



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 23 May 2013** at the **Council Chambers Jurien Bay** commencing at **5.00pm**.

Attached is your copy of the agenda and business papers for the meeting.

*The format for the day is as follows:*

- |               |  |
|---------------|--|
| <b>2.30pm</b> | <b>Council Forum</b> <ul style="list-style-type: none"><li>▪ <b>Agenda Briefing Session</b></li><li>▪ <b>Councillor Discussion / Reports</b></li><li>▪ <b>Draft Corporate Business Plan Presentation</b></li></ul> |
| <b>5.00pm</b> | <b>Ordinary Meeting of Council</b>   |
| <b>6.00pm</b> | <b>Public Forum</b>  |

.....  
**Tony Nottle**  
**CHIEF EXECUTIVE OFFICER**

14 May 2013



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

**AGENDA AND BUSINESS PAPERS**

**for the**

**ORDINARY COUNCIL MEETING**

**to be held**

**AT THE COUNCIL CHAMBERS, JURIEN BAY**

**on**

**THURSDAY 23 MAY 2013**

**COMMENCING AT 5.00PM**

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

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## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

#### 1.1 DECLARATION OF OPENING

#### 1.2 DISCLAIMER READING

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

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

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

#### Members

Councillor W Gibson	(President)
Councillor L Short	(Deputy President)
Councillor M Russell	
Councillor D Kent	
Councillor L Holmes	
Councillor T Bailey	
Councillor K McGlew	
Councillor M Sheppard	

#### Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr D Chidlow	(Manager Planning)
Mr B Wall	(Executive Manager Infrastructure & Major Projects)
Miss D Kerr	(Council Secretary & PA)

#### Apologies

Mr S Clayton	(Executive Manager Corporate & Community Services)
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#### Approved Leave of Absence

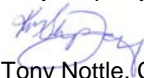

### 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

### 4 PUBLIC QUESTION TIME

- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
  
- 6 CONFIRMATION OF MINUTES**
  - 6.1 MINUTES OF THE ORDINARY MEETING HELD 18 APRIL 2013**
  - 6.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 9 MAY 2013**
  
- 7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION, AND COUNCIL APPOINTED DELEGATES REPORTS**
  
- 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
  
- 9 REPORTS OF COMMITTEES AND OFFICERS**

## 9.1 FINANCE

### 9.1.1 NOMINATIONS FOR WORKING PARTY – SHIRE OF DANDARAGAN COMMUNITY GRANT 2013 / 2014

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Grants and Subsidise / Applications / Shire Community Grants
Disclosure of Interest:	Nil
Date:	26 April 2012
Author:	Kelly Shipway, Community Economic Project Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The purpose of this report is to nominate four Councillors to a working party to undertake the task of evaluating grant applications lodged under the Shire of Dandaragan Community Grant 2013 / 2014 round.

#### BACKGROUND

In accordance with the Community Grants Program policy 1.7, advertisements were placed in the four local papers in early April 2013, inviting written applications for community grants that would close by 4.00pm 28 June 2013.

At the Council meeting held 23 August 2012 to determine the allocation of grants, the following motion was made:

*6) a working party of four Councillors to be established to assist with the evaluation process for the next 2013 / 2014 Community Grants.*

In order to have a working party that is a representative of all four towns, one Councillor from each location may wish to be nominated for this undertaking.

#### COMMENT

Staff are proposing the working party will meet prior to the forum on Tuesday 11 July 2013 to determine eligibility of applications and the allocation of grant funding. All applications received, grant guidelines and assessment sheets will be distributed prior to the working party meeting in July 2013

The results of the working party will then be taken to the next Council meeting for consideration as an agenda item.

#### CONSULTATION

- Chief Executive Officer
- Manager Corporate Services
- Coordinator Integrated Planning

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### STATUTORY ENVIRONMENT

Local Government (Functions and General Regulations) 1996

### POLICY IMPLICATIONS

In accordance with Shire of Dandaragan's Policy 1.7 – Community Grants Program.

### FINANCIAL IMPLICATIONS

Council will be making a provision in the 2013/14 budget for the Community Grants Program. Last year the amount of expenditure for standing allocations and specific grant applications under the Community Grants Program was \$24,109.

### STRATEGIC IMPLICATIONS

Shire Strategic Community Plan (July 2012)

GOAL 3: Focus on Community

OBJECTIVE 4: Develop connected communities through communication, engagement and targeted support.

CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-O4-A2	Set community grant program at % of rates and review every 4 years when developing new Corporate Business Plan	Corporate Business Plan	Ongoing	District	Community groups

### ATTACHMENTS

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

- Policy 1.6 – Community Grants Program (Doc Id: 13706)  
**(Marked 9.1.1)**

### VOTING REQUIREMENT

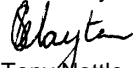

Simple majority

### OFFICER RECOMMENDATION

That Councillor a) \_\_\_\_\_ Councillor  
b) \_\_\_\_\_ Councillor c) \_\_\_\_\_ and  
Councillor d) \_\_\_\_\_ be appointed to the  
Community Grants Working Party 2013 / 2014.

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### 9.1.2 ACCOUNTS FOR PAYMENT – MARCH 2013

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	24 April 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To accept the cheque and direct debit listing for the month of March 2013.

#### BACKGROUND

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

#### COMMENT

The cheque and electronic funds transfer (EFT) listing for March 2013 totalled \$1,215,062.11 for the Municipal Fund.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Cheque and direct debit listings for March 2013 (Doc Id: 13318) **(Marked 9.1.2)**



#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 31 March 2013 totalling \$1,215,062.11 be accepted.**

### 9.1.3 WRITE – OFF BUSHFIRE INVOICE FOR LOT 206 BELINDA LOOP, ALTA MARE

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Emergency Services / Procedures / Fire Safety
Disclosure of Interest:	None
Date:	7 May 2013
Author:	Chris Carey, Senior Ranger
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

This proposal is seeking approval from Council to write-off the raised invoice for the following property – Lot 206 Belinda Loop Alta Mare for \$330.00.

#### BACKGROUND

The Bush Fires Act 1954 makes provision for Council's Bush Fire Control Officer or other authorised person in pursuant of the provisions of Council's Bush Fire Order to enter upon the land of the owner or occupier with such servants, workmen, or contractors and with such vehicles, machinery or appliances as he deems fit to achieve the required works.

When conducting inspections between November and December 2012 Council's authorised officer identified Lot 206 Belinda Loop did not appear to have undertaken the required works to comply with the above order. In accordance with the provisions of the Bush Fire Act 1954 Council's authorised officer engaged the services of contractors to achieve the required works.

The invoiced amount from contractor was paid by the Shire direct to the contractor and the Shire then posted an invoice to the property owner for the payment of works.

#### COMMENT

Council received a phone call from the property owner of Lot 206 Belinda Loop, Alta Mare. This call related to the property owner receiving an invoice from the Shire for works undertaken for firebreak compliance to the above property.

The property owner's son stated that he and his father had purchased a tractor which was stored on his property in Alta Mare for the purposes of slashing both their lots.

He stated that Lot 206 Belinda Loop had been completed prior to 1 November 2012.

From all the properties that were inspected for non-compliance by Ranger Services it is the one property that photos were not taken



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

to assist both the Shire and the property owner in the event of an appeal or clarification.

Following an amicable telephone discussion with the property owner's son it is the Senior Rangers opinion that without tangible evidence and in consideration of good governance for Councillors to consider withdrawing the invoiced amount of \$330.00 including GST.

### CONSULTATION

- Property Owners – Robert & Joseph Roso
- Ranger Services – Chris Carey & Kerrin Hansen

### STATUTORY ENVIRONMENT

Section 6.12 of the Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

The Shire of Dandaragan has incurred an expense in arranging this block to be slashed by a contractor with the original intention of recouping this expense from the landowner, resulting in a nil overall financial effect.

By writing off these invoices, the Shire will incur an additional unbudgeted expense of \$330.00 inclusive of GST.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Copy of Sundry Debtor Invoice (Doc Id: 13545)
- Copy of Contractor Invoice (Doc Id: 13544)

**(Marked 9.1.3)**

### VOTING REQUIREMENT

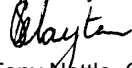

Absolute majority

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013****OFFICER RECOMMENDATION**

**That Council, in accordance with Section 6.12 of the Local Government Act 1995 agree to write off Sundry Debtor Invoice Number 24348 issued to JM & R Roso for the sum of \$330.00 inclusive of GST.**

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### 9.1.4 ACCOUNTS FOR PAYMENT – APRIL 2013

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	10 May 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Kottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To accept the cheque and direct debit listing for the month of April 2013

#### BACKGROUND

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

#### COMMENT

The cheque and electronic funds transfer (EFT) listing for April 2013 totalled \$948,901.33 for the Municipal Fund.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Cheque and direct debit listings for April 2013 (Doc Id: 13605)  
**(Marked 9.1.4)**

#### VOTING REQUIREMENT


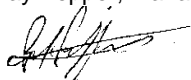
Simple majority

#### **OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 30 April 2013 totalling \$948,901.33 be accepted.**

## 9.2 WORKS AND PLANT

### 9.2.1 TECHNICAL SERVICES AND WORKS MONTHLY REPORT – APRIL 2013

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Roads / Reporting / Summaries
Disclosure of Interest:	None
Date:	01 May 2013
Author:	Kerri Renton, Works Support Officer
Signature of Author:	
Senior Officer:	Ray Pepper, Manager Technical Services and Works
Signature of Senior Officer:	

#### PROPOSAL

To notify Council on the progress of the Technical Services and Works department of the Shire of Dandaragan.


