

SHIRE
of
DANDARAGAN

PUBLIC MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIEN BAY

on

THURSDAY 24 MARCH 2022

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
1.1 DECLARATION OF OPENING

The Deputy Shire President declared the meeting open at 4.00pm and welcomed those present.

"I would like to acknowledge the traditional owners of the land we are meeting on today, the Yued people of the great Nyungar Nation and we pay our respects to Elders both past, present and emerging."

1.2 DISCLAIMER READING

The disclaimer was read aloud as there was one member of the public present.

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

It is strongly advised that persons do not act on what is heard, and should only rely on written confirmation of Council's decision, which will be provided within fourteen days."

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

Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor R Glasfurd	
Councillor M McDonald	
Councillor R Rybarczyk	
Councillor R Shanhun	

Local Government (Administration) Regulations 1996, Regulation 14C(2)(c)(i), attendance by electronic means in public health emergency or state of emergency (Act s.5.25(1)(ba))

In accordance with Regulation 14C(2)(c)(i), the Deputy President advised that he has authorised the attendance of Cr Shanhun and Cr McDonald by electronic means due to the increased level of COVID-19 in the community and isolation requirements, this is consistent with Regulation 14C(2)(b).

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr L Fouché	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022**Apologies**

Councillor L Holmes

Approved Leave of Absence

Nil

Observers

Mrs Norma Crommelin

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mrs Norma Crommelin referred to correspondence with the Shire regarding a number of beehives near her property and enquired about the enforcement of a policy on the keeping of bees in residential areas.

The Executive Manager Development Services explained that the complaint has been investigated and responses were provided by staff to Mrs Crommelin. Council has been briefed on the issue, as well as the current regulatory framework in relation to beekeeping in the Shire of Dandaragan. A draft Local Planning Policy is currently being developed to provide greater clarity for landowners and beekeepers. After consideration and endorsement of the draft policy, it will be released for public consultation.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 24 FEBRUARY 2022****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Clarke

That the minutes of the Ordinary Meeting of Council held be confirmed.

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 AUDIT COMMITTEE MINUTES – 9 MARCH 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-34407
Disclosure of Interest:	None
Date:	14 March 2022
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 9 March 2022.

BACKGROUND

The Local Government Act (1995) requires Council to establish an Audit Committee to assist Council to fulfil corporate governance, stewardship, leadership and control responsibilities in relation to the Shire's financial reporting and audit responsibilities.

Due to the small number of audit committee meetings held during the year there is a significant delay between the audit meetings and the subsequent confirmation of the minutes of that meeting at the following audit committee meeting and hence, a further delay in presentation to Council of the minutes for adoption.

Therefore, it is considered more appropriate to present the unconfirmed minutes to Council for receipt. Should any issue arise at the adoption of these minutes at the following audit committee meeting varying the accuracy of the unconfirmed minutes, these changes will be presented to Council at the following Council meeting.

COMMENT

The purpose of the Audit Committee Meeting held 9 March was to consider the Independent Audit Report for the 2020 / 2021, Budget Review for 2021 / 22, and the Compliance Audit Return.

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 Audit Committee Meeting (unconfirmed) held on 9 March 2022 (Doc Id: SODR-2042075298-34122)

(Marked 9.1.1)

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022</p>

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That the unconfirmed minutes of the Audit Committee Meeting (Doc Id: SODR-2042075298-34122) held on 9 March 2022 be received.

CARRIED 8 / 0

9.1.2 BUDGET REVIEW 2021 / 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1034602345-10239
Disclosure of Interest:	None
Date:	14 March 2022
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

That the budget review for the 2021 / 2022 financial year based on the financial statements from 1 July 2021 to 31 December 2021 be adopted.

BACKGROUND

As part of the amendments to the Financial Management Regulations (1996), Regulation 33A - Review of budget has been inserted.

"This requires;

- 1. between 1 January and 31 March in each year, local government is to carry out a review of its annual budget for that year;*
- 2. it is to be submitted to council within 30 days of the review;*
- 3. Council is to consider the review and determine whether or not to adopt the review, any parts of the review or any recommendations made in the review; and*
- 4. a copy of the review and determination is to be then forwarded to the Department within 30 days."*

COMMENT

Staff have reviewed the 2021 / 2022 budget to identify any significant variances. The financial statements to the 31 December 2021 have been used as the basis for the review, however, where a variance has occurred and is known prior to the completion of the staff component of the review on 28 February 2022, these have been accounted for.

A variance of opening deficit budget to actuals was \$11,805. A number of variances (attached) were identified in the review culminating in an overall recognition of a surplus of \$204,507.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022

Attached is the summary of the identified variances, the Rates Setting Statement and other statements showing the effect of these variances.

For 2021/2022 the budget review has considered the completability of projects and where it is determined that a project will not be completed within this financial year it has been removed.

Any projects that have been deleted can be re-considered in the 2022/2023 budget deliberations.

A transfer to Reserves has been included for the purchase of a Prime Mover Truck which could not be supplied within this financial year.

The budget review with a surplus of \$204,507 was presented to the Audit Committee on 12 March 2022. Whilst the committee endorsed the officer's recommendation to present the unchanged budget review to Council for endorsement, it did add an addition component to the motion as follows;

2. *Staff to recommend a use for the surplus when presenting the budget review to Council for adoption.*

Given there is no immediately identifiable unbudgeted expenditure requirement for the utilisation of the revised surplus contained in the review, it is recommended that the surplus of \$204,507 be placed in an existing reserve fund.

The 2021/2022 budget included a drawdown of \$442,282.84 from the Building Renewal Reserve to fund planned building project. This drawdown would reduce the Building Renewal Reserve down to a closing balance of approximately \$224,000.

As Council is aware, recent building condition assessments of all Shire buildings has indicated a significant renewal backlog that will need to be funded in future budgets.

Therefore, it is recommended that the identified surplus of \$204,507 be allocated to the Building Renewal Reserve.

CONSULTATION

- Chief Executive Officer
- Executive Manager Infrastructure
- Executive Manager Development Services

STATUTORY ENVIRONMENT

- Regulation 33A and 34 of the Local Government Financial Management Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022

FINANCIAL IMPLICATIONS

The adoption of this review will amend the budget with an overall recognition of a surplus of \$204,507.

STRATEGIC IMPLICATIONS

There are no direct strategic implications relevant to this item, however, legislative compliance, strong financial controls and good governance are core functions of Local Government.

Any projects proposed to be brought forward should consider their alignment with the goals contained in the Community Strategic Plan and/or projects already identified in the Corporate Business Plan

ATTACHMENTS

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

- Budget Review identified variances and statements for the period ending 30 June 2022 (Doc Id: SODR-1034602345-10242)
(Marked 9.1.2)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

Moved Cr Gibson, seconded Cr Eyre

That the budget review, as presented with a surplus of \$204,507 be adopted, with the following variances being formally adopted as budget amendments;

Name	Description	Amount DR/(CR)
Other Contributions	Increase in Contribution to FRC licence fee	(6,333)
Other Reimbursements	Income from 3rd party services Shire of Moora	(9,000)
Other Reimbursements	Income from 3rd party services Shire of Coorow	(4,915)
Other Reimbursements	Income from 3rd party services Shire of Cocos	(1,300)
Insurance	Reimbursement of insurance claim from previous year	(31,800)
Insurance	Reimbursement of Insurance Premiums 20/21	(6,342)
Insurance	Reimbursement of Insurance Premiums 20/21	(9,811)
Insurance	Reimbursement of Insurance Premiums 20/21	(285)
Insurance	Reimbursement of Insurance Premiums 20/21	(2,812)
Other Reimbursements (No GST)	Apprenticeship Support payment	(4,000)
Grants Commission	General Purpose grant higher than budgeted	(66,104)

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Name	Description	Amount DR/(CR)
Local Roads	Local Roads Grants higher than budgeted	(54,774)
Other Non-Operating Contributions	Remove Lobster Hut contribution for Pavilion	100,000
Interest on Reserve Fund Investments	Less than budgeted interest received on reserve account	14,600
Buildings & Improvements	Sale of Building Lot 13 Dandaragan Road	(366,000)
Less Accumulated Depreciation	Sale of Building Lot 13 Dandaragan Road	293,592
Profit on Sale of Building	Sale of Building Lot 13 Dandaragan Road	(32,592)
Land	Sale of Land Lot 13 Dandaragan Road	(15,000)
Profit on Sale of Land	Sale of Land Lot 13 Dandaragan Road	(5,000)
Trading in Public Place Licence	Fees income higher than budgeted	(1,800)
Lodging House Registration	Fees income higher than budgeted	(700)
Lodging House Reg. - Holiday Homes	Fees income higher than budgeted	(1,100)
Swimming Pool Inspection	Fees income higher than budgeted	(300)
Food Premises Registration & Inspection	Fees income higher than budgeted	(200)
Staff Housing Rent	Add new EMDS Salary Sacrifice from November	(14,720)
Staff Housing Rent	Remove EMDS Salary Sacrifice from February	6,700
Staff Housing Rent	Add new CESC Salary Sacrifice from January	(8,400)
Staff Housing Rent	Add new MEH Salary Sacrifice from February	(6,700)
Staff Housing	Add new EMDS Housing rent from November	14,720
Staff Housing	Remove EMDS Housing rent from February	(6,700)
Staff Housing	Add new CESC Salary Sacrifice from January	8,400
Staff Housing	Add new MEH Salary Sacrifice from February	6,700
Private Rental	Remove portion of rental income budgeted for GROH house	8,300
Sale of Tourism Merchandise	Increase tourism sales as tracking higher than budgeted	(10,000)
Tourism Merchandise	Increase Tourism merchandise purchases	10,000
Foreshore Power charges	Foreshore power charges - 3rd party vendors	(3,680)
Sandy Cape Camping	Increase Sandy Cape income higher than budgeted	(50,000)
FBT Expenses	Adjust FBT allocations	(4,637)

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022

Name	Description	Amount DR/(CR)
FBT Expenses	Adjust FBT allocations	(477)
FBT Expenses	Adjust FBT allocations	(1,484)
FBT Expenses	Adjust FBT allocations	6,520
FBT Expenses	Adjust FBT allocations	(156)
FBT Expenses	Adjust FBT allocations	4,141
FBT Expenses	Adjust FBT allocations	(3,669)
FBT Expenses	Adjust FBT allocations	1,253
Election Expenses	Election expenses less than budgeted	(6,775)
Materials and Contracts (ALL)	Contracted waste attendant Badgingarra	15,360
Materials and Contracts (ALL)	Contracted waste attendant Dandaragan	25,020
Advertising and Promotions	More job adverts than budgeted	5,000
Controlled Waste DEC tracking form	Controlled waste fees for Council septic	30,000
Infrastructure - Other	Sandy Cape Tank modification project over budget	6,712
Buildings & Improvements	CCRC Acoustics project over budget	7,000
Buildings & Improvements	Reduce Building Backlog renewal budget	(54,108)
Buildings & Improvements	Badgingarra toilet leach drains done last year	(10,000)
Other Non-Operating Contributions	Remove Generator Practice contribution	2,000
Plant & Equipment	Remove Generator for Medical Centre project	(7,000)
Infrastructure - Roads	Roberts Street overbudget	75,426
Buildings & Improvements	Increase Budget for Construction of Depot Building	90,000
Building Construction Reserve	Increase Budget for Construction of Depot Building	(90,000)
Furniture & Equipment	Jurien & Cervantes Television Satellite Reception equipment	55,000
Television Services Reserve	Jurien & Cervantes Television Satellite Reception equipment	(55,000)
Leave Reserve	Unplanned termination leave payments	(80,387)
Plant Reserve	Purchase of truck deferred due to supply	255,000
New Loans	Adjustment to the timing of taking out New Loans	3,044
Leases	Adjustment due to timing of new leases	69

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Name	Description	Amount DR/(CR)
Plant & Equipment replacement program	No longer disposing of or purchasing - 6Wheel Prime Mover	(255,000)
Plant & Equipment replacement program	No longer disposing of - PLV233 - 2014 Colorado T/Top - DN015	8,000
Plant & Equipment replacement program	No longer disposing of - PLV234 - 2014 Colorado T/Top - DN024	8,000
Plant & Equipment replacement program	No longer disposing of - PLV212 - DN053 - ICV Nissan Patrol	8,500
Plant & Equipment replacement program	Adjustment to match actual purchase/disposal - Grader 12H Equiv.	(9,500)
Plant & Equipment replacement program	Adjustment to match actual purchase/disposal - Multi Roller	8,000
Plant & Equipment replacement program	PLV261 - 2015 Ford Ranger --1GON796	9,572
Plant & Equipment replacement program	Adjustment to match actual purchase/disposal - Verti-Mower	(2,390)
Plant & Equipment replacement program	Adjustment to match actual purchase/disposal - Convert PTC023	(1,992)

CARRIED 8 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2

Moved Cr Rybarczyk, seconded Cr Eyre

That the budget review includes a transfer to the Building Renewal Reserve for the amount of \$204,507 to offset the initially identifies surplus and return the budget to a balanced position.

CARRIED 8 / 0

9.1.3 STATUTORY COMPLIANCE AUDIT RETURN 2021

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-34409
Disclosure of Interest:	None
Date:	14 March 2022
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To adopt the Statutory Compliance Audit Return for the period 1 January 2021 to 31 December 2021 be adopted.

BACKGROUND

Local governments in Western Australia are required to complete, on an annual basis, a Compliance Audit Return (CAR). The Return is a self-assessment of compliance with Local Government (Audit) Regulation 13 and covers areas of compliance considered high risk as follows:

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- financial interest disclosures;
- procurement and tendering;
- delegation and use of delegated power;
- the recruitment and appointment of the Chief Executive Officer; and
- integrated planning and reporting.

The Compliance Audit Return has been reviewed by the Audit Committee at its meeting held on Monday, 9 March 2022 with the following recommendation being carried:

*OFFICER RECOMMENDATION / AUDIT COMMITTEE DECISION
 Moved Cr Shanhun, seconded Cr Eyre
 That the Compliance Audit Return as per attached (Doc Id: SODR-2042075298-34058) for the period 1 January 2021 to 31 December 2021 be presented to Council for adoption.*

CARRIED 4 / 0

Following Council's review and adoption of the Compliance Audit Return a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Communities by **31 March 2022**.

COMMENT

For the period 1 January 2021 to 31 December 2021 the CAR demonstrates that the Shire has achieved the required level of compliance except in four instances;

Reference	Question	Response	Comments
s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	No	The latest review was conducted on 22/1/22 which was after year end.
s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	No	2 returns were received in September after the due date due to an employee being on leave and a Councillor who was working in a remote environment unable to access effective communications.

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Reference	Question	Response	Comments
s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	No	The website register has recently been updated to comply with this requirement.
s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	No	Employee code of conduct is provided as part of all staff inductions however was not uploaded on the website during the year. This has since been rectified.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services
- Executive Secretary

STATUTORY ENVIRONMENT

The contents of the Compliance Audit Return relates to Section 14.3A of the *Local Government (Audit) Regulations 1996* whereby the local government's audit committee is to review the compliance audit return and is to report to the council the results of that review in order for Council to then adopt the Compliance Audit Return.

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:

- Compliance Audit Return 2021 (Doc Id: SODR-2042075298-34058)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022</p>

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Gibson

That the Compliance Audit Return as per attached (Doc Id: SODR-2042075298-34058) for the period 1 January 2021 to 31 December 2021 be adopted.

CARRIED 8 / 0

9.1.4 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 28 FEBRUARY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	SODR-1743450996-1912
Disclosure of Interest:	None
Date:	14 March 2022
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 28 February 2022.

BACKGROUND

In accordance with 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 28 February 2022.

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 [i.e. surplus / (deficit)] position as at the 28 February 2022 was \$2,951,154. 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 and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 13) of the financial statements and provides information to Council on the budget vs actual rates raised.

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2. Material Variances

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Note 12 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 December 2021 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community 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 28 February 2022 (Doc Id: SODR-1743450996-2002)
(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Clarke

That the monthly financial statements for the period 28 February 2022 be adopted.

CARRIED 8 / 0

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9.1.5 ACCOUNTS FOR PAYMENT – FEBRUARY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-28896
Disclosure of Interest:	None
Date:	14 March 2022
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of February 2022.

BACKGROUND

In accordance with the Local Government Act 1995, and Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

COMMENT

The cheque, electronic funds transfer (EFT), BPAY and direct debit payments for February 2022 totalled \$1,633,187.91 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the February 2022 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community 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 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 are the following items relevant to this report:

- Cheque, EFT and direct debit listings for February 2022 (Doc Id: SODR-2042075298-34420)

(Marked 9.1.5)

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022</p>

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Rybarczyk

That the Cheque and EFT listing for the period ending 28 February 2022 totalling \$1,633,187.91 be adopted.

CARRIED 8 / 0

9.1.6 AUDIT 2020 / 2021 SIGNIFICANT ADVERSE TREND

Location:	Shire of Dandaragan
Applicant:	N / A
Folder	SODR-2042075298-34461
Disclosure of Interest:	None
Date:	15 March 2022
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To endorse the submission of the contents of this item to the Minister of Local Government to satisfy the requirements of section 7.12A(4) of the Local Government Act 1995 (Act) in relation to the significant adverse trend identified in the 2020 / 2021 audit report.

BACKGROUND

Section 7.12A.(4) of the Act states;

- (4) *A local government must —*
- (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*

One matter of significance was identified in the audit report as follows;

“In accordance with the Local Government (Audit) Regulations 1996 I report that:

- (i) *In my opinion, the following material matter indicates a significant adverse trend in the financial position of the Shire:*

- (a) *The Operating Surplus Ratio is below the Department of Local Government, Sport and Cultural Industries standard for the past 3 years.*

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022</p>

COMMENT

It is intended that the following commentary will form the contents of a report to the Minister in response to the adverse trend;

The Shire's ratio has been negative for the last 6 financial years. The Department of Local Government, Sports and Cultural Industries guidelines state;

"A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt.

A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result."

The operating surplus ratio calculation excludes grants received to assist with capital works but includes depreciation expense. It has long been argued by the local government sector that these grants are an integral component of revenue for local government and long-term financial plans are predicted on receiving these funds. Removing this key source of revenue from the ratio calculation has a negative impact on the ratio and skews the result.

It is typical of a local government similar to the Shire of Dandaragan and other regional Councils to have an operating surplus ratio that does not meet the minimum requirements. This result reflects a reliance on sources of funding other than Council's own source funds such as rates, to be sustainable.

Ultimately, a positive ratio for the Shire of Dandaragan would mean the Shire would be sustainable without any type of non- operating grant funding from the State or Federal Government.

Examples of non-operating grants (the vast majority are for the renewal of assets) that have been excluded from this ratio include;

- Roads to Recovery
- Regional Road Group
- Commodity Route Funding

These are all grant funding that the Shire should expect on an ongoing basis to assist in meeting its asset renewal obligations. The prospect of there ever being a time where a regional Local Government would receive no government funding assistance is highly unlikely and therefore, increasing rates to simply achieve the ratio standard is not advised.

Primarily this is due to the ratio including \$5.8M of depreciation within the "expenditure" category of the calculation. To include all depreciation (a measure of consumption of a non-current asset) in the numerator of this ratio but exclude non-operating grant (used to

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022
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renew those same assets) makes the target standard almost impossible for a regional Council with limited income earning potential outside of the imposition of rates to achieve whilst also maintaining downward pressure on rate increase.

Alternatively, the measure could also be improved by Council reviewing its major operating cost centres, including employment costs, materials, and contracts however this will almost certainly adversely impact the level of service which Council is able to deliver to the community.

The current ratio benchmarks adopted by the Department is a “one size fits all” approach. It is understood that a majority of rural local governments have not had an Operating Surplus Ratio that met the standards set by the Department, and there has been an indication by the Auditor General that this benchmark may need review.

It is now quite clear that the requirement to produce this report as an outcome of an identified adverse trend is likely to be an annual process until such time as the ratios and benchmarks are reviewed.

Therefore, other than the pursuit of continuous efficiency improvement in operations to reduce costs across the board without increasing rates beyond what the community sees as reasonable no further action is required in relation to this significant adverse trend

This same information was presented to the audit committee at the audit committee meeting held 9 March 2022 with the following decision made;

Moved Cr Eyre, seconded Cr Clarke

That:

- 1. the Independent Audit Report and the audited financial statements for the year ended 30 June 2021 be received, and;*
- 2. In accordance with Section 7.12A (3) of the Local Government Act 1995 determine that there are no matters raised in the report that require further action, and;*
- 3. In accordance with Section 7.12A (4) of the of the Local Government Act 1995 determine that no direct action needs to be undertaken in relation to the significant adverse trend identified in the audit report.*

CARRIED 4 / 0

CONSULTATION

- Chief Executive Officer
- Office of the Auditor General

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 7.12A - Duties of local government with respect to audits

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022
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Section 7.12A of the Local Government Act 1995

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government must —*
 - (aa) *examine an audit report received by the local government; and*
 - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

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:

- Independent Audit Report (Doc Id: SODR-2042075298-30910)
(Marked 9.1.6)

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION
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Moved Cr Shanhun, seconded Cr Eyre

That Council, in accordance with Section 7.12A (4) of the of the Local Government Act 1995

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1. determine that no immediate, direct action is required in relation to the significant adverse trend identified in the 2020 / 2021 audit report, and;
2. Endorse that the comment section of this item constitutes the report to be submitted to the minister for local government in relation to the significant adverse trend identified in the 2020 / 2021 audit report.

CARRIED 8 / 0

9.2 INFRASTRUCTURE SERVICES

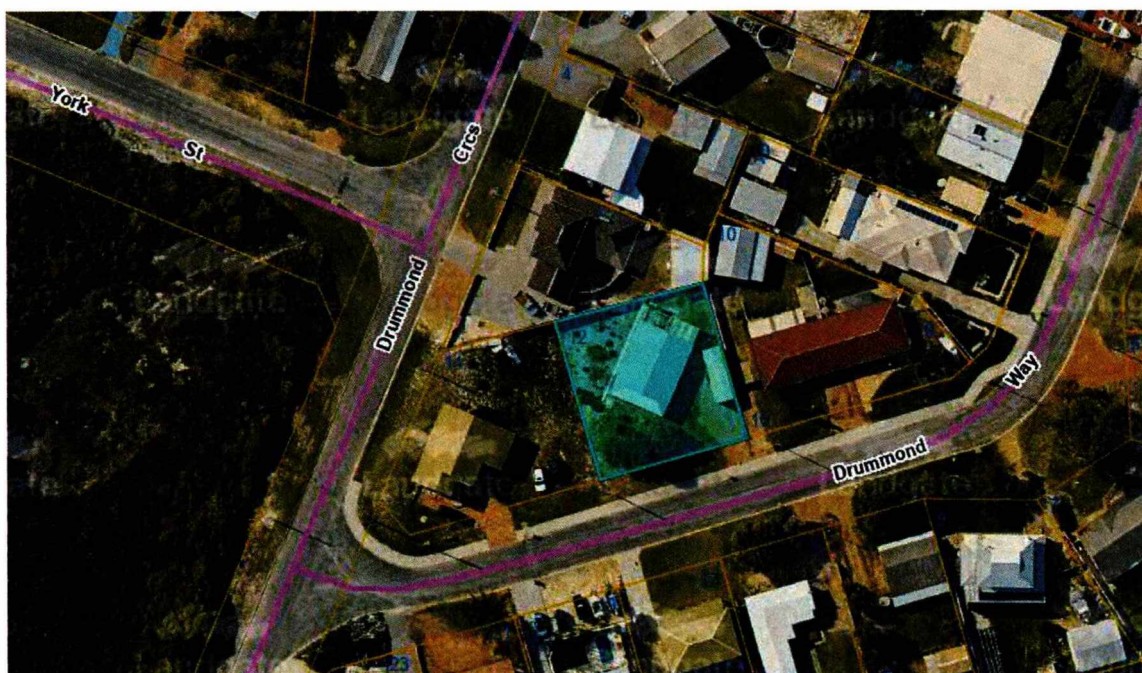
9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED HOLIDAY HOUSE – LOT 656 (NO.12) DRUMMOND WAY, CERVANTES

Location:	Lot 656 (No.12) Drummond Way, Cervantes
Applicant:	V Maher
File Ref:	SODR-1262144384-13430
Disclosure of Interest:	Nil
Date:	8 March 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The proponent is seeking development approval for the use of 12 Drummond Way, Cervantes as a commercial holiday house.



Location Plan – Lot 656 (No.12) Drummond Way, Cervantes

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022BACKGROUND

A three-bedroom, one-bathroom single-storey dwelling with a viewing platform exists on the subject property. The proponent has lodged a development application to seek approval to accommodate up to six guests for short stay bookings not exceeding three consecutive months.

The application was advertised to immediate neighbouring landowners for a period of 16 days from 2 February 2022 until 18 February 2022. A total of five submissions were received, two supporting the proposal subject to conditions, while the remaining three responses objected to the proposal resulting in the development application being referred to Council for determination.

The subject property and surrounding area are zoned 'Residential' under the Shire's *Local Planning Scheme No.7* (Scheme). The objective of the Residential zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

The proposed land use of 'Holiday House' is listed within the zoning table of the Scheme as a 'discretionary' land use, meaning the use is not permitted unless Council has exercised discretion in its decision making.

Local Planning Policy 9.12 Holiday Homes (Policy) is adopted by Council to guide the assessment of holiday home development applications. The subject application for up to 6 guests is classified as a 'Holiday Home' under the Policy which categorises this as a holiday home for guest numbers between 1 and 6. The Policy has the following objectives:

- *To recognise the increasing market demand for holiday accommodation and to provide operators and other stakeholders with clarity on the issues that the Shire wishes to address.*
- *To establish clear guidelines whereby holiday homes can be permitted and controlled in the Regional Centre and Residential zones of Cervantes and Jurien Bay.*
- *To ensure that these types of uses do not compromise the amenity of Residential zoned areas or nearby residents.*
- *To support the role of holiday homes as part of the tourism industry.*
- *To encourage the provision of good quality, well managed holiday homes.*

It is noted there are no other known/approved commercial holiday homes in this precinct of Cervantes.

COMMENT

Dwellings provide places for people to shelter, to retreat, to eat and to gather. While temporary accommodation (such as a holiday

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house) may be said to also provide these, the intensity and the way the houses are used are not exactly the same. This is because in the context of a holiday house, the premises are not being occupied as a dwelling (permanent residence) but for tourist accommodation.

For example, it was noted in *Hope v City of Joondalup* [2007], that outdoor areas are routinely used more intensively and for longer hours in short stay accommodation than would often be the case for permanent residential use. Additionally, each time a booking begins and ends, people enter and leave the premises. This regular movement of different people into and out of the premises has consequential amenity impacts on the surrounding locality.

'Amenity' is defined within the Deemed Provisions of LPS7 to mean:

All those factors which combine to form the character of an area and include the present and likely future amenity.

It is for the reasons above that holiday house development applications have to be considered carefully, because if the premises is deemed suitable for use as a holiday house, then those who choose to stay there, should be entitled to use the premises in an ordinary manner that one may use a holiday house.

The premises will be managed by the landowner who lives nearby in Drummond Way on a permanent basis. This management arrangement provides a direct point of call for other neighbouring landowners/tenants surrounding the proposed holiday home.

The proposed guest capacity of six adults within the three-bedroom, one-bathroom dwelling is compliant with health legislation and the planning policy referenced for assessment.

Submitters raised concern with the viewing platform to the rear property in terms of visual privacy and security concerns from frequent new guests a commercial holiday home would attract to the area. The viewing platform obtained building approval in October 1990 and appears to be unaltered since that date. As the subject development application is only for a change of land use with no physical construction works proposed, the use of viewing platform and whether it requires screening is beyond the scope of this planning approval process.

If a change to the viewing platform had been made with the subject development application, assessment against the current visual privacy provisions of the Residential Design Codes (State Planning Policy 7.3) would be required. Under the visual privacy provisions of the Residential Design Codes screening to a minimum of 1.6m high is required in new residential builds when a cone of vision setback distance of 7.5m cannot be reached from neighbouring backyards and the affected adjoining neighbour objects to having no screening. In this circumstance, if this ruling was to be applied

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retrospectively only the interface with the adjoining property at 2 Drummond Circus is non-compliant with this setback distance. This neighbour did however not make a submission on the subject holiday home proposal. The applicant has stated they have not received any concerns from this neighbour to this end.

The following general comments are also made on this matter:

- It is commonly assumed that holiday guests will use outdoor areas more extensively during their stay than permanent residents would during the same time period.
- From a tourist point of view the majority of viewing from the platform will be due-west towards the Indian Ocean, rather than east into neighbouring backyards.
- Prevailing summer weather conditions would not make the unsheltered platform comfortable for long periods of usage.

CONSULTATION

Please refer to the attached Schedule of Submissions.

Other than the concerns regarding the viewing platform discussed above, objectors to the proposal were also concerned that such a land use is not appropriate for this area of Cervantes, which to date has no known and/or approved commercial holiday homes.

It is acknowledged that the proposed tourist land use within an established residential area of Cervantes can negatively affect the amenity of nearby permanent residents for the reason listed by submitters. However, the Shire's Holiday Homes Policy does not provide specific residential areas in the Shire where commercial holiday homes can be or can't be approved. Therefore, given the proposal meets the provisions of the Policy and that the property manager lives on the same street (so it is therefore in their best interest to manage the holiday home accordingly), it is recommended that the application be approved. If approval is granted, the application and the property's compliance record will be reviewed each annual renewal period on June 30.

Submitters will be also advised of the outcome of the application and what mechanisms are available if an issue does occur moving forward with the development (if the development is approved).

STATUTORY ENVIRONMENT

- Local Planning Scheme No.7 – as outlined.
- Health Local Laws 2005:

Overcrowding

3.2.2 The owner or occupier of a house shall not permit—

- a) a room in the house that is not a habitable room to be used for sleeping purposes; or*
- b) a habitable room in the house to be used for sleeping purposes unless—*

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- (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
- (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- c) any garage or shed to be used for sleeping purposes.

Restriction on use of Rooms for Sleeping

8.2.10 (1) Subject to subsection (3) and Section 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house –

- (c) which is used as a kitchen, scullery, storeroom, dining room, general sitting room, lounge room or for the preparation or storage of food;

POLICY IMPLICATIONS

Local Planning Policy 9.12 Holiday Homes – as outlined.

FINANCIAL IMPLICATIONS

The applicant has paid the required \$147 fee for the development application.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.

ATTACHMENTS

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

- Development application 9 / 22 (Doc Id: SODR-1262144384-13043)
 - Schedule of submissions (Doc Id: SODR-1262144384-13431)
- (Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That Council approve the development application for the proposed Holiday House land use of the existing Single House at Lot 656 (No.12) Drummond Way, Cervantes subject to following conditions and advice:

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Conditions:

1. The Holiday House must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, odour, fumes, smoke, vapour or other pollutant, or impact on public safety or otherwise; to the satisfaction of the Shire of Dandaragan.
2. The total number of people to be accommodated in the Holiday House shall not exceed six (6) guests at all times.
3. The Holiday House shall be operated be in accordance with the 'Code of Conduct', and the 'Fire and Emergency Plan' submitted with the subject development application date stamped 31 January 2022.
4. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 31 January 2022.
5. All vehicle parking must be confined to the Holiday House premises.
6. This development approval is valid until the 30 June 2022. The Holiday House land use should cease before or on this date unless otherwise approved in writing by the Shire of Dandaragan.
7. The applicant must not erect or otherwise display on the Holiday House premises any sign with an area exceeding 0.2 square metres. A sign erected under this condition must:
 - a. only name the Holiday House and provide the relevant management contact details;
 - b. be placed on a building, wall, fence or entry statement of the Holiday House; and
 - c. not be illuminated nor use reflective or fluorescent materials.

Advice Notes:

- A. This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7*. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- B. Development approval does not affect the existing and future use of the premises as a Single House.
- C. Under the *Shire of Dandaragan Health Local Laws 2005* each guest of a holiday home requires fourteen cubic metres of airspace to sleep; additionally, holiday home guests are not permitted to sleep in a room which is used as a kitchen, scullery, storeroom, dining room, general sitting room, lounge room or for the preparation or storage of food.
- D. In relation to condition 6, the applicant is advised that Development Approval for a Holiday House is required to be renewed annually.

E. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be submitted within 28 days of the determination.

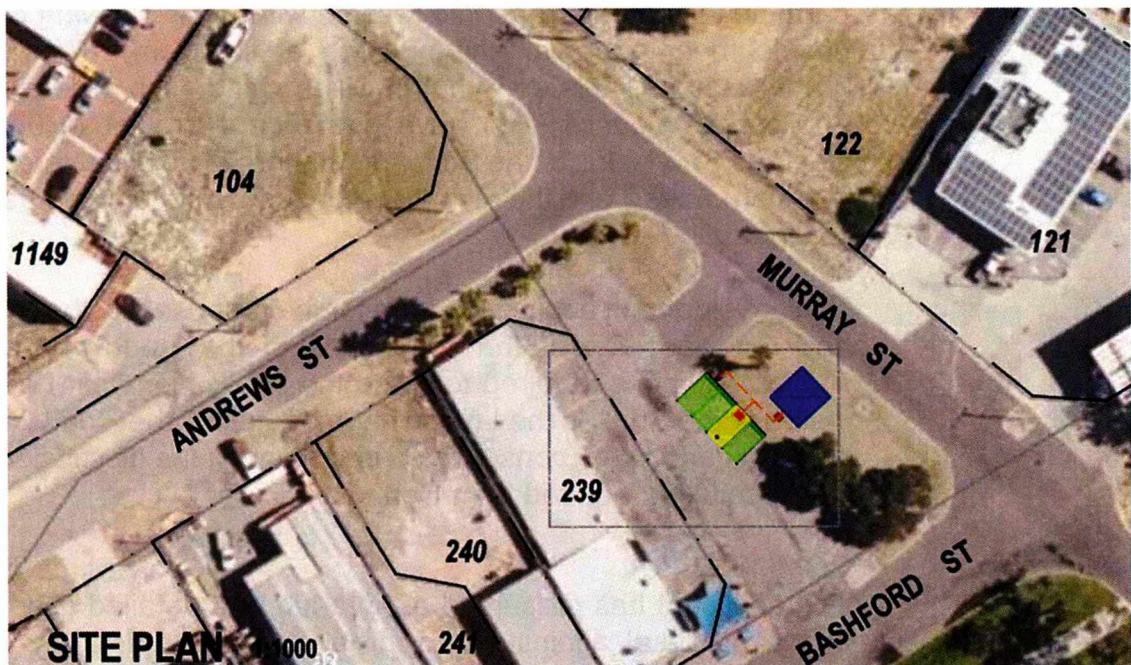
CARRIED 8 / 0

9.3.2 PROPOSED ELECTRIC VEHICLE CHARGING STATION – MURRAY STREET ROAD RESERVE, JURIE BAY

Location:	Murray Street Road Reserve, Jurie Bay
Applicant:	Planning Solutions on behalf of Synergy
File Ref:	SODR-1262144384-13443
Disclosure of Interest:	Nil
Date:	9 March 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The proponent is seeking development approval for an electric vehicle (EV) charging station (CS) within the Murray Street Road Reserve, Jurie Bay as shown in the site and location plan below.



Location and Site Plan

BACKGROUND

In August 2021, the Western Australian State Government announced an investment of \$21 million into the development of EV infrastructure State-wide. This investment is supported by an EV Strategy and Action Plan, both of which have been attached to this item for Council's reference.

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A key implementation project of these guiding documents is the development of an EV charging network. The proposed network will run from Kununurra to Esperance along the coastline and east to Kalgoorlie as shown in attached network map. This project will result in up to 90 EV CS being installed across the State by early 2024.

Given the proximity to Perth, Jurien Bay has been chosen as one of the first EV CS sites to progress to the approvals phase. Synergy project staff had initial discussions with Shire staff in 2021 and the subject site was identified as the most suitable central location for the CS due to main road visibility, walkable distance to services and accommodation (while EV charging takes place) and connection access to Western Power's network.

Both a direct current fast charger and alternating current charger are proposed across four existing vehicle parking bays which will be marked and identified with bollards to denote their exclusivity to EV charging. Approximate charging times are outlined in the applicant's assessment report attached to this item. Approximate costs for charging are not known / disclosed by Synergy at this point in time.

The whole of development is located within the Road Reserve of Murray Street. Under the Shire's *Local Planning Scheme No.7* (Scheme) a person must not use a local reserve; or commence or carry development on a local reserve without first having obtained development approval (the purpose of this item). The Scheme further states to this end, that in determining such a development application, Council is to have due regard to Clause 67 of the Deemed Provisions of the Scheme (matters to be considered by the decision-maker) and the ultimate intended purpose of the particular reserve.

The development application form for the proposal has been lodged and received without the completion of the landowner consent section (which is required to make the application valid) as in this instance the Shire is the landowner/manager of the Road Reserve. As such, landowner consent also forms part of the discussion below and resolution required from Council.

COMMENT

The applicant has presented a thorough and detailed assessment of the proposal against the applicable planning framework. The following comments focus on the particulars development of which Council should base their assessment of the proposal on.

Loss of vehicle bays

The "loss" of four vehicle bays within this portion of the Jurien Bay town centre for the exclusive use of EVs is not considered significant as the bays will in effect still be used for parking of (electric) vehicles while charging takes place. The applicant has outlined that some 65 passenger vehicle bays, in addition to a

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portion of marked long vehicle bays are available in the immediate proximity to the development site.

It is noted that the Shire's authorised persons (i.e. rangers) have no current legislative power to enforce the removal of non-electric vehicles from the four parking bays which form part of the development.

Development appearance

The concept plans submitted show proposed line marking and bollards to both protect and mark the exclusivity of the development site for use by EVs only. The chargers will have similar dimensions and appearance to that of an ordinary fuel bowser. Therefore, the overall development is minor in terms of bulk and scale. Nonetheless, a recommended condition of approval will ensure final design colours and finishes are approved by the Shire prior to commencement of construction.

The Western Power transformer to be installed to power the CS will not form part of this secondary approval as the design and finish of this component is consistent and common State-wide infrastructure.

Land use compatibly

The proposed development is generally consistent with the overall purpose of the Road Reserve as a public road. While the specific area to be developed is currently utilised for car parking and adjacent verge landscaping, and is considered to be suitable for the electrical infrastructure to be installed.

Community benefit

The applicant stated that the development has the potential to support the growth of Jurien Bay tourism by encouraging people with EVs to visit and stay within the townsite who might not have otherwise due to the current limited CS infrastructure. Furthermore, the development also has the potential to become a 'sticky point' for economic activity as users explore the surrounding central business district for goods and services as they wait while their vehicle is charging.

Landowner consent and disposal of land via lease

There are two aspects to this point:

1. The legal requirement for the landowner to agree to the development / effectively sign the application form to make the application lawful.
2. How Council disposes of the property to be leased and developed by Synergy.

Landowner consent to the development application is the first step within Officer Recommendation 1 of which Council makes a determination on the proposed development. Should Council not provide this consent to the development application, it would make

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the application not valid resulting in a development decision (approval or refusal) not being required.

Officer Recommendation 2 deals with leasing the development site to Synergy. Section 57 of the *Land Administration Act 1997* permits a land lease to be granted for land beneath or above a road reserve, subject to final approval from the Minister for Lands.

The presented officer recommendation authorises the Chief Executive Officer to dispose of the subject development site via a lease agreement at market rental value. A lease discount to Synergy is not recommended as users of the CS will pay a commercial rate. Additionally, growth in the EV sector in coming years is expected to further add to the viability of the proposal.

CONSULTATION

The application was advertised to adjoining landowners and the wider public from 10 February to 9 March 2022. The following responses were received:

Submitter	Comment	Officer Response
Member of the public	In looking where this will be located, I don't feel that you should be taking away existing car park areas. Quite often there will be longer vehicles pull up in this area to be able to access the Chemist or Fish & Chips. During holiday times Jurien Bay is now majorly short of parking area - with cars quite often pulling up there on that grass area to park. Perhaps a better option would be to take out the grass area (as it is all dead anyway and now an eyesore) and re-do that as a couple of long vehicle parking bays and then on the other side of that outlet (grassed area) - take that out as it is all dead and turn that section in to a charging station.	<p>The four vehicle bays that form part of the development will not be lost. The bays will however become exclusive for EVs, similar to the reservation of disability and motorcycle parking bays.</p> <p>The strain of peak tourist periods on town centre parking is known, however for the balance of the year there are a number of vehicle parking bays underutilised in immediate proximity to the development site.</p> <p>A 'better development' (alternative development proposal) is not a valid town planning consideration. The development application must be considered on its town planning merits.</p>
Jurien Bay Chamber of Commerce	<p>Broadly the Chamber is supportive of development initiatives that have the potential to attract more visitors to the town of Jurien Bay.</p> <p>The following points are made in favour of the provision for electric vehicle charging infrastructure in the town:</p> <ol style="list-style-type: none"> 1. Electric cars are becoming more prominent in the community as petrol prices increase and their economic viability is enhanced. 	Noted.

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	<p>2. The advantage of no tail pipe emissions is helpful to minimising carbon footprint and is in step with the Shire's environmental renewable energy generating assets of wind and solar power.</p> <p>3. Jurien Bay's geographical position being placed halfway between Perth and Geraldton on Indian Ocean Drive makes it strategically located for electric vehicles to stop and recharge for 20 – 30 minutes on the way to points further northwards, or as a new destination for electric vehicle owners to visit.</p> <p>The proposed site of the charging station appears reasonably well located at the current time given the proximity of the food services at the service station on the corner of Bashford and Murray Streets, and the shop vacancy that exists adjacent. The possible relocation of the Jurien Bay Pharmacy to the main shopping centre will further minimise potential parking conflict in the Murray Street carpark.</p> <p>Accordingly, the Chamber is supportive of the development proposal.</p>	
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STATUTORY ENVIRONMENT

- Local Planning Scheme No.7 - as outlined.
- Land Administration Act 1997, Section 57.
- Local Government (Functions and General) Regulations 1996:
Regulation 30 - Dispositions of property to which section 3.58 of Act does not apply
(c) the land is disposed of to —
(ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid the fee for the development application.

All cost of processing the subsequent lease agreement will be required to be covered by Synergy.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities

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	Identify and activate underutilised economic and land assets to promote employment and economic activity.
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ATTACHMENTS

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

- Development application 14 / 22 (Doc Id: SODR-1262144384-13130, Doc Id: SODR-1262144384-13127, Doc Id: SODR-1262144384-13128)
- WA EV Charger Map (Doc Id: SODR-1262144384-13448)
- EV Strategy (Doc Id: SODR-1262144384-13447)
- EV Action Plan 9 (Doc Id: SODR-1262144384-13446)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

Moved Cr Shanhun, seconded Cr Clarke

That Council:

- 1. Provide landowner consent to development application 14/22 for an 'electric vehicle charging station' on the Murray Street Road Reserve, Jurien Bay.**
- 2. Grant development approval for an electric vehicle charging station on the Murray Street Road Reserve, Jurien Bay subject to the following conditions and advice.**

Conditions:

- 1. All development shall be in accordance with the approved development plans (attached), which form part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan.**
- 2. Any additional development which is not in accordance with the application, the subject of this approval or any condition of approval, will require the further approval of the Shire of Dandaragan.**
- 3. A final schedule of the colour and texture of the materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Dandaragan, prior to commencement of construction. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Dandaragan, prior to use of the development.**
- 4. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Dandaragan.**

Advice Notes:

- a. This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7*. It**

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is not a permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

- b. Should you be aggrieved by this decision, or any conditions imposed, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be submitted within 28 days of the determination.

CARRIED 8 / 0

OFFICER RECOMMEDATION 2 / COUNCIL DECISION 2

Moved Cr Eyre, seconded Cr Clarke

That Council:

1. agrees to dispose of land within the Murray Street Road Reserve, Jurien Bay via lease to Synergy for the development of an electric vehicle charger station, subject to the proponent meeting all costs associated with the proposal; and
2. authorises the Chief Executive Officer to negotiate and finalise a lease agreement based on market value to be forwarded to the Minister for Lands for final approval.

CARRIED 8 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 COUNCIL MEETING SCHEDULE 2022 / 2023

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1739978813-4817
Disclosure of Interest:	None
Date:	15 March 2022
Author:	Robyn Headland, Council Secretary
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To determine a Council meeting schedule for the period 1 July 2022 to 30 June 2023 and to consider start times for Council Meetings.

BACKGROUND

On an annual basis, local governments in Western Australia are required to establish and advertise a schedule of Council meetings. The Shire of Dandaragan's current schedule sets meetings up to 30 June 2022 and as such it is timely to adopt a new schedule.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022COMMENT

Currently, Council meets every fourth Thursday of the month, excepting December. Other changes can occur due to public holidays and Council has the discretion to reduce the total number of meetings as long as ordinary meetings are not held more than 3 months apart. There are a number of Local Government's that do not hold a meeting in January.

The December meeting is scheduled the week prior to Christmas. Council is also required to hold an Annual General Meeting of Electors (AGM). Traditionally these have been held in January on the same day as the scheduled Ordinary Meeting of Council on a rotational basis across the four established townsites within the Shire. However, with the recent changes to the auditing requirements for Local Government there is significant uncertainty that audited financial statements will be available in time for presentation at a January meeting on an ongoing basis.

The presentation of an annual report that contains audited financial is a pre-requisite for holding the AGM. This, combined with the historically low turnout at AGMs in the recent past has been considered in the officer's recommendation to hold the January meeting at the Jurien Bay Council chambers whether or not an AGM is held on this date.

The August meeting has an earlier start time due to the scheduled School visit.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 requires the advertising of a local government's ordinary meetings of Council.

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

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OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Rybarczyk

That Council adopt the following meeting schedule for the 2022 / 2023 financial year:

DAY	DATE	TIME	MEETING VENUE
Thurs	28 July 2022	4.00pm	Jurien Bay
Thurs	25 August 2022	11.00am	Jurien Bay
Thurs	22 September 2022	4.00pm	Dandaragan
Thurs	27 October 2022	4.00pm	Jurien Bay
Thurs	24 November 2022	4.00pm	Cervantes
Thurs	15 December 2022	4.00pm	Jurien Bay
Wed	25 January 2023	4.00pm	Jurien Bay
Thurs	23 February 2023	4.00pm	Jurien Bay
Thurs	23 March 2023	4.00pm	Jurien Bay
Thurs	27 April 2023	4.00pm	Badgingarra
Thurs	25 May 2023	4.00pm	Jurien Bay
Thurs	22 June 2023	4.00pm	Jurien Bay

CARRIED 8 / 0

9.4.2 ADOPT PUBLIC ART AND PERCENT FOR ART POLICY

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1876983588-950
Disclosure of Interest:	Nil
Date:	4 March 2022
Author:	Michelle Perkins, Manager Customer and Community Services
Senior Officer:	Scott Clayton, Executive Manager Corporate and Community Services

PROPOSAL

To seek Council approval to adopt the Shire of Dandaragan Public Art and Percent for Art Policy.

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BACKGROUND

The drafting of the Shire of Dandaragan's first Public Art and Percent for Art Policy was discussed at the 27 August 2020 Council forum. This followed a recommendation from the Vibrant Communities Arts and Culture Plan, adopted by Council in August 2020, to "Adopt [a] Public Art Policy to support co-creation and commissioning of public art on foreshores, Turquoise Way, DS4A art trail and all public art installation". Currently the Shire has no adopted policy around development and/or support of public art or a percent for art scheme.

At the August 2021 Ordinary Council Meeting, Council was presented with a draft Public Art and Percent for Art Policy after the public were given the opportunity to view and provide feedback on the draft policy. At the meeting, the officer recommendation to "adopt the Public Art and Percent for Art Policy" was not passed. Council resolved:

COUNCIL DECISION

Moved Cr Shanahun, seconded Scharf

That Council defer adoption of the Public Art and Percent for Art Policy to enable further consideration, by staff and Council, of issues raised through the public consultation process.

CARRIED 7 / 0

A revised draft policy was prepared which included a change from mandatory contributions for public art from developers, to a policy where developers were encouraged to participate through a non-mandatory contribution towards public art. The aim of the change was to mitigate any negative impact on development opportunities in the Shire.

In December 2021, another draft was presented to Council which included the non-mandatory contribution for developer, supported with a two-stream approach to the Shire's contribution:

1. Allocation of 1% (approximately \$65,000 annually) of the gross yield of budgeted rates income to the Shire of Dandaragan Public Arts Fund to be expended on public art (in accordance with the Policy), and
2. Allocation of 1% for public art would be applied to all new Shire developments or redevelopments over \$500,000.

Council decided to opt for a more fiscally prudent approach with a sole funding stream, not opting for additional public art allocations with new capital projects. Council resolved:

OFFICER RECOMMENDATION / MOTION

Moved Cr Eyre, seconded Cr Glasfurd

That Council endorse the draft Public Art and Percent for Art Policy for public advertising and consultation.

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AMENDMENT

Cr Shanhun, seconded Cr Gibson

That the motion be amended to include adjustments the draft policy to remove the % contribution from the Shire of Dandaragan towards public art as applied to public urban planning, open space and building projects with a capital cost of \$500,000 or more to public arts as a policy statement. The following changes will be required in the policy document to reflect this change:

- a. *In Policy Statement Objective 1, delete
"The Shire of Dandaragan will allocate funds of 1% of any new or redevelopment of Shire public building, urban planning, or urban landscape projects with a capital cost of \$500,000 or more to public arts as a policy statement"*
- b. *Policy Statement Objective 2, will become Policy Statement Objective 1*
- c. *Policy Statement Objective 3 will become Policy Statement Objective 2.*

CARRIED 9 / 0

COUNCIL DECISION

Council endorse the draft Public Art and Percent for Art Policy for public advertising and consultation subject to the draft policy being modified as follows:

- a. *In Policy Statement Objective 1, delete
"The Shire of Dandaragan will allocate funds of 1% of any new or redevelopment of Shire public building, urban planning, or urban landscape projects with a capital cost of \$500,000 or more to public arts as a policy statement."*
- b. *Policy Statement Objective 2, will become Policy Statement Objective 1*
- c. *Policy Statement Objective 3 will become Policy Statement Objective 2.*

CARRIED 9 / 0

Note: The officer's recommendation was not adopted as Council chose to make changes reducing the scope and financial impact of the draft policy.

With the draft Policy rewritten to reflect these changes, the draft was open for public comment for a period of 5 weeks during January and February 2022.

COMMENT

Subsequent to the above timeline and changes, amendments to the draft policy from the previous version include:

- **Clarity on the exclusions to public art in 1.4 to include "projects considered predominantly performance, events or activities, as they are not defined as 'public art'**
- **Clarification that the open invitation commission model requirement to invite the Shire CEO (or representative) to join the developer's selection panel, pertains specifically to Percent for Art projects on Shire-owned or managed land.**

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With only one submission received during the public comment period which supported the Policy, it is now presented to Council for adoption.

CONSULTATION

A comprehensive community consultation phase was held during the development of the Vibrant Communities Arts and Culture Plan which highlighted the need for a public art policy.

In April / May 2021, a draft Public Art and Percent for Art Policy was advertised to the public for a period of 25 days, prior to being presented to Council for consideration. A schedule of submissions was presented to Council at the 26 August 2021 Ordinary Council Meeting which contained 9 submissions from individuals and community organisations from around the Shire.

The revised draft Policy was open for public comment for a period of 5 weeks during January and February 2022. Information was distributed through the Shire's website and social media; via the Shire's news email list, and in local newspapers. One submission was received in support of the current draft Policy that stated, "I have read the policy and I'm happy with the concept of it".

STATUTORY ENVIRONMENT

Local Government Act 1995 S6.11 - Reserve Accounts

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
 - (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose it must give one month's local public notice of the proposed change of purpose or proposed use.*
- * Absolute majority required.*
- (3) *A local government is not required to give local public notice under subsection (2) —*
 - (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) *in such other circumstances as are prescribed.*
 - (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs. (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

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POLICY IMPLICATIONS

If adopted, the Public Art and Percent for Art Policy would be added to the Council Policy Manual.

FINANCIAL IMPLICATIONS

Adoption of this policy would commit to allocate 1% of the gross yield of budgeted rates income (Approximately \$66,000 p.a.) to the Shire of Dandaragan Public Arts Fund (Percent for Public Art) to be expended in accordance with this policy.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04 Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
Priority Outcomes	Our roles
A Shire built on the strengths of community spirit and resilient, connected communities.	Recognise the value of creative and cultural arts and support its continued growth in our communities.

ATTACHMENTS

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

- Shire of Dandaragan Draft Public Art and Percent for Art Policy (Doc Id: SODR-437506902-8560)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) adopt the Public Art and Percent for Art Policy as identified in the attachments Doc Id: SODR-437506902-8560.
- 2) in accordance with Section 6.11(1) of the Local Government Act 1995, establish the Public Art / Percent for Art Reserve Account with the reserve purpose designated as:

To provide for the accumulation of funds providing financial capacity to deliver major public art projects as identified in the Shire's Public Art and Percent for Art Policy.

COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That Council:

- 1) **Establishes a Shire of Dandaragan Public Arts Committee to facilitate the implementation of the Shire's Public Art and Percent for Art Policy and instruct the CEO to prepare the Terms of Reference for endorsement by Council when**

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the Committee is formally established under Section 5.8 of the Local Government Act 1995.

- 2) adopt the Public Art and Percent for Art Policy as identified in the attachments Doc Id: 437506902-8560, subject to the following amendments:
- 1.5 Commissioning Models**
 Replace 1(b) with - The Shire of Dandaragan Public Arts Committee will meet to review and make recommendations to Council for endorsement of projects where the total value of the artwork is greater than \$10,000.
- 1.8 Authority for Selection of Artwork**
 Replace 2. with - Public art project with a value greater than \$10,000
- o The Shire of Dandaragan Public Arts Committee will coordinate the selection in accordance with the Terms of Reference for the Committee.
 - o Council endorsement of the recommended project design and final selection is required.
- 3) In accordance with Section 6.11(1) of the Local Government Act 1995, establish the Public Art/Percent for Art Reserve Account with the Reserve purpose designated as:
 To provide for the accumulation of funds providing financial capacity to deliver major art projects identified in the Shire's Public Art and Percent for Art Policy.

CARRIED 6 / 2

Council's reason for a decision that is significantly different from the Officer's recommendation:

Council considered that they have a responsibility to effectively represent the interests, views, opinions and values of its electors, residents and ratepayers, through its policies and decision-making processes, which extends to the commissioning and selection of significant public artworks. Establishing a Public Arts Committee for these selections will achieve this.

9.4.3 BUSHFIRE RISK MITIGATION COORDINATOR

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-890489631-1616
Disclosure of Interest:	Nil
Date:	8 March 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not applicable

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022**PROPOSAL**

The purpose of this item is for Council to consider a funding proposal to participate in a multi-Shire Bushfire Risk Mitigation Coordinator role.

BACKGROUND

Under the State Emergency Management Plan for Fire (Westplan Fire), local governments with significant bushfire risk are required to develop an integrated Bushfire Risk Management Plan (BRMP) outlining a strategy to treat bushfire-related risk across all land tenures. The Shire of Dandaragan has been identified as a local government with high or extreme bushfire risks.

The Department of Fire and Emergency Services (DFES) have offered the Shire grant funding to contribute towards the costs of employing a Bushfire Risk Mitigation Coordinator which will be shared with the Shire's of Gingin and Victoria Plains. The engagement of a Bushfire Risk Mitigation Coordinator will facilitate mitigation activities throughout the Shire in accordance with the Shire's Bushfire Risk Management Plan which has been endorsed by the Office of Bushfire Risk Management. This position will support the Shire's Emergency Management Coordinator with targeted focus on bushfire mitigation activities that are eligible for grant funding, in particular the Mitigation Activities Fund.

The funding program will commence in the 2022/23 financial year and DFES have agreed to meet any costs associated with the early employment of the position in the 2021/22 financial year.

COMMENT

The DFES proposal has been implemented in other areas of the state with good success both in mitigation activities and the achievement of funding to meet these costs. The access to the grant funding programs may partially offset the additional costs associated with the position depending on the local government's existing expenditure on mitigation activities.

The position will initially be hosted by the Shire of Gingin but work across the Shires throughout the duration of the program.

Council should recognise that participation in this project will incur approximately \$100,000 over the coming three years which is currently not explicitly included in the long-term financial plan. Given the material expense, Council may exercise its discretion and choose to decline the grant funding offer and not participate in the jointly funded position.

CONSULTATION

Department of Fire and Emergency Services

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STATUTORY ENVIRONMENT

There is no statutory environment relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The following table sets out the financial contributions the partners have in the program. Specifically, the cash contribution from the Shire of Dandaragan for the 2022/23 budget will be 1/3 of the LG contribution - \$25,514 and \$36,172 and \$37,423 in the following years.

Financial Year	Recommended BRMC Budget	Percentage Contribution	DFES Contribution (EX GST)
2022-23	\$153,083	DFES 50% funding LG(s) 50% funding	Grant Amount TOTAL \$76,542
2023-24	\$155,025	DFES 30% funding LG(s) 70% funding	Grant Amount TOTAL \$46,508
2024-25	\$160,385	DFES 30% funding LG(s) 70% funding	Grant Amount TOTAL \$48,116

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

03 - Environment	The Shire will be a responsible custodian of the environment working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
Priority Outcomes	Our Roles
The Shire will be prepared for and respond to the challenges of climate change.	Increase community awareness and preparedness for the impacts of climate change and its major local risks such as bush fires.

ATTACHMENTS

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

- Bushfire Risk Management Coordinator Overview (Doc Id: SODR-890489631-1617)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council:

- 1) Authorise the Chief Executive Officer to accept the grant from the Department of Fire and Emergency Services for the**

purposes of funding a Bushfire Risk Management Coordinator to implement bushfire mitigation activities and support the ongoing maintenance of the Shire's Bushfire Risk Management Plan.

- 2) Acknowledge the Shire's financial contributions required to participate in the program will be incurred over the coming three financial years.**

CARRIED 8 / 0

9.4.4 POLICY REVIEW – OCCUPATIONAL SAFETY AND HEALTH POLICY

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1792953452-2314
Disclosure of Interest:	None
Date:	14 March 2022
Author:	Trinity Burlas, Principal Environmental Health Officer
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

The purpose of this report is for Council to consider and approve amendments to C-2OSH02 – Occupational Safety and Health Policy. The Policy has been reviewed and proposed amendments were included to reflect changes in Work Health and Safety (WHS) legislation.

BACKGROUND

The current Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996 will be revoked and replaced with the Work Health and Safety Act 2020 and the Work Health and Safety (General) Regulations 2022. The new Act and Regulations will come into effect from 31 March 2022 and will bring Western Australia's WHS legislation in line with the majority of other Australian states.

The main changes include the following:

- Increased Penalties.
- Broader terms that include 'PCBU' (Person Conducting or Undertaking a Business) and 'worker'.
 - A PCBU not only includes an employer, but a corporation, association, partnership, sole trader, volunteer organisation, Local Government Council, Independent School and Government Department and authorities.
 - A worker is an employee, subcontractor and casual worker, employee of a contractor or subcontractor, employee of a labour hire company, outworker, apprentice or trainee, volunteer and a work experience student.
- A PCBU will now have the equal duty of care to a worker regardless of how many PCBUs are involved.

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- The criteria for convicting someone for industrial manslaughter under the WHS Act 2020 is the same as convicting someone under our gross negligence law. Prosecutors no longer have to convict the company, they will be also able to convict individual company officers.
- Insurance can pay for legal fees under current legislation. Under the new WHS Act 2020 insurance cannot be used to cover fines for breaches under the Act.

COMMENT

C-2OSH02 – Occupational Safety and Health Policy has been reviewed with reference to the new WHS legislation. Appropriate changes have been made as reflected in the Attachment to the report.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996
- Work Health and Safety Act 2020
- Work Health and Safety (General) Regulations 2022.

POLICY IMPLICATIONS

Policy 2.2 C-2OSH02 – Occupational Safety and Health to be updated.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04 Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
Priority Outcomes	Our roles
A region that develops and supports community leadership and collective values.	Providing an industry leading local government organisation promoting community confidence and support in our decision-making processes.

ATTACHMENTS

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

- Policy 202.C-2OSH – Occupation Safety and Health (Doc Id: SODR-878193511-2635)

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- Amended 2.2 C-2WHS02 – Work Health and Safety Policy relevant to this report. (Doc Id: SODR-1739978813-4897)
(Marked 9.4.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Shanhun

That Council approves the amended Policy 2.2 C-2WHS02 – Work Health and Safety to ensure consistency with the Western Australia’s Work Health and Safety Act 2022 and Work Health and Safety (General) Regulations 2022.

CARRIED 8 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – FEBRUARY 2022 COUNCIL STATUS REPORT

Document ID: [SODR-1739978813-4798]

Attached to the agenda is a copy of the Shire’s status report from the Council Meeting held 24 February 2022. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – FEBRUARY 2022

Document ID: [SODR-2045798944-455]

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for February 2022. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – FEBRUARY 2022

Document ID: [SODR-2045798944-456]

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for February 2022. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY ACTIVITIES REPORT FOR FEBRUARY

Document ID: [SODR-1876983588-964]

Attached to the agenda is monthly report for Tourism / Library / Community Activities Report for February 2022. **(Marked 9.5.4)**

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

Nil

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11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Section 5.23 of the Local Government Act 1995 stipulates that all Council Meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.

In situations where it is deemed that a meeting or part of a meeting must be closed to the public, Section 5.23 (3) states “A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”

For a decision to be recorded in the minute a formal motion must be passed by Simple majority clearly stating the reason for the closure in accordance with Section 5.23 of the Local Government Act 1995.

Local Government Act 1995

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

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- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

4A. Meeting, or part of meeting, may be closed to public — s. 5.23(2)(h)

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

11.1 GOVERNANCE & ADMINISTRATION

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Clarke

That the meeting be closed to members of the public at 4:28pm in accordance with Section 5.23 (2) (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Offer to Purchase – 11 Gazeley Way, Cervantes.

CARRIED 8 / 0

All members of the Public left the meeting.

COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That Council Suspend Clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019 at 4.29pm to facilitate open discussion on items 11.1.1.

CARRIED 8 / 0

11.1.1 OFFER TO PURCHASE – 11 GAZELEY WAY CERVANTES

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-129784381-287
Disclosure of Interest:	Nil
Date:	14 March 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not applicable

This report has been abridged due to the confidential nature of the content that is contained within this report.

COUNCIL DECISION

Moved Cr Rybarczyk, seconded Cr Shanhun

That Council reinstate clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meeting) Local Law 2019.

CARRIED 8 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MARCH 2022

COUNCIL DECISION

Moved Eyre, seconded Gibson

That Council:

- 1. present a counter-offer to Koncurat Holdings Pty Ltd at \$280,000 (excluding GST), and if that offer is accepted, approve the sale of 11 Gazeley Way, Cervantes, and authorise the CEO to execute the relevant sale contracts.**
- 2. Approve the sale of 11 Gazeley Way, Cervantes at a sale price of \$280,000 (excluding GST) and authorise the CEO to execute the relevant sale contracts to any subsequent purchaser, if the counter-offer to Koncurat Holdings Pty Ltd is declined.**

CARRIED 8 / 0

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Gibson

That the Meeting be reopened to the public at 4.41pm.

CARRIED 8 / 0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.42pm.

These minutes were confirmed at a meeting on 28 April 2022

Signed Leslee James

Presiding person at the meeting at which the minutes were confirmed

Date 28 April 2022