Underground Power Program: Consultation Workshop
- ALGWA National Conference 8 – 10 November
- Meeting Procedure and Debating for Elected Members

**9.7.10 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 23 MARCH 2012**

Document ID: 3907

Inside this issue:

- Draft State Coastal Planning Policy 2.6 Information Session
- State Planning Policy – Activity Centres Parking
- 2012 PIA State Conference
- Make My City Work
- Building Regulations 2012 and Proclamation of the Building Act 2011
- Draft WA Bicycle Network Plan (2012-2021)
- ALGWA National Conference
- Role and Expectations of Rural-Remote & Indigenous LG
- RAC Bike Futures Seminar
- Active Living 101
- 2012 Community Safety Awards
- Indigenous Workforce Development and Employment Forum
- Working with Children Checks
- Regional Child Care Development Fund
- Neighbourhood Watch Street Sign Audit Assistance Requested
- Reminders
- Grants

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
--

**9.7.11 WALGA INFOPAGE – METROPOLITAN LOCAL GOVERNMENT REVIEW**

Document ID: 3896

Key Issues:

- Metropolitan Local Government Review Panel to release Draft Findings on 13 April 2012
- Submissions to the Panel are required by 11 March 2012
- Feedback to WALGA is requested by 3 May 2012

**9.7.12 DEPARTMENT OF LOCAL GOVERNMENT – NEW COMMUNITY ENGAGEMENT RESOURCES**

Document ID: 3873

New Resources are now available on the Integrated Planning and Reporting website to support community engagement by local governments.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.12)**

**9.7.13 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 16 MARCH 2012**

Document ID: 3653

Inside this issue:

- Councils Online is Going Live
- Status of Coastal Planning
- Draft State Coastal Planning Policy 2.6 Information Session
- Building Act 2012 Info Seminars
- Building Regulations 2012
- EPBC – Is It Preserving Biodiverse and Uniquely Australian Cities
- Municipal Service Delivery to Aboriginal Communities
- Role and Expectations of Rural-Remote 7 Indigenous Local Government
- New Active Transport Website
- Community Event Grants
- Active Living 101
- Neighbour Day WA
- LG Emergency Management Forum
- Sport and Recreation Facilities
- Putting Business to Work for Health
- Children and Young People Wellbeing Report
- Reminders
- Grants

Attached to the agenda is a copy of the above mentioned newsletter. **(Marked 9.7.13)**

**9.7.14 CORRESPONDENCE FROM TERRY HUGHAN**

Document ID:

Attached to the agenda is a couple of pieces of correspondence from Terry Hughan following his heart attack in early March. **(Marked 9.7.14)**

**9.7.15 WALGA INFOPAGE – WASTE STRATEGY FOR WA RELEASED**

Document ID:

Key Issues:

- The State Waste Strategy has been released and contains targets for Municipal Solid Waste
- The Waste Authority has indicated there will be opportunities for engagement on their Business Plan, which will outline funding to assist with implementation of the Strategy

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.15)**

**9.7.16 MINISTERIAL MEDIA STATEMENT – JOHN CASTRILLI – NEW REPORTING MODEL FOR LOCAL GOVERNMENT MISCONDUCT**

Document ID:

A proposal to streamline how local governments deal with local level misconduct allegations has been put forward by Local Government Minister John Castrilli.

Attached to the agenda is a copy of the above mentioned Ministerial Statement. **(Marked 9.7.16)**

**9.7.17 TIWEST – 2011 ANNUAL ENVIRONMENTAL REPORT – COOLJARLOO**

Document ID: 4024

A copy of the above mentioned report is available to view in the Jurien Bay Library.

**9.7.18 MINISTERIAL MEDIA STATEMENTS – SIMON O'BRIEN – MILESTONE FOR BUILDING INDUSTRY**

Document ID:

A major plank of the Liberal-National Government's modernisation of the State's building industry will come into effect on 2 April 2012 when the Building Act 2011 becomes operational.

*"This is a significant milestone for Western Australia's building industry and of course those people building new homes. Outdated laws of more than 50 years standing are being replaced with modern and sustainable systems to benefit everyone,"* Mr O'Brien said.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.18)**

**9.7.19 NBN CO – MEDIA RELEASE – MORE THAN 395,000 WA HOMES AND BUSINESSES IN NBN THREE-YEAR PLAN**

Document ID:

On the 29 March 2012 NBN Co announced the largest stage of the National Broadband Network rollout to date, and more than 395,000 Western Australia homes and businesses are included in the three-year plan.

*“Over the next three years the fibre optic component of the network will be in the process of being rolled out to or operating in around 200 communities in towns and suburbs across the state.”*

More information is on hand if required.

**9.7.20 REGIONAL DEVELOPMENT AUSTRALIA – MEDIA RELEASE – WHEATBELT STRATEGIC FRAMEWORK LAUNCHED AT INAUGURAL WHEATBELT LOCAL GOVERNMENT CONFERENCE**

Document ID:

On 30 March 2012 Regional Development Australia (RDA) Wheatbelt and the Wheatbelt Development Commission (WDC) launched the “Wheatbelt Strategic Framework” in front of more than 100 delegates at the Wheatbelt Local Government Conference, held in York.

The strategic framework is a collaborative effort to the staff and board of RDA Wheatbelt and WDC.

More information is on hand if required.

**9.7.21 LOCAL GOVERNMENT NEWS – ISSUE NO 13.12 – 2 APRIL 2012**

Document ID: 4080

Inside in this issue:

- Resolution of Misconduct Complaints at the Local Level
- ABC Monitoring Radio Interview with WALGA President
- WA Transport and Roads Forum 2012 – Registrations Now Open
- WALGA President’s Scholarship – Diploma of Local Government for Elected Members – 2013 Nominations Now Open
- Vacancies on Boards and Committees
- MWAC Information Bulletin
- Impact of the Clean Energy Future Package on Local Government

**9.7.22 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 30 MARCH 2012 EDITION 58**

Document ID: 4043

Inside this issue:

- 2012 PIA State Conference
- Draft WA Bicycle Network Plan (2012-2021)
- ALGWA National Conference
- Forum – Preventing Alcohol Violence
- 2012 Heart Foundation Healthy Community Awards
- Role and Expectations of Rural-remote and Indigenous LG
- Neighbourhood Watch Street Sign Audit
- Active Living 101
- 2012 Community Safety Awards
- Working with Children Checks
- Indigenous Workforce Development and Employment Forum

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
--

- Regional Child Care Development Fund
- Association Honours 2012
- ALGWA National Conference
- DAIP Information Sessions
- Reminders
- Grants

### **9.7.23 DEPARTMENT OF LOCAL GOVERNMENT – WA TRAINING AWARDS**

Document ID:

The WA Training Awards are now open.

In their eighteenth year, the Awards continue to recognise the outstanding achievements of apprentices, trainees and vocational students, and the contribution to training made by trainers, training organisations and employers.

Applications close 5pm Friday 11 May 2012.

An application kit is on hand if required.

### **9.7.24 WALGA PLANNING AND COMMUNITY DEVELOPMENT NEWLETTER – 13 APRIL 2012 – EDITION 60**

Document ID: 4346

Inside this issue:

- DAIP Information Session
- Supertowns – an Event for the Regions
- Preventing Alcohol Related Violence - Forum
- Clyde-Hertzman Early Years Seminar
- Final Round Community Healthy Eating and Physical Activity Grants
- Usability and Accessibility Community Testing Tool Loop
- Future Retail Forum
- Communities Further Empowered through Strategic Planning
- 5<sup>th</sup> International Parks Management and Leadership Conference
- Funding Available to Improve Safety and Suicide Hotspots
- Country Local Government Fund Review
- WA Health Promotion Strategic Framework
- Land Use Planning Mechanism to Retain and Protect Biodiversity Locally
- Quick WALGA Snippets
- Reminders
- Grants

### **9.7.25 JURIE BAY DISTRICT HIGH SCHOOL BUSINESS PLAN 2012 – 2015**

Document ID:

Attached to the agenda is a copy of the Jurie Bay District High School Business Plan 2012 – 2015. (**Marked 9.7.25**)

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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**9.7.26 SATELLITE TELEVISION AND RADIO AUSTRALIA – SATELLITE SUBSIDY SCHEME**

Document ID: 4094

*“Most rural Council’s have an urgent decision to make. Do you opt out of delivering television locally via your self help site and opt into the Federal Governments VAST direct to home service?”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.26)**

**9.7.27 CERVANTES CHAMBER OF COMMERCE – 50 YEAR ANNIVERSARY**

Document ID: 4023

*“On behalf of the Cervantes Chamber of Commerce I am writing to you about Cervantes up-coming 50 year Celebrations in 2013.”*

The Chamber is helping co-ordinate these celebrations through the following events:

1. February 2013 – 50’s & 60’s Dance Car Club Festival.
2. Special Cervantes theme category at the 2013 Cervantes Arts Festival which will be in its 10<sup>th</sup> year.
3. Cervantes Golden Jubilee Ball to celebrate Cervantes 50<sup>th</sup> Year at the Country Club. Date to be confirmed for Oct / Nov 2013.
4. i) Community Family Day at Catalonia Park. Date to be confirmed in November. Day will involve participation from all community organisations and will have activities such as family volley day, family cricket, bocce for seniors, sand castle sculpture competition, family BBQ and ice-creams for everybody. Finished off with entertainment and dancing with a band.  
ii) As part of the above a sand sculpture expert will be attending to run a workshop on the Saturday with fun competition on the Sunday.

To help with the above the Chamber is seeking \$10,000 from the Shire of Dandaragan.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.27)**

**9.7.28 STATE HERITAGE OFFICE – NEW HERITAGE REGULATIONS**

Document ID:

The Hon. GM (John) Castrilli MLA Minister for Heritage, announced on 21 March 2012 that new regulations would shortly be introduced that would cut red tape and introduce greater transparency for owners of State Registered properties and decision-making authorities.

The regulations have been gazetted and came into effect on 27 March 2012.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.28)**



**9.7.29 WEST KOOJAN-GILLINGARRA – MINUTES OF THE OGM HELD 7 FEBRUARY 2012**

Document ID: 4101

A copy of the above mentioned minutes are on hand if required.

**9.7.30 WALGA INFOPAGE – REMINDER ON WORKING WITH CHILDREN CHECKS**

Document ID: 4102

Key Issues:

- The Department of Child Protection has prepared an information sheet for Local Governments about the Working with Children Check, which has been established since 2004 to provide an additional safeguard to children by a compulsory criminal record screening for people applying for child-related work.
- A review of the Working with Children Check program is underway, with a period of public consultation recently closing.
- WALGA Workplace Solutions has issued a submission to the review on behalf of the local government industry to reflect member feedback.

**9.7.31 WALGA INFOPAGE – VACANCIES ON BOARDS AND COMMITTEES**

Document ID: 4103

Key Issues:

- Committee Boards and Panels who have requested a representative from Local Government.

The current vacancies are as follows:

- Coastal Rock Fishing Safety Working Group (Re-advertised)
- Edith Cowan University South West Campus (Bunbury) Advisory Board
- Geographic Names Committee
- Trails Reference Group

**9.7.32 WALGA INFOPAGE – RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL**

Document ID: 4104

Key Issues:

- A review of the operation of the Local Government Standards Panel was conducted in 2010.
- In response to the review, the Minister for Local Government proposes the introduction of new processes to deal with low level misconduct at the local level.
- There is a Consultation Paper on hand, released by the Minister, which contains details of the new proposals.

**9.7.33 MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 159 – MARCH 2012**

Document ID: 4105

Inside this issue:

- Vacancy on the Officers Advisory Group
- Shire Investigates Charges for Commercial Waste

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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- Charging Mechanisms for Waste
- Proposed Model out for Comment
- Draft A & NZ Standard out for Comment
- Figures for Clean Up Australia Day 2012
- FluroCycle Program
- Saving Money on Energy
- State Funding for Waste
- Update on the NT CD's
- NSW Shire Looks at Alternatives to Bulk Collections
- Clean Up after Oil Fire
- Reusing Paper
- Recycling Challenge
- UK Can Recycling Initiative

**9.7.34 MINISTERIAL MEDIA STATEMENT – BRENDON GRYLLES – CLGF REVIEW REPORT RELEASED**

Document ID:

Regional Development Minister Brendon Grylls has released the Western Australian Regional Development Trust's review of the Country Local Government Fund (CLGF).

Mr Grylls said the trust had recommended significant changes to the CLGF and it was important that interested parties were able to provide feedback before the State Government responded to the review.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.34)**

**9.7.35 LOCAL GOVERNMENT NEWS – ISSUE NO 14.12 – 9 APRIL 2012**

Document ID:

Inside this issue:

- Local Government as a Regulator
- Changes to Western Power's Vegetation Management Program
- WA Transport and Roads Forum 2012 – Registrations Now Open
- WALGA President's Scholarship – Diploma of Local Government for Elected Members – 2013 Nominations Now Open
- Vacancies on Boards and Committees
- Officer Training

**9.7.36 AUSTRALIAN GREENS SENATOR FOR WESTERN AUSTRALIA**

Document ID: 4226

*"I am writing regarding a community campaign being run through my office calling for substantial investment and improvements to cycling infrastructure in Western Australia communities."*

The campaign utilises new media to provide cyclists with an easy and effective way to respond to the State Governments Bike Plan, which is currently out for public comment.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.36)**

**9.7.37 WALGA – PLANNING REFORMS IMPROVE WA REPORT CARD**

Document ID: 4206

*“The development industry says Western Australia now has one of the best planning approvals systems in the nation but still Local Governments remain frustrated by factors outside of their control.*

*A recent assessment by the Property Council’s Development Assessment Principles Report Card found that in just two years the State’s performance in planning and development has turned around from one of the worst in the nation to one of the best.*

*WA Local Government Association President Mayor Troy Pickard said the stunning turnaround was in a big part attributable to Council’s assisting in and implementing State Government reform process.”*

More information is on hand if required.

**9.7.38 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 6 APRIL 2012 – EDITION 59**

Document ID: 4203

Inside this issue:

- WALGA President’s Scholarship
- ALGWA National Conference 8 – 10 November
- DAIP Information Sessions
- Metropolitan Local Government Review
- Local Government ICT Survey
- 2012 Community Safety Awards
- Indigenous Workforce Development & Employment Forum
- Association Honours 2012
- Healthy Lifestyle Promotion Program
- Quick WALGA Snippets
- Reminders
- Grants

**9.7.39 MEDIA RELEASE – HON MIA DAVIES – \$6.6M INVESTED IN WHEATBELT AGED CARE AND RESPITE FACILITIES**

Document ID: 4163

*“The Royalties for Regions Regional Development Council Action Agenda Funding Scheme has delivered more than \$5.1 million for Central Wheatbelt aged care and respite facilities.*

*Member for the Agricultural Region, Mia Davies said the region would soon benefit from expanded and enhanced care facilities in Kellerberrin and Northam.*

*This Action Agenda funding round was designed to provide an opportunity for large strategic projects in the regions to be funded, Ms Davies said.”*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.39)**

**9.7.40 VOLUNTEERING AUSTRALIA – NATIONAL VOLUNTEER WEEK**

Document ID:

National Volunteer Week will be celebrated from 14<sup>th</sup> to 20<sup>th</sup> May 2012.

The theme for NVW 2012 is: *Volunteers – Everyone Counts*

Please do not hesitate to contact Volunteering Western Australia on (08) 9482 4333 if you require any further assistance with National Volunteer Week.

**9.7.41 MINISTERIAL MEDIA STATEMENT – TERRY REDMAN AND BILL MARMION – GRANTS TO ENHANCE NATURAL ASSETS**

Document ID:

The State Government has pledged \$3 million towards Natural Resource Management (NRM) grants for community groups to undertake important environmental projects.

Agriculture and Food Minister Terry Redman said individual grants of up to \$50,000 were available for conservation and restoration works that rehabilitated or enhanced local land, water, marine or biodiversity areas.

*“The funding is available to groups, including schools, industry, non-for-profit organisations, local government and environmental action groups”, Mr Redman said.*

More information is on hand if required.

**9.7.42 SHARON AND GREG BAXTER – HAPPY STAY AT JURIE BAY**

Document ID:

*“My husband and I had the pleasure of having Easter this year at the Jurie Bay Tourist Park. Like many people, we have driven through Jurie on many occasions and watched the town grow but never stayed.*

*We were very impressed with the Tourist Park (I must admit the ablutions block does need major work done on it even though it was VERY CLEAN) and the grounds were very organised and well kept. The Café was an extra bonus where you could meet friends and have a bite to eat (shame it's not open at night!) The staff were very friendly and we had a great time (so much so, we have rebooked for Xmas and Easter next year). I know this is a privately owned park but it's parks like this that will entice people to stay at Jurie Bay.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.42)**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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**9.7.43 WALGA – ROAD SAFETY ROUND UP – VOLUME 7 – ISSUE 3  
– APRIL 2012**

Document ID:

Inside this issue:

- Blessing of the Roads 2012
- Easter Road Safety and Blessing of the Roads Ceremonies
- Safer Roads and Roadsides
- 2012 Transport and Roads Forum
- Welcome
- Lower Speeds through Merredin
- Seat Belt Reminder Systems Now Mandatory
- Industry Road Safety Alliance
- Community Grants Update
- Skippers in Dardanup
- Road Safety Focus in Toodyay
- Belt up in Regional WA
- Community Safety Awards
- Reviving Drivers in Carnarvon
- Road Safety Display Trailer Update
- Child Care Restraints Update
- Bike Week Activities
- In Brief

**10 NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY  
RESOLUTION OF THE MEETING**

**10.1 ADMINISTRATION**

Any new business of an urgent nature requires a resolution of Council in order to be considered.

The following item requires urgent consideration by Council:

To consider the issue of a request by BCD Pty Ltd, current leasees of the Badgingarra Caravan Park in order to assign the lease to Marlene Neethling

*Cr Holmes disclosed a financial interest in this item due to being an owner of a Caravan Park in the Shire of Dandaragan and left the Council Chambers at 4.56pm*

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Sheppard**

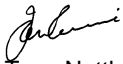

**That the following new business of an urgent nature be considered by Council:**

**To consider the issue of a request by BCD Pty Ltd, current leasees of the Badgingarra Caravan Park in order to assign the lease to Marlene Neethling**

**CARRIED 6 / 0**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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**10.1.1 BADGINGARRA CARAVAN PARK – ASSIGNMENT OF LEASE**

Location:	Badgingarra Lot 172 (Reserve 31366)
Applicant:	BCD Pty Ltd
File Ref:	
Disclosure of Interest:	None
Date:	23 April 2012
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

To consider a request from BCD Pty Ltd for the assignment of the Lease of the Badgingarra Caravan Park to Marlene Neethling.

**BACKGROUND**

The Badgingarra Community Development Group have leased the caravan park at Badgingarra for 21 years. The existing lease was to expire in August 2012 and BCD Pty Ltd requested Council to extend the lease for a period of 21 years and this has now been finalised.

**COMMENT**

BCD Pty Ltd have now requested Council to agree to the assignment of the lease to Marlene Neethling, proprietor of Badgingarra Motors. This matter is considered to be urgent because of the commercial implications of the transaction.

Because the Caravan Park is on a reserve with Council holding a management order over the reserve, it is necessary for Council to agree to the assignment of the lease. All costs associated with the assignment of the lease will be at the expense of the lessee.

Council's Solicitor has prepared a draft Assignment of Lease document and this has been considered by the Department of Lands and is in order for the assignment to occur.

**CONSULTATION**

- BCD Pty Ltd
- Marlene Neethling
- McLeods, Council Solicitors
- Department of Lands

**STATUTORY ENVIRONMENT**

- Land Administration Act
- Caravan and Camping Act

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The current lessees of the Badgingarra Caravan Park will be responsible for all costs associated with the assignment of the lease.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012</b>
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STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Assignment of Lease document  
**(Marked 10.1.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Russell, seconded Cr Gibson

That approval be granted for the assignment of the lease of Reserve 31366, Badgingarra Lot 172 from BCD Pty Ltd to Marlene Neethling subject to the following conditions:

1. All costs associated with the assignment of the lease being met by the lessees;
2. That the Hon Minister for Lands approval be granted to the assignment of the Lease;
3. Subject to payment of any outstanding debts against the property; and
4. That the President and Chief Executive Officer be authorised to sign and utilise the common seal on the Assignment of Lease Document, following satisfaction of all conditions relating to the assignment.

**CARRIED 6 / 0**

*Cr Holmes returned to the Council Chambers at 5.00pm*

*The President read aloud the resolution of Council*

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 5.00pm.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2012**

These minutes were confirmed at a meeting on .....

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....