#### BACKGROUND

Details of completed and commenced works that have been undertaken within the Shire of Dandaragan's operations over the previous month.

#### COMMENT

This report provides a program summary of the Technical Services and Works for the Jurien Bay and Dandaragan Depots for the month of April 2013 for Council's information and or discussion.

# AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

	<b>APRIL WORKS REPORT 2013</b>	<b>TECHNICAL SERVICES AND WORKS</b>
<b>Location</b>	<b>Work Details</b>	
<b>ALL SHIRE ROADS</b>		
<b>ROAD MAINTENANCE</b>		
Marchagee Track, North West Road, Cervantes Road, Cataby Road and Dandaragan Road.	Guide posts reinstalled where required , potholes filled in, signs fixed or replaced where required.	
Nambung Road	Bad blowouts boxed out and fixed	
Jurien Bay Heights and Alta Mare	Spraying Burr grass	
<b>UNSEALED ROADS NETWORK</b>		
Hanson Bay Road, Sandy Cape Road, Mackays Road, Marine Drive, Wolba Road, Waddi Road, Wongonderrah Road, Lesueur Drive, Blackarrow Road, Cadda Road	Graded	
Cadda Road (MGR009) slk 9.36 to 14.36	Gravel resheet completed	
<b>SEALED ROADS NETWORK</b>		
North West Rd (RRG005) slk 45.5 to 47.19	Widening and seal completed	
<b>PARKS AND OPEN SPACE NETWORK – Gardens, Parks, Ovals, POS, Swales</b>		
Memorial Park Jurien Bay	New fencing installed	
All Shire	Fertilised and ongoing reticulation maintenance	
Cervantes and Jurien Bay ovals	Repairs to all bollards	
<b>REFUSE SITES</b>		
Cervantes and Jurien Bay	Fill	
<b>INFRASTRUCTURE</b>		
Jurien Bay and Cervantes Airports	Slashing & spraying	
Thirsty point	Removal of toilet block	
Catalonia Car Park	Disable bays	
<b>FOOTPATHS</b>		
Started footpath Repairs in Beach ridge from tree boxes		
<b>VERGE MAINTENANCE</b>		
Badgingarra Road, Dandaragan Road, Menardie Road and Cataby Road	Slashed	
Jurien Bay	Mowing, spraying and weeding all verge	
Beachridge Estate	Spraying of all verges	
<b>SEPTIC</b>		
13 Jobs	Various locations	
<b>CEMETERY MAINTENANCE</b>		

## CONSULTATION

- Parks and Gardens Supervisor Jurien Bay
- Works Supervisor Dandaragan
- Manager Technical Services and Works

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

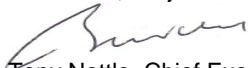

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That the progress report of the Technical Services and Works department of the Shire of Dandaragan for the month of April 2013 be received and noted.**

## 9.2.2 CIVIC / TOURIST INFORMATION CENTRE INTERIOR DESIGN

Location:	Lot 67 Bashford Street
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Council Properties / Urban Design / Civic Precinct
Disclosure of Interest:	N/A
Date:	10 May 2013
Author:	Brian Wall, Project Manager – Special Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

### PROPOSAL

Council to consider the options presented by Espace design for the interior design to the foyer area of the Civic/Tourist Information Centre.

### BACKGROUND

At the Council Forum 9 May 2013, Emma Long from Espace Design Group presented 2 interior design options for the foyer area of the Civic/Tourist information Centre for Council to consider. Both designs presented were compatible with current structural design of the building, with a minor change to the strength of the ceiling to the entrance of the building be required if the mirrored ceiling was to be implemented.

### COMMENT

At this meeting Council verbally requested officers submit an item to full Council for endorsement of a preferred option.

After the meeting Emma from Espace design staff met with the Community Resource Centre (CRC) to discuss the options, CRC comment *"They look very impressive. They certainly do provide great spaces for Tourism and Library services but do not see provision within the foyer for CRC services"*. Espace and CRC discussed ways in creating a larger presence in the foyer to the new Civic Precinct, to include;

- Wall space within the computer zone in the library area to be utilised to accommodate wall mounted brochure holders and community pin boards and information boards relating to services provided by the CRC; and
- CRC branding to be incorporated and promoted throughout office space behind the front counter. Suggestions to include corporate colours in partitions screening, and introduce logo in the glazing decals.

As CRC are to be the manager of the centre and given the community services they provide it is imperative accessibility, identity and presence for CRC is provided. It was discussed and agreed that a dedicated space will be provided within the library area close to the Counter for CRC to display the services provided, and confirmed that this space can be provided within option 2 without any impact on the presented design.

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### CONSULTATION

Consultation with Council and CRC

### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

Costs associated with the interior fit out of the centre are to be included in the current allocated budget of the building construction. Budget expenditure will need to be assessed when planning the internal fit out. Other funding opportunities are being investigated to support current budget, in particular the internal fit out.

### STRATEGIC IMPLICATIONS

Shire Strategic Community Plan (July 2012)

Objective 2:

Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised.

CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G1-O2-A1	Develop Civic Precinct concept in Jurien Bay	Town Centre Strategy Plan SuperTown's Growth Plan	Short - Medium	Jurien Bay	CRC DEC Other agencies

### ATTACHMENTS

Nil

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION 1**

**That Council endorse interior design option number two (2) as presented by Espace on the following conditions:**

- 1. The art work currently identified within the design as jetty pylons on entry to the centre, be reviewed and other art work options be presented to Council for consideration.**
- 2. Espace investigate options to include an easy exit for staff from office space / counter to attend to customers in the foyer area.**



### **OFFICER RECOMMENDATION 2**

**That Council authorise the Chief Executive Officer to contract further services from Espace to undertake the interior design for the remainder of the Civic / Tourist Information Centre to ensure consistent and common theme.**



### 9.3 ADMINISTRATION

#### 9.3.1 AMENDMENT TO POLICY 9.7 STAFF BENEFITS

Location:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Personnel / Superannuation /
Disclosure of Interest:	Nil
Date:	10 April 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To amend Policy 9.7 Staff Benefits to ensure the legislated changes introduced by the Federal Government to increase the Superannuation Guarantee are passed on to the Shire of Dandaragan Employees.

#### BACKGROUND

As part of the Federal Government's Minerals Resource Rent Tax package legislation to enact three new measures has been passed by the House of Representatives.

One of these change results in the superannuation guarantee (SG) rate of 9% progressively increasing to 12% from 1 July 2013 to 1 July 2019.

The Shire of Dandaragan's Policy 9.7 in regards to Superannuation states:

*"The Shire of Dandaragan contribution to employee's superannuation will be to a maximum of 12% inclusive of the Superannuation Guarantee Contribution. The Superannuation Guarantee is currently 9%. To qualify for the additional 3%, the employee must contribute a minimum of 5% towards their superannuation from their ordinary earnings."*

#### COMMENT

As currently written the policy will not pass on the legislated SG increase to employees, rather will reduce the Shire of Dandaragan's additional 3% contribution.

This is against the intent of the legislative changes which would see more residents of Australia to increase their superannuation balances.

To ensure these increases are passed on to the employee, the Section of Policy 9.7 relating to superannuation would need to be reworded as follows;

*"The Shire of Dandaragan contribution to employee's*

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*superannuation will be to a maximum of the Superannuation Guarantee Contribution plus 3%. To qualify for the additional 3%, the employee must contribute a minimum of 5% towards their superannuation from their ordinary earnings either by an after tax contribution or salary sacrifice or a combination of both."*

### CONSULTATION

Chief Executive Officer

### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

### POLICY IMPLICATIONS

Shire of Dandaragan Policy 9.7 Staff Benefits will be amended

### FINANCIAL IMPLICATIONS

This change will have no financial implication for the 2012 / 2013 financial year.

However, as the increase occurs over future years, it will result in an increased superannuation expense to the Shire of Dandaragan.

The increase over the years is as follows;

YEAR	SUPER GUARANTEE
2012 -13 (current)	9%
2013 -14	9.25%
2014 -15	9.5%
2015 -16	10%
2016 -17	10.5%
2017 -18	11%
2018 -19	11.5%
2019 - onwards	12%

Based on the 2012 / 2013 salary budget the increase from 9% to 9.25% for the 2013 / 2014 year would be \$7,000 approximately.

### STRATEGIC IMPLICATIONS

G5-O2-A5	Develop workforce plan.
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### ATTACHMENTS

Nil

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

**That the Shire of Dandaragan Policy 9.7 Staff Benefits to as follows;**

## **9.7 STAFF BENEFITS**

### **OBJECTIVE**

To ensure the Shire fulfils its statutory requirements as an employer and that the employees of the Shire are treated in an equitable, fair and reasonable manner in keeping with the value placed by the Shire on attracting, recruiting and retaining well qualified and capable staff.

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### **POLICY STATEMENT**

#### **1. Septic Tank Cleaning Allowance**

Where Shire staff are required to clean or pump out a septic tank unit, an additional allowance of \$50.00 per service will be paid. To be eligible for this allowance, staff must sign an award flexibility agreement waiving their entitlement to payment of the adverse working conditions Level 2 allowance as stipulated in Local Government Industry Award 2010.

#### **2. Superannuation Contribution**

The Shire of Dandaragan contribution to employee's superannuation will be to a maximum of the Superannuation Guarantee Contribution plus 3%. To qualify for the additional 3%, the employee must contribute a minimum of 5% towards their superannuation from their ordinary earnings either by an after tax contribution or salary sacrifice or a combination of both.

#### **3. Use of Shire Vehicles by Staff**

The use of Shire of Dandaragan vehicles by staff will be determined by the Chief Executive Officer except in the case of Senior Executive Officers, where it will form part of their contracts of employment. (See *Chief Executive Officer Operations Manual*).

#### **4. Staff Telephone Allowance**

The Shire of Dandaragan will provide telephones, fixed and/or mobile, at no cost or subsidised to those staff that, in the opinion of the Chief Executive Officer, are able to demonstrate a need for access to such facilities in order to satisfactorily and efficiently undertake their duties. Relevant conditions will be determined by the Chief Executive Officer. (See *Chief Executive Officer Operations Manual*).

In the case of the Chief Executive Officer, and any other staff engaged on a contract, the provision of telephones are to be negotiated as part of the contractual engagement process and thereafter as part of the annual review process.

**8. Internet Access**

The Shire of Dandaragan will provide internet access at no cost or subsidised to those staff in the opinion of the Chief Executive Officer are able to demonstrate a need for the internet in order to satisfactorily and efficiently undertake their duties. Relevant conditions will be determined by the Chief Executive Officer. (*see Chief Executive Officer's Operation Manual*)

### 9.3.2 APPOINTMENT OF CHIEF BUSH FIRE CONTROL OFFICER / CHIEF FIRE WEATHER OFFICER, DEPUTY FIRE WEATHER OFFICERS, DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS AND FIRE CONTROL OFFICERS

Location:	Shire of Dandaragan
Applicant:	Fire Control Officers
Folder Path:	Business classification / Emergency Services / Bush Fire Council / Meetings
Disclosure of Interest:	None
Date:	30 April 2013
Author:	Matthew Dadd, Community Emergency Services Coordinator
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To appoint Fire Control Officers following the Annual General Meeting for Fire Control Officers held 3 April 2013 Under the *Bush Fires Act 1954* Section 38(1).

#### BACKGROUND

At the recent Annual General Meeting of Fire Control Officers held 3 April 2013, the below persons were nominated and elected to the position of CBFCO/CFWO, DFWO, DCBFCO and FCO. The above Officers were elected unopposed.

Mr. Richard Allen as Chief Bush Fire Control Officer/Chief Fire Weather Officer.

Mr. Aubrey Panizza, Mr. John Auld and Mr. Richard Brown as Deputy Fire Weather Officers.

Mr. Aubrey Panizza, Mr. Peter Ivey and Mr. Hugh Roberts as Deputy Chief Bush Fire Control Officers.

Mr. Colin McAlpine and Mr. Matthew Leeds as Fire Control Officers.

#### COMMENT

Council staff support the decision to appoint Mr. Richard Allen, Mr. Aubrey Panizza, Mr. Peter Ivey, Mr. Hugh Roberts, Mr. Richard Brown, Mr. John Auld, Mr. Colin McAlpine and Mr. Matthew Leeds to the above specified positions under the *Bush Fires Act 1954* Section 38(1). This will provide for fire control in areas where there is currently no coverage of Fire Control Officers for the Shire of Dandaragan.

#### CONSULTATION

- Annual General Meeting of Fire Control Officers.

#### STATUTORY ENVIRONMENT

*Bush Fires Act 1954, Section 38 (1)*

#### **38. Local government may appoint bush fire control officer**

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers

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under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

### POLICY IMPLICATIONS

As per Shire of Dandaragan Policy 3.1: Bush Fire Control Officer Appointments.

### FINANCIAL IMPLICATIONS

Council will be responsible for the costs associated with advertising.

### STRATEGIC IMPLICATIONS

CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-O2-A1	<p>Develop volunteer support strategy to support ongoing recruitment of new people into community leadership roles.</p> <p>Develop volunteering strategies to manage FIFO employment patterns.</p> <p>Encourage businesses to support staff to increase their community participation.</p>	Workshops	Short	District	<p>Community groups</p> <p>Business community</p>

### ATTACHMENTS

Attached to the agenda is the following item relevant to this report:

- Minutes Annual General Meeting of Fire Control Officers held 3 April 2013 (Doc Id: 13383)

**(Marked 9.3.2)**

### VOTING REQUIREMENT

Simple majority


### **OFFICER RECOMMENDATION**

**That Council appoint the below Officers:**

- **Mr Richard Allen to Chief Bush Fire Control Officer / Chief Fire Weather Officer;**
- **Mr John Auld, Mr Aubrey Panizza and Mr Richard Brown to Deputy Fire Weather Officer;**
- **Mr Aubrey Panizza, Mr Peter Ivey and Mr Hugh Roberts to Deputy Chief Bush Fire Control Officer; and**
- **Mr Colin McAlpine and Mr Matthew Leeds to the positions of Fire Control Officer;**

**as per the *Bush Fires Act 1954, Section 38(1).***

### 9.3.3 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	3 May 2013
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's Common Seal to the Financial Assistance Agreement - Royalties for Regions Project between the Department of Regional Development and Lands and the Shire of Dandaragan for the Country Local Government Fund 2012/13 Individual Allocation as follows:

- Badgingarra Community Centre Renewal
- Dandaragan Community Centre Renewal
- Jurien Community Centre Renewal
- Ablution Renewal Project
- Snorkel Trail

#### BACKGROUND

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

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

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

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

#### COMMENT

Nil

#### CONSULTATION

Not applicable

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION**

**That Council endorse the affixing of the Shire of Dandaragan's Common Seal to the Financial Assistance Agreement - Royalties for Regions Project between the Department of Regional Development and Lands and the Shire of Dandaragan for the Country Local Government Fund 2012/13 Individual Allocation as follows:**

- **Badgingarra Community Centre Renewal**
- **Dandaragan Community Centre Renewal**
- **Jurien Community Centre Renewal**
- **Ablution Renewal Project**
- **Snorkel Trail**



### 9.3.4 STRATEGIC COMMUNITY PLAN 2011-2021 – APPENDICES A) KEY PERFORMANCE INDICATORS AND B) RESOURCE CAPACITY

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Planning / Strategic Plans
Disclosure of Interest:	Nil
Date:	8 May 2013
Author:	Bob Bower, Coordinator Integrated Planning
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The Strategic Community Plan 2011-2021 was adopted by Council on 28 June 2012. To comply with advice received from the Department of Local Government two appendices to the Strategic Community Plan (SCP) are presented to Council for adoption. The proposed two appendices will set out; A) Key Performance Indicators 5.14 and, B) Costs and Proposed Implementation Timeline 5.15.

#### BACKGROUND

The Local Government (Administration) Regulations 1995 section S5.56 (1) has been amended and from 1 July 2013 the Shire must now have a Strategic Community Plan and a Corporate Business Plan.

Funding was made available from the Department of Local Government for the Shire of Dandaragan to assist with creation of the Strategic Community Plan. The Plan adopted by Council identified 118 various strategies that represented the desires and aspirations of the community.

Advice has now been received from the Department of Local Government that included within the SCP should be reference to the estimated costs of the strategies being considered by the SCP as well as a method of measuring future performance in carrying out the strategies.

#### COMMENT

Staff were of the understanding the SCP was developed not in isolation and was still dependent on other informing strategies not excluding the Workforce Development Plan, Asset Management Plans and Long Term Financial Plan, that are still being developed.

Details of possible funding options were indicated in the SCP. These options suggested potential partners and sources where funding might be obtained. To comply with Department of Local Government advice, possible costs to implement strategies have now also been estimated and are being presented as a supporting

document to the SCP as an appendix.

Staff had been hesitant to provide estimated costs as it was felt the true cost of the majority of strategies identified in the SCP and planned over the next 4 years would be highly subjective. This could lead the public to unrealistic expectations and distract from the aspirational nature of the SCP.

The Resource Requirements Appendix is being utilised in conjunction with the SCP to develop the Corporate Business Plan. The Long Term Financial Plan is the key document to link the SCP to projects the Shire can complete in the Corporate Business Plan. Including resource capacity and performance indicators into the SCP might only be possible as an estimate in future years.

Performance indicators are directly linked to available funding with either internal or external sources. As funding for staff or project costs are the key drivers to the majority of items identified in the SCP, a measurement of success will only be if the project is completed, or deferred until the next review of the SCP document in June 2014. Various strategies in the SCP that task the Shire to “lobby” for a particular goal are subjective. In such cases performance measures may prove to be complex to report on.

As outlined in the attached appendix “Performance Indicators 5.14” establishing KPIs can be fraught with difficulties. Data collection can be a slow and laborious process. Reporting the results in a meaningful way can be a difficult to achieve. As alluded to previously, the link between performance indicators and strategic objectives is often unclear, and the effect that improving an indicator will have on achieving objectives can be difficult to calculate. Regardless, the development of measurements to reflect the results that have been achieved is acknowledged as a long term goal that will be the focus of future reviews.

Basic performance measures have been set against the 5 goal areas. The key performance measures are designed to be reported annually. This will make it possible for the community to track progress against the objectives and to understand the impact of carrying out components of the Strategic Community Plan.

#### CONSULTATION

- Chief Executive Officer
- Manager Corporate Services

#### STATUTORY ENVIRONMENT

Local Government (Functions and General Regulations) 1996.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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### FINANCIAL IMPLICATIONS

There are no current financial implications. Council will be developing the Long Term Financial Plan that will incorporate priorities strategies identified in the SCP.

### STRATEGIC IMPLICATIONS

Shire Strategic Community Plan (June 2012)

GOAL 5: Build a proactive and leading local government

OBJECTIVE 2: Implement integrated strategic planning, and asset management planning to generate high level of sustainability of Council services.

CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G5-01-A3	Measure performance of Council through setting Key Performance Indicators (KPI's) in Corporate Business Plan and monitoring their achievement	Corporate Business Plan	Short	Organisation	
G5-02-A1	Develop Corporate Business Plan	Integrated Planning and Reporting Advisory Standard (IPRAS)	Short	Organisation	Community
G5-02-A3	Develop financial plan and meet KPI's (operating surplus ration, current/working capital ratio, debt service cover ratio)	IPRAS	Short	Organisation	

### ATTACHMENTS

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

- Key Performance Indicators 5.14 (Doc Id: 13569)
- Costs and Proposed Implementation Timeline 5.15 (Doc Id: 13616)

**(Marked 9.3.4)**


### VOTING REQUIREMENT

Absolute majority

### **OFFICER RECOMMENDATION**

**That appendix A) Key Performance Indicators 5.14 and appendix B) Costs and Proposed Implementation Timeline 5.15, of the Strategic Community Plan 2011 – 2021, be adopted by Council.**

### 9.3.5 AUDIT COMMITTEE MINUTES

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	None
Date:	10 May 2013
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 18 April 2013.

#### 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.

#### COMMENT

The purpose of the Audit Committee Meeting held 18 April 2013 was to receive and make recommendation to Council to receive the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Minutes of the Audit Committee Meeting (unconfirmed) held on 18 April 2013 (Doc Id: 13549)

**(Marked 9.3.5)**

#### VOTING REQUIREMENT

Simple majority


#### **OFFICER RECOMMENDATION**

**That the minutes of the Audit Committee meeting held 18**

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**April 2013 be received.**

### 9.3.6 PROCUREMENT AND PURCHASING PROBITY AUDIT REPORT

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Reviewing / Organisational Reviews
Disclosure of Interest:	None
Date:	10 May 2013
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

For Council to receive the Procurement and Purchasing Probitity Audit Report (Audit Report) prepared by the Department of Local Government.

#### BACKGROUND

Council will recall being advised recently of the completed Probitity Audit undertaken by Department of Local Government officers Stuart Fraser and Lona Pallister in February 2013.

This audit was completed and subsequently the Audit Report was received 19 March 2013.

The Audit Report made 10 recommendations being:

#### *Recommendation 1*

That the Chief Executive Officer (CEO) seeks a delegation from Council to have the authority to invite tenders with Council giving further consideration to providing the CEO with delegated authority to set the criteria for tenders and for accepting tenders. The CEO is to ensure that all delegations made by Council are recorded in the Register of Delegations in accordance with section 5.46(1) of the Act.

#### *Recommendation 2*

That the CEO amends the Shire's Purchasing Policy and Tender Guide, and Records Management Policy, and Procedures Manual to more clearly describe the procedures for recording and retention of written information, or documents, in respect of all quotations received and all purchases made.

#### *Recommendation 3*

That the CEO implements a system to ensure that all employees with the authority to purchase goods and services are aware of and understand the procedures in the Shire's Purchasing Policy and Tender Guide, and Records Management Policy for obtaining and recording of quotations. Such a system is also to ensure that all relevant employees comply with those procedures.

#### *Recommendation 4*

That the CEO properly maintains the Tender Register by ensuring that the details recorded in the Register comply with regulation 17

of the *Local Government (Functions and General) Regulations 1996*.

*Recommendation 5*

That the CEO ensures that the Tender Register is properly maintained by ensuring that all tenders are recorded in the Register at the relevant time.

*Recommendation 6*

That the CEO ensures that all employees with the authority to invite tenders or involved with the tender process, are adequately skilled or that further training and skills in understanding the tender procedures be put in place.

*Recommendation 7*

That the CEO reviews the policy and procedures for the use of Shire's corporate credit cards and establishes the recommended procedures contained in the Department's Use of Corporate Credit Cards Operational Guideline No.11.

*Recommendation 8*

That the CEO ensures that the appropriate authorisations are obtained from Council, prior to the execution of any documents on behalf of the Shire, in accordance with section 9.49A of the Act.

*Recommendation 9*

That the CEO reviews the Shire's Code of Conduct and updates the information contained in the document to include the content that is required by Regulation 34B and 34C of the *Local Government (Administration) Regulations 1996*.

*Recommendation 10*

That the CEO undertakes a review of the systems and procedures, in relation to the issues identified in this report and refers the result of that review to the Shire's Audit Committee in accordance with Audit Regulation 17 as part of the Audit Committees role in scrutinising the appropriateness and effectiveness of the Shire's systems and procedures.

Council will recall that some matters in relation to the report and the above recommendations were dealt with at the Ordinary Meeting of Council held on the 28 February 2013. At this meeting the following resolutions were passed to correct some of these issues, and consequently addressed Recommendations 1 and 8.

It was resolved at this meeting as follows:

*Moved Cr Russell, seconded Cr McGlew*

*That Council authorises the following officers of the Shire of Dandaragan to sign documents on behalf of the Shire of Dandaragan, as specified:*

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- *the Chief Executive Officer;*
- *the Deputy Chief Executive Officer;*
- *the Manager Planning;*
- *the Manager Corporate Services;*
- *the Manager Technical Services and Works;*
- *the Manager Building Services; and*
- *the Manager Environmental Health.*

*any document, including Deeds, that is necessary or appropriate to be signed for these officers to carry out their functions and duties under any written law.*

*CARRIED 7 / 0*

*Moved Cr Bailey, seconded Cr Russell*

*That Council:*

- 1. notes that a review is currently being undertaken of the Delegation Register; and*
- 2. adopts the following delegations (copy of delegations over page):*
  - Delegation 140 - Tenders and Expressions of Interest;*
  - Delegation 141 - "Authorised Persons"; and*
  - Delegation 142 - Common Seal.*



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<b>Title:</b>	<b>Tenders and Expressions of Interest</b>		
<b>Delegation No:</b>	<b>140</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted		Date Last Reviewed:	

Legislation:	Local Government Act 1995, s. 3.57; Local Government (Functions and General) Regulations 1996, Part 4, Division 2.
Power or Duty of the Local Government which is being delegated:	<p><b>3.57. Tenders for providing goods or services</b></p> <p>(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 3.57 of the <i>Local Government Act 1995</i>.</p> <p>In respect of choice of tender, the Chief Executive Officer is authorised to accept tenders up to a value of \$50,000. All tenders which exceed this value must be referred to Council for evaluation and decision</p>	

<b>Council Policy:</b>	Purchasing
Administration Policy/Procedure:	n/a

Notes	
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<b>Title:</b>	<b>Appointment of "Authorised Persons"</b>		
<b>Delegation No:</b>	<b>141</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s.9.10
<b>Power or Duty of the Local Government which is being delegated:</b>	<p>(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions</p> <p>(2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorized person.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 9.10 of the <i>Local Government Act 1995</i>.</p> <p>Applies to the appointment of authorised persons or classes of persons under the <i>Local Government Act 1995</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and those local laws which have been made under these Acts.</p>	

<b>Council Policy:</b>	n/a
Administration Policy/Procedure:	n/a

<b>Notes</b>	<p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>The Department of Local Government &amp; Regional Development's Guideline No. 17 (<i>Delegations</i>, January 2007) states that-</p> <p>"Section 2 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> effectively incorporates the provisions of that Act into the <i>Local Government Act 1995</i>, and therefore the delegation provisions of the <i>Local Government Act 1995</i> apply to the <i>Local Government (Miscellaneous Provisions) Act 1960</i>.</p>
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**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

<b>Title:</b>	<b>Common Seal</b>		
<b>Delegation No:</b>	<b>142</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Section 9.49A (2) of the Local Government Act 1995
<b>Power or Duty of the Local Government which is being delegated:</b>	The common seal of a local government is not to be affixed to any document except as authorised by the local government
The Chief Executive Officer is delegated authority to affix the common seal of the Shire of Danadaragan to any document which requires the affixing of the common seal to be validly executed.	

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes</b>	<b>Local Government Act 1995</b> <b>9.49A. Execution of documents</b> (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government
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**CARRIED BY ABSOLUTE MAJORITY 6 / 1**

The procurement and purchasing probity audit report was presented to the Audit Committee on 18 April 2013 and it was resolved:

**OFFICER RECOMMENDATION 1 / COMMITTEE DECISION**

*Moved Cr Gibson, seconded Cr Sheppard  
 That the Audit Committee receive and acknowledge the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government as attached.*

**CARRIED UNANIMOUSLY**

**OFFICER RECOMMENDATION 2 / COMMITTEE DECISION**

*Moved Cr McGlew, seconded Cr Sheppard  
 That the Audit Committee recommend to Council that it:*

<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013</b>
--

1. *receive and acknowledge the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government as attached; and*
2. *acknowledge the review and the status of the recommendations undertaken by the CEO as outlined within the body of this report.*

**CARRIED UNANIMOUSLY**

**COMMENT**

The CEO has considered the report and already implemented some changes to address the issues raised in the Audit Report.

While there were a total of 10 recommendations, a number of them require an element of staff training and a refresher for staff on internal procedures (Recommendations 3, 4, 5, 6 and 7). The remaining recommendations require some amendments to delegations, procedures or requires Council decision which is the reason for this report.

The following comments in relation to each recommendation are below as follows:

*Recommendation 1*

Status: COMPLETE - addressed at Council Meeting 28 February 2013.

Council has not had a delegation in place for approximately seven or so years (it's not clear specifically if this delegation existed at all) and staff operated on the assumption that all tenders were able to be called if the goods and services required were included in the budget and brought to Council for approval. Council has since rectified this issue and adopted Delegation No. 140 to authorise the CEO to call tenders on its behalf.

*Recommendation 2*

Status: IN PROGRESS - addressed in separate item in this agenda.

While records of quotations were being retained some of the policies were in conflict to one another in relation to how these records are to be kept. An amended policy and procedure will be established to address this issue.

*Recommendation 3*

Status: IN PROGRESS - policy amendments and to be addressed internally through training.

Consistency of record keeping of quotations and re-training of staff in relation to the internal policy requirements of obtaining quotes is required. This will be addressed in the proposed new policy amendments. The remaining issues (training) will be addressed

internally.

*Recommendation 4*

Status: IN PROGRESS - to be addressed internally through training.

While some issues were identified in this area it is important to note that the three tenders identified as not being within the register were being worked on at the time of the audit. One of these being a tender that WALGA ran on Council's behalf. In relation to this recommendation affected staff will undergo training.

*Recommendation 5*

Status: IN PROGRESS - to be addressed internally through training.

See above comments for Recommendation 4.

*Recommendation 6*

Status: IN PROGRESS - to be addressed internally through training.

As the report indicates, the officer's report to Council refers to expressions of interest in relation to the cleaning of facilities in Jurien Bay as well as a tender. Training will be provided to staff as to the correct terminology and what circumstances where a tender is to be called. In this instance, the officer recommendation and the Council resolution were correct in awarding the tender however, in future all references to EOI need to be removed from the item and it will need to be recorded in the tender register.

*Recommendation 7*

Status: IN PROGRESS - addressed in separate item in this agenda.

There is currently an absence of a written agreement between holders of a corporate credit card and the Shire of Dandaragan. While this is not in contravention to legislative requirements, the Department recommends the "best practice" approach in line with Departmental Guideline No. 11 - Use of Corporate Credit Cards.

*Recommendation 8*

Status: COMPLETE - addressed at Council Meeting 28 February 2013.

Council has already addressed the issue of authorisations to enter into a contract at its Council Meeting held on the 28 February 2013 as indicated in the background. This issue has now been rectified as a result of Council's resolution.

*Recommendation 9*

Status: IN PROGRESS - addressed in separate item in this

agenda.

The Shire's Code of Conduct was last reviewed in February 2010. A separate item in this agenda deals with the review of the Code of Conduct.

*Recommendation 10*

Status: COMPLETE - addressed through the process undertaken to consider this item.

This recommendation merely requests that the CEO undertake a review as per the recommendations and the newly inserted (8 February 2013) amendment to the *Local Government (Audit) Regulations* which states:

*"17. CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to -*
  - (a) risk management; and*
  - (b) internal control; and*
  - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review."*

A full review will need to be resourced in the future and will occur within the next two calendar years in accordance with the regulation. The review of existing procedures in relation to the recommendations made within the Audit Report has already been completed by the CEO.

CONSULTATION

- Stuart Fraser - Department of Local Government
- Manager Corporate Services
- Audit Committee

STATUTORY ENVIRONMENT

Areas in relation to sections of the relevant Acts are included within the report.

POLICY IMPLICATIONS

The recommendations suggest some amendments to existing policies, as well as a new policy regarding the Code of Conduct.

FINANCIAL IMPLICATIONS

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

There are no financial implications relevant to this item. Future reviews or further work may require budget consideration in 2013/14.

### STRATEGIC IMPLICATIONS

- Shire of Dandaragan's Strategic Community Plan:

OBJECTIVE 4: Establish Corporate Governance and Risk Management processes that build the capacity of the Shire to be highly effective in meeting community outcomes and managing associated risk				
STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
All staff trained in Corporate Governance principles, practices and processes	Workforce Plan	Short	Organisation	WALGA

### ATTACHMENTS

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

- Covering letter from the Department of Local Government and Procurement & Purchasing Probity Audit Report (Doc Id: 12500) **(Marked 9.3.6)**

### VOTING REQUIREMENT

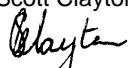
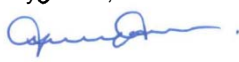
Simple majority

### **COMMITTEE AND OFFICER RECOMMENDATION**

**That Council:**

- 1. receive and acknowledge the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government as attached; and**
- 2. acknowledge the review and the status of the recommendations undertaken by the Chief Executive Officer as outlined within the body of this report.**

### 9.3.7 PROCUREMENT AND PURCHASING PROBITY AUDIT REPORT – RECOMMENDATION 2 – POLICY 1.15 SHIRE OF DANDARAGAN PURCHASING POLICY AND TENDER GUIDE AND DELEGATION 103 AUTHORITY FOR PAYMENT

Location:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	N/A
Date:	10 May 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to amend Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide and Delegation 103 Authority for Payment as a result of the recent Procurement and Purchasing Probitry Audit Report Recommendation 2.

#### BACKGROUND

On the 11, 12 and 13 February 2013 the Department of Local Government performed a Probitry Audit of the Shire of Dandaragan's purchasing and tender processes.

Recommendation 2 from the subsequent findings states:

*"That the Chief Executive Officer (CEO) amends the Shire's Purchasing Policy and Tender Guide, and Records Management Policy, and Procedures Manual to more clearly describe the procedures for recording and retention of written information, or documents, in respect of all quotations received and all purchases made."*

The Audit Committee considered this item at its meeting held 18 April 2013 and the Committee recommendation is presented to Council.

#### COMMENT

To implement these changes, the following changes are proposed to Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide:



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

Policy No 1.15	Adopted - 22 February 2007	Amended - 27 May 2010 <u>23 May 2013</u>
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### 1.15 SHIRE OF DANDARAGAN PURCHASING POLICY AND TENDER GUIDE

#### OBJECTIVE

To provide compliance with the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996 (as amended in March 2007).

To deliver a best practice approach and procedures to internal purchasing for the Shire of Dandaragan.

To ensure consistency for all purchasing activities that integrates within all the Shire of Dandaragan's operational areas.

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#### POLICY STATEMENT

##### 1. Why do we need a purchasing policy?

The Shire of Dandaragan is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Dandaragan with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Dandaragan receives value for money in its purchasing.
- Ensures that the Shire of Dandaragan considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Dandaragan is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Dandaragan's purchasing practices that withstands probity.

##### 2. Ethics & integrity

All officers and employees of the Shire of Dandaragan shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Dandaragan.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Dandaragan's policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Dandaragan by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### 3. Value for money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Dandaragan. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

### 4. Sustainable procurement

Sustainable procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Dandaragan is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and / or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Dandaragan's sustainability objectives.

Practically, sustainable procurement means the Shire of Dandaragan shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary;
- demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- demonstrate environmental best practice in water efficiency;
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;
- for motor vehicles - select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- for new buildings and refurbishments - where available use renewable energy and technologies.

### 5. Buy local / regional price preference

Where possible, the Shire of Dandaragan will endeavour to maximise supply opportunities for small and medium businesses for its purchasing requirements provided it is in accordance with the shires needs and meets the criteria set. The

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

priority will be firstly within the Shire of Dandaragan, secondly within neighbouring local authorities and thirdly, all other areas. This will be particularly relevant to the lower purchasing thresholds below but by no means precludes the higher thresholds.

### 6. Purchasing thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

Amount of Purchase	Policy
Up to \$3,000	Direct purchase from local suppliers
\$3,001 - \$10,000	Direct purchase from local, regional and all other suppliers requiring <u>at least one verbal or</u> written quotation
\$10,001 - \$19,999	Obtain at least three verbal or written quotations
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations)
\$100,000 and above	Conduct a public tender process

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

#### 6.1 Up to \$3,000

Where the value of procurement of goods or services does not exceed \$3,000, purchase from local suppliers is permitted. Where supply is not available locally, then purchases outside the district is permitted.

For the procurement of goods or services valued between \$1,500 and up to \$3,000, a verbal quotation is required.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the local government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

It is recommended for purchases in this range to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

a sample form for recording verbal quotations.

### 6.2 \$3,001 to \$10,000

This category is for the procurement of goods or services where the value of such procurement ranges between \$3,001 and \$10,000.

At least one [verbal or](#) written quotation is required.

The general principles for obtaining a written quotation are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - written specification
  - selection criteria to be applied
  - price schedule
  - conditions of responding
  - validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

### 6.3 \$10,001 to \$19,999

For the procurement of goods or services where the value exceeds \$10,001 but is less than \$19,999, it is required to obtain at least three verbal or written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The general principles for obtaining written quotations are to be followed.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

### 6.4 \$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The general principles for obtaining written quotations are to be followed.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### 6.5 \$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

### 7. Purchase ordering authority & limits

~~The following positions have delegated authority to sign purchase orders with the associated monetary limits, subject to the conditions and regulations contained in this Purchasing Policy. Purchase order authority and limits are to be in accordance with delegated authority 103 - Purchase Order Authorisation and Authority for Payment. See Appendix 1 for an extract of the delegated authority.~~

Position	Limit of Purchase Value	Other Restrictions
<del>Chief Executive Officer</del>	<del>No Limit</del>	
<del>Deputy Chief Executive Officer</del>	<del>No Limit</del>	
<del>Manager Corporate Services</del>	<del>No Limit</del>	<del>Purchases are to be made in accordance with budget allocations only.</del>
<del>Manager Technical Services and Works</del>	<del>No Limit</del>	<del>Purchases are to be made from relevant program/s and in accordance with budget allocations only.</del>
<del>Manager Building Services</del>	<del>No Limit</del>	<del>Purchases are to be made from relevant program/s and in accordance with budget allocations only.</del>
<del>Manager Environmental Health</del>	<del>No Limit</del>	<del>Purchases are to be made from relevant program/s and in accordance with budget allocations only.</del>
<del>Works Supervisor</del>	<del>\$10,000 For amounts over \$10,000, order must be countersigned by Manager Technical Services and Works</del>	<del>Purchases are to be made from relevant works cost centre and in accordance with budget allocations only.</del>



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Position	Limit of Purchase Value	Other Restrictions
Parks & Gardens Supervisor	\$10,000 For amounts over \$10,000, order must be countersigned by Manager Technical Services and Works	Purchases are to be made from relevant parks & gardens cost centre and in accordance with budget allocations only.
Mechanic	\$2,000 For amounts over \$2,000, order must be countersigned by Works Supervisor	Purchases are for parts or repair of the Shire of Dandaragan's vehicle fleet and in accordance with budget allocations only.
Engineering Technical Officer	\$2,000 For amounts over \$2,000, order must be countersigned by Manager Technical Services and Works	Purchases are to be made from relevant program/s and in accordance with budget allocations only.

~~In addition, for ease of record keeping, the Ranger and Community Emergency Services Co-ordinator are issued with purchase order books however, these positions do not have entitlement to sign purchase orders.~~

## 8. WALGA Council Purchasing Service

Part 4, Section 11 (2) states;

- “(2) Tenders do not have to be publicly invited according to the requirements of this Part if -  
(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”

Where approved products and services are purchased from approved WALGA suppliers the quote and tender requirements stated in Section 6 above do not apply.

However, delegated authority 103 - PURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT limits purchase orders to a maximum of up to \$100,000 unless endorsed by Council, therefore, any purchase of \$100,000 or more must still require a Council decision prior to the purchase being made.

## 9. Record Keeping

Record keeping requirements must be maintained in accordance with the Shire of Dandaragan Recordkeeping Plan and the Records Policy and Procedures manual, as well as the individual requirements stipulated in section 6 above.

Verbal quotes must be documented. Appendix 2 provides a template for recording verbal quotes.

Written and recorded verbal quotes, for both successful and unsuccessful requests must be attached to the white copy of the purchase order handed to the Administration Officer – Debtors and Creditors.

The white copy of the purchase order and the recorded quotes are then attached the tax invoice and filed in accordance with the Record Keeping Plan.

Appendix 1 – Extract of delegated authorityPURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT


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<b><u>Delegation No:</u></b>	<b><u>103</u></b>
<b><u>Delegate:</u></b>	<u>Chief Executive Officer</u>
<b><u>References:</u></b>	<u>Local Government Act 1995 (Sections 5.42 and 6.10)</u> <u>Financial Management Regulations (Regulations 12 and 13)</u>
<b><u>CEO delegates to:</u></b>	<u>Deputy Chief Executive Officer – Level 2</u> <u>Manager Corporate Services – Level 2</u> <u>Manager Technical Services and Works – Level 2</u> <u>Manager Building Services – Level 2</u> <u>Manager Environmental Health – Level 2</u> <u>Works Supervisor – Level 3</u> <u>Parks and Gardens Supervisor – Level 3</u> <u>Mechanic – Level 4</u> <u>Works Support Officer – Level 5</u> <u>Senior Ranger – Level 6</u> <u>Building Maintenance Coordinator – Level 7</u>

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Conditions – Purchase Order limits on amountsLimits on amounts:

- a) Level 1 (Applies to Chief Executive Officer) - \$100,000 excluding the purchase of freehold land and real estate. Issue of purchase orders above \$100,000 are permitted provided a prior decision of Council authorises such a purchase..
- b) Level 2 – up to \$100,000 excluding the purchase of freehold land real estate.
- c) Level 3 – up to \$10,000 excluding capital items.
- d) Level 4 – up to \$5,000 excluding capital items.
- e) Level 5 – up to \$2,000 excluding capital items.
- f) Level 6 – up to \$1,000
- g) Level 7 – up to \$500

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Appendix 2

<u>RECORD – REQUEST FOR VERBAL</u>			
<u>Company Name:</u>			
<u>Contact Name:</u>			
<u>Date:</u>			
<u>DETAILS OF VERBAL QUOTE</u>			
<u>Product / Service</u>	<u>Qty</u>	<u>Unit Cost</u>	<u>Total Cost</u> \$
<u>TOTAL</u>			
<u>SIGNED</u>			



**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

The proposed changes results in the deletion of specific purchasing authorities for staff members, the purpose of this deletion is to deal with individual purchasing authorities through delegation. Therefore, the following changes to Delegation 103 are proposed:

## **CREDITORS — PURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT**

**Delegation No:** 103  
**Delegate:** Chief Executive Officer  
**References:** *Local Government Act 1995* (Sections 5.42 and 6.10)  
*Financial Management Regulations* (Regulations 12 and 13)  
**CEO delegates to:** [Deputy Chief Executive Officer – Level 2](#)  
[Manager Corporate Services – Level 2](#)  
[Manager Technical Services and Works – Level 2](#)  
[Manager Building Services – Level 2](#)  
[Manager Environmental Health – Level 2](#)  
[Works Supervisor – Level 3](#)  
[Parks and Gardens Supervisor – Level 3](#)  
[Mechanic – Level 4](#)  
[Works Support Officer – Level 5](#)  
[Senior Ranger – Level 6](#)  
[Building Maintenance Coordinator – Level 7](#)  
~~Manager Corporate Services~~  
~~Deputy Chief Executive Officer~~

### **DELEGATION:**

The Chief Executive Officer is delegated authority to [issue and sign purchase orders and](#) approve payments for expenditure included in the Municipal Fund budget or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- the payee's name;
- the amount of payment;
- the date of the payment; and
- sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

### **Conditions - Purchase Order limits on amounts**

#### Limits on amounts:

- [Level 1 \(applies to Chief Executive Officer\) - \\$100,000 excluding the purchase of freehold land and real estate. Issue of purchase orders above \\$100,000 are permitted provided a prior decision of Council authorises such a purchase.](#)
- [Level 2 - up to \\$100,000 excluding the purchase of freehold land real estate.](#)
- [Level 3 - up to \\$10,000 excluding capital items.](#)
- [Level 4 - up to \\$5,000 excluding capital items.](#)

# AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

- e) Level 5 - up to \$2,000 excluding capital items.
- f) Level 6 - up to \$1,000.
- g) Level 7 - up to \$500.



DELEGATION TO CEO			FROM CEO TO EMPLOYEES	
Files:			Files:	
Bibliography			Bibliography	
*	Minute	Date	*	Date

\* Legend – indicate whether 'adopted', 'reaffirmed', 'amended', revoked or 'reviewed'

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### CONSULTATION

- Stuart Fraser - Department of Local Government
- Manager Corporate Services
- Audit Committee

### STATUTORY ENVIRONMENT

Section 2.7(2)(b) of the *Local Government Act 1995* states:

*Without limiting subsection (1), the council is to -*  
*(b) determine the local government's policies.*

*Regulation 11A of the Local Government (Functions and General) Regulations 1996 states:*

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.*
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) A purchasing policy must make provision in respect of -*
  - (a) the form of quotations acceptable; and*
  - (b) the recording and retention of written information, or documents, in respect of -*
    - (i) all quotations received; and*
    - (ii) all purchases made.*

### POLICY IMPLICATIONS

Results in the amendment of Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide.

### 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

### **COMMITTEE AND OFFICER RECOMMENDATION**

**That Council, in reference to Recommendation 2 of the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government, authorise the Chief Executive Officer to amend:**

- 1. Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide to the following:**

<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013</b>
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Policy No 1.15	Adopted - 22 February 2007	Amended - 27 May 2010 23 May 2013
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## **1.15 SHIRE OF DANDARAGAN PURCHASING POLICY AND TENDER GUIDE**

### **OBJECTIVE**

To provide compliance with the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996 (as amended in March 2007).

To deliver a best practice approach and procedures to internal purchasing for the Shire of Dandaragan.

To ensure consistency for all purchasing activities that integrates within all the Shire of Dandaragan's operational areas.

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### **POLICY STATEMENT**

#### **1. Why do we need a purchasing policy?**

The Shire of Dandaragan is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Dandaragan with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Dandaragan receives value for money in its purchasing.
- Ensures that the Shire of Dandaragan considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Dandaragan is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Dandaragan's purchasing practices that withstands probity.

#### **2. Ethics & integrity**

All officers and employees of the Shire of Dandaragan shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Dandaragan.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Dandaragan's policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Dandaragan by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the

### 3. Value for money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Dandaragan. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

### 4. Sustainable procurement

Sustainable procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Dandaragan is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and / or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Dandaragan's sustainability objectives.

Practically, sustainable procurement means the Shire of Dandaragan shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary;
- demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- demonstrate environmental best practice in water efficiency;
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;
- for motor vehicles - select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- for new buildings and refurbishments - where available use renewable energy and technologies.

### 5. Buy local / regional price preference

Where possible, the Shire of Dandaragan will endeavour to maximise supply opportunities for small and medium businesses for its purchasing requirements provided it is in accordance with the shires needs and meets the criteria set. The



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

priority will be firstly within the Shire of Dandaragan, secondly within neighbouring local authorities and thirdly, all other areas. This will be particularly relevant to the lower purchasing thresholds below but by no means precludes the higher thresholds.

### 6. Purchasing thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

Amount of Purchase	Policy
Up to \$3,000	Direct purchase from local suppliers
\$3,001 - \$10,000	Direct purchase from local, regional and all other suppliers requiring at least one verbal or written quotation
\$10,001 - \$19,999	Obtain at least three verbal or written quotations
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations)
\$100,000 and above	Conduct a public tender process

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

#### 6.1 Up to \$3,000

Where the value of procurement of goods or services does not exceed \$3,000, purchase from local suppliers is permitted. Where supply is not available locally, then purchases outside the district is permitted.

For the procurement of goods or services valued between \$1,500 and up to \$3,000, a verbal quotation is required.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the local government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

It is recommended for purchases in this range to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains

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a sample form for recording verbal quotations.

### 6.2 \$3,001 to \$10,000

This category is for the procurement of goods or services where the value of such procurement ranges between \$3,001 and \$10,000.

At least one verbal or written quotation is required.

The general principles for obtaining a written quotation are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - written specification
  - selection criteria to be applied
  - price schedule
  - conditions of responding
  - validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

### 6.3 \$10,001 to \$19,999

For the procurement of goods or services where the value exceeds \$10,001 but is less than \$19,999, it is required to obtain at least three verbal or written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The general principles for obtaining written quotations are to be followed.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

### 6.4 \$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The general principles for obtaining written quotations are to be followed.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.



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### 6.5 \$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

### 7. Purchase ordering authority & limits

Purchase order authority and limits are to be in accordance with delegated authority 103 - Purchase Order Authorisation and Authority for Payment. See Appendix 1 for an extract of the delegated authority.

### 8. WALGA Council Purchasing Service

Part 4, Section 11 (2) of the *Local Government Act 1995* states;

- “(2) Tenders do not have to be publicly invited according to the requirements of this Part if -*  
*(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”*

Where approved products and services are purchased from approved WALGA suppliers the quote and tender requirements stated in Section 6 above do not apply.

However, delegated authority 103 - PURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT limits purchase orders to a maximum of up to \$100,000 unless endorsed by Council, therefore, any purchase of \$100,000 or more must still require a Council decision prior to the purchase being made.

### 9. Record Keeping

Record keeping requirements must be maintained in accordance with the Shire of Dandaragan Recordkeeping Plan and the Records Policy and Procedures manual, as well as the individual requirements stipulated in section 6 above.

Verbal quotes must be documented. Appendix 2 provides a template for recording verbal quotes.

Written and recorded verbal quotes, for both successful and unsuccessful requests must be attached to the white copy of the purchase order handed to the Administration Officer – Debtors and Creditors.

The white copy of the purchase order and the recorded quotes are then attached the tax invoice and filed in accordance with the Record Keeping Plan.

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## Appendix 1 – Extract of delegated authority

### PURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT

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<b>Delegation No:</b>	<b>103</b>
<b>Delegate:</b>	Chief Executive Officer
<b>References:</b>	Local Government Act 1995 (Sections 5.42 and 6.10) Financial Management Regulations (Regulations 12 and 13)
<b>CEO delegates to:</b>	Deputy Chief Executive Officer – Level 2 Manager Corporate Services – Level 2 Manager Technical Services and Works – Level 2 Manager Building Services – Level 2 Manager Environmental Health – Level 2 Works Supervisor – Level 3 Parks and Gardens Supervisor – Level 3 Mechanic – Level 4 Works Support Officer – Level 5 Senior Ranger – Level 6 Building Maintenance Coordinator – Level 7

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#### Conditions - Purchase Order limits on amounts

##### Limits on amounts:

- a) Level 1 (Applies to Chief Executive Officer) - \$100,000 excluding the purchase of freehold land and real estate. Issue of purchase orders above \$100,000 are permitted provided a prior decision of Council authorises such a purchase.
- b) Level 2 – up to \$100,000 excluding the purchase of freehold land real estate
- c) Level 3 – up to \$10,000 excluding capital items
- d) Level 4 – up to \$5,000 excluding capital items
- e) Level 5 – up to \$2,000 excluding capital items
- f) Level 6 – up to \$1,000
- g) Level 7 – up to \$500

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**Appendix 2**

<b>RECORD – REQUEST FOR VERBAL</b>			
Company Name:			
Contact Name:			
Date:			
<b>DETAILS OF VERBAL QUOTE</b>			
<b>Product / Service</b>	<b>Qty</b>	<b>Unit Cost</b>	<b>Total Cost \$</b>
<b>TOTAL</b>			
<b>SIGNED</b>			

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

**and**

**2. Delegation 103 to the following:**

## PURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT

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<b>Delegation No:</b>	<b>103</b>
<b>Delegate:</b>	Chief Executive Officer
<b>References:</b>	<i>Local Government Act 1995</i> (Sections 5.42 and 6.10) Financial Management Regulations (Regulations 12 and 13)
<b>CEO delegates to:</b>	Deputy Chief Executive Officer – Level 2 Manager Corporate Services – Level 2 Manager Technical Services and Works – Level 2 Manager Building Services – Level 2 Manager Environmental Health – Level 2 Works Supervisor – Level 3 Parks and Gardens Supervisor – Level 3 Mechanic – Level 4 Works Support Officer – Level 5 Senior Ranger – Level 6 Building Maintenance Coordinator – Level 7

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### DELEGATION:

The Chief Executive Officer is delegated authority to issue and sign purchase orders and approve payments for expenditure included in the Municipal Fund budget or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) the payee's name;
- b) the amount of payment;
- c) the date of the payment; and
- d) sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

### **Conditions - Purchase Order limits on amounts**

Limits on amounts:

- a) Level 1 (applies to Chief Executive Officer) - \$100,000 excluding the purchase of freehold land and real estate. Issue of purchase orders above \$100,000 are permitted provided a prior decision of Council authorises such a purchase.
- b) Level 2 - up to \$100,000 excluding the purchase of freehold land real estate
- c) Level 3 - up to \$10,000 excluding capital items
- d) Level 4 - up to \$5,000 excluding capital items
- e) Level 5 - up to \$2,000 excluding capital items

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- f) Level 6 - up to \$1,000
- g) Level 7 - up to \$500



DELEGATION TO CEO			FROM CEO TO EMPLOYEES	
Files:			Files:	
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*	Minute	Date	*	Date

\* Legend – indicate whether 'adopted', 'reaffirmed', 'amended', revoked' or 'reviewed'

### 9.3.8 PROCUREMENT AND PURCHASING PROBITY AUDIT REPORT – RECOMMENDATION 7 – POLICY 1.4 CORPORATE CREDIT CARD

Location:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	N/A
Date:	10 May 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To amend Policy 1.4 Corporate Credit Card as a result of the recent Procurement and Purchasing Probity Audit Report Recommendation 7.

#### BACKGROUND

On the 11, 12 and 13 February 2013 the Department of Local Government performed a Probity Audit of the Shire of Dandaragan's purchasing and tender processes.

Recommendation 7 from the subsequent findings states;

*"That the CEO reviews the policy and procedures for the use of Shire's corporate credit cards and establishes the recommended procedures contained in the Department's Use of Corporate Credit Cards Operational Guideline No.11."*

The Audit Committee considered this item at its meeting held 18 April 2013 and the Committee recommendation is presented to Council.

#### COMMENT

To implement these changes, the following amendments are proposed to Policy 1.4 Corporate Credit Card:

# AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

Policy No 1.4	Adopted - April 2005	Amended - 17 June 2010 <u>23 May 2013</u>
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## 1.4 CORPORATE CREDIT CARD

### OBJECTIVE

To provide direction for the use of Corporate Credit Cards.

### POLICY STATEMENT

From time to time it is more cost effective and convenient to utilise a corporate credit card facility rather than a pre-purchase or purchase and reimbursement process. Therefore, Council supports the use of corporate credit cards as follows:

The Chief Executive Officer, Deputy Chief Executive Officer and Manager ~~of Finance and Administration~~ Corporate Services will each be issued a corporate credit card for use on Council business and expenditure only.

The following credit limits are applicable:

Chief Executive Officer	\$6,000
Deputy Chief Executive Officer	\$5,000
Manager of Finance and Administration	\$5,000

The following conditions apply to all cards:

- No cash advances to be made on the card.
- All credit card voucher slips to be retained by the card user and to be submitted to the Manager ~~of Finance and Administration~~ Corporate Services once a month in order for verification to be carried out on the account.
- Payments to be made within specified time limit so that interest penalties are not incurred.
- Each credit card voucher slip is to have details attached as to what the purchase was for in order for the purchase to be allocated to the correct cost centre.
- General Instructions that must be complied with are provided in Appendix 1.
- Cardholder Procedures that must be complied with are provided in Appendix 2.
- Cardholders must sign an acknowledgement of Terms and Conditions of use (as provided in Appendix 3) prior to receiving the credit card.



## Appendix 1 - GENERAL INSTRUCTIONS

### Introduction

The Shire has entered into an agreement with the Bankwest Bank for the supply of a Corporate Business Card which will operate on the Bankwest Bank VISA card.

The objectives for introducing the Corporate Card are:

- to allow the Shire's suppliers to receive speedier payments.
- to reduce paperwork for both the Shire and its suppliers.
- to reduce the number of enquiries concerning unpaid accounts.
- to facilitate productivity gains to the various departments of Council.
- to reduce requirements to obtain petty cash and to reduce the possibility of cash theft from staff.
- to take advantage of discounts being offered for early payment.
- to make use of Internet based purchased for overseas/inter-state payments.

It is not intended that Cards be used to bypass the current system of ordering goods and services by requisition through Procurement Services.

### 1. Definitions

1.1 Credit Card - A plastic card having a unique identification for each cardholder (including a magnetic stripe for storing certain information) which enables goods to be obtained on credit from merchants (i.e. Businesses or traders) which accept the card.

1.2 Corporate Business Account - Each card is allocated an "account" by the card company in which is recorded all transactions by the cardholder. With the Corporate/Business Card each of these accounts is a subset of the Municipal Account.

1.3 Corporate Business Card - A Card on which liability for charges attached to the corporation for which the cardholder works rather than to the individual cardholder.

1.4 Card Company (or card issuer) - The company (in this case Bankwest Bank) issuing the Corporate/Business card which pays the merchant and provides credit on the transactions.

1.5 Cardholder - The person in the organisation to whom the Corporate/Business Card, is issued. The card is embossed with the person's name and bears his/her signature.

1.6 Merchant (or trader) - any person, business or organisation accepting the corporate card in payment for goods or services.

1.7 Credit Limit - The limit, determined by Policy, on the total value of transactions (payments, purchases) on each Corporate Card in each billing period.

1.8 Billing Period - The cycle agreed with the card company for payment for charges on all the department cards; the arrangement with Bankwest Bank provides for immediate settlement from the Statement date.

### 2. Goods and services for which the credit card can be used

The Corporate/Business Card can be used to procure goods and services up to the value of financial limits approved by Policy and to which expenditure is authorised and provided for the Council's Budget.

However, the card cannot be used to draw cash for any purposes.

Situations in which the Card may be used:

- (a) Costs in relation to attendance at approved conferences, seminars and training where such attendance is directly related to the person's performance of duties under their contract of employment;
- (b) Subscriptions/publications



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

- (c) Entertainment (see appendix for definition) on occasions deemed appropriate by the cardholder;
- (d) Entertainment (see appendix for definition) on occasions that the cardholder considers it is in the furtherance of the cardholder performing duties under his/her contract of employment. ;
- (e) Other purchases directly related to the person's performance of duties under their contract of employment.

### 3. ESTABLISHMENT ARRANGEMENTS

Manager Corporate Services is responsible for arranging the issue of the Corporate/Business Card.

### 4. RESPONSIBILITIES

#### 4.1 Accounting Services

The following will be the responsibility of Manager Corporate Services:

- Arrange the issue of the Corporate/Business Card.
- Act as liaison point with Bankwest Bank.
- Arrange for each Corporate/Business Cardholder to be advised of their responsibilities and that guidelines are issued before issue of the card.
- Ensure the original "Cardholder Agreement" is retained in a secure place and that a copy is provided to the cardholder.
- Provide written notice of any changes made to a cardholder's billing limits and transaction limits. The original of the notice will be kept with the original "Cardholder Agreement".
- Maintain a master register of cardholders.
- Arbitrate, if necessary, on any disputes occurring with the Bankwest Bank billing statement.
- Regular reconciling of the cardholders' sale dockets against the billing statement.

#### 4.2 Cardholder

The following are the responsibilities of cardholders:

- Ensure invoices are processed as a matter of urgency and ensure payment of the relevant account by the due date by forwarding dockets, invoices to Accounting Services.
- Monitor adherence to the policies and procedures in relation to the card and ensure financial limits are adhered to.
- Cardholder must ensure that the tax invoices and payment authorisation forms include:
  - (a) A full and proper description of the goods purchased on the tax invoice (ie. Descriptions like "goods" are not acceptable). Similarly, where purchases of goods are not made over the counter (e.g. By telephone) cardholders need to record purchase details on a substitute tax invoice.
  - (b) Allocate account numbers and appropriate costing details, relative to the expenditure and sign accordingly and return to the Accounts Payable Clerk for processing of account.
- Process the account for payment to ensure the payment deadline is met to avoid credit charges being incurred.
- Cardholders must return the Card to the Manager, Corporate Services immediately, if the officer:
  - (a) resigns or is terminated for whatever reason;
  - (b) is absent from work for 4 or more consecutive weeks on authorised leave (unless a special written exemption is provided by the CEO); or
  - (c) is instructed to relinquish the card.
- If the cardholder disagrees with any transaction on the billing statement, the cardholder must advise Accounting Services in writing, as soon as possible once aware of the issue. The Manager, Corporate Services is to be informed on any disputes.
- Cardholders will collect the card from Accounting Services and will be required to sign for receiving the Card and acknowledge the Conditions of Use of the Card. If the cardholder loses a tax invoice, a substitute tax invoice which is acceptable to Accounting Services and the officer's Director (or similar) should be completed with a signed notation that it is a duplicate and that the original was lost.

Before proceeding on any extended leave (being 4 or more consecutive weeks duration), cardholders must ensure all tax invoices are forwarded to Accounting Services for processing. (The

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

Corporate/Business Card is issued to the authorised officer and cannot be used by another officer or any other person).

The Cardholder must immediately report loss or theft of the Corporate/Business Card to the Manager Corporate Services.

The Shire, if it deems necessary, will hold the Cardholder personally liable for unauthorised use of or excessive amounts debited to the card by the Cardholder.

The Shire will seek reimbursement of such monies from the cardholder.



## **Appendix 2 - CORPORATE/BUSINESS CARDHOLDER PROCEDURES**

1. You have been approved to be a holder of a Shire of Dandaragan Corporate/Business Card, the following information and guidelines are provided for your information.

1.1 While the card will be issued in your name, the card is a "corporate" card and all transactions made with it are the responsibility of the Shire of Dandaragan.

The use of the Card will in no way effect your personal credit rating.

1.2 The card is issued to you on condition that it will be used only for authorised purposes directly related to the Cardholders performance of duties under their contract of employment.

1.3 Under no circumstances is the Cardholder entitled to use the card for personal or private purposes.

1.4 The Cardholder is at all times responsible for and accountable to the Shire for use of the corporate credit card.

1.5 Any unauthorised use or excessive amounts incurred on the card will result in disciplinary action to the Cardholder, including termination of employment.

1.6 You will be required to sign a statement acknowledging the limitations imposed on the use of the card and your responsibilities for its care and proper use.

1.7 The card is:

- a) Not to be used to draw cash or to purchase goods and services where the Cardholder may/will gain private advantage through the transaction, e.g. Special offers that benefit individuals rather than agencies such as Fly Buys and Frequent Flyers.
- b) To be used only as authorised.
- c) To be used only for the purchases to which funds have been provided for in the Budget.

1.8 It will be necessary for you, as the Cardholder, to ensure that a full and proper description of the goods/service is recorded on the sales docket when issued.

1.9 In the event of the card being lost or stolen, you must immediately advise Bankwest Bank by phone during normal banking hours and afterhours) and the Manager Corporate Service, such notification to be in writing.

1.10 The cardholder must complete the Accounting process for all expenditure within 5 working days of advice from Accounting Services to do so.

### **2. Purchasing of Goods in Person**

2.1 The Cardholder is to present the card at the time of purchase and ensure that the following information is placed on a tax invoice:

- a brief description of the goods e.g. Nails, PVC fittings, not "various" or "goods".
- name of supplier/merchant is legible quoted on the docket.
- the exact value of the transaction.
- date of purchase of goods and/or service.
- the Cardholder signs the docket at the time of purchase.
- The Cardholder enters the appropriate account code on the docket.

### **3. GST**

GST will be payable on all items purchased where applicable.

### **4. Authorised Users Maximum Monthly Credit Limit**

Is as stipulated in Policy 1.4 Corporate Credit Cards

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013****5. Entertainment Expenses – Fringe Benefits Tax Definitions**

Entertainment expenses are expenses incurred in respect of food, drink or recreation.

For nominated cardholders, this relates to the purchase of food and beverages only, on occasions which have the potential to provide a benefit to the Shire and when accompanied by stakeholders of the Shire, including industry colleagues, business associates, Government representatives, Elected Members and/or Staff.

**Appendix 3 – CARDHOLDER ACKNOWLEDGEMENT****Acknowledgement of Terms & Conditions of use - Council Credit Card**

I, the undersigned hereby acknowledge receipt of Council Policy 1.4, "CORPORATE CREDIT CARD" and associated General Instructions and Procedures.

As an authorised requisitioning officer I am aware of the Shire's general purchasing policies.

As a card holder of a Shire of Dandaragan VISA card, I hereby acknowledge that I have read the terms and conditions which must be adhered to, as listed in the general Instructions and procedures for use of the Corporate Credit Card, a copy of which I have been provided with for my own use and information.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position in Organisation: \_\_\_\_\_

✱

CONSULTATION

- Stuart Fraser - Department of Local Government
- Manager Corporate Services
- Audit Committee

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

Results in the amendment of Policy 1.4 Corporate Credit Card.

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

**COMMITTEE AND OFFICER RECOMMENDATION**

That Council, in reference to Recommendation 7 of the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government, authorise the Chief Executive Officer to amend Policy 1.4 Corporate Credit Card to the following, subject to amendments:

1. reference to updated title of Manager Corporate Services within the Policy Statement; and
2. Appendix 2 section 1.5 to read “Any unauthorised use or excessive amounts on the card may result in disciplinary action to the cardholder, including possible termination following investigation”:

<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013</b>
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Policy No 1.4	Adopted - April 2005	Amended - 17 June 2010 23 May 2013
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## 1.4 CORPORATE CREDIT CARD

### OBJECTIVE

To provide direction for the use of Corporate Credit Cards.

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### POLICY STATEMENT

From time to time it is more cost effective and convenient to utilise a corporate credit card facility rather than a pre-purchase or purchase and reimbursement process. Therefore, Council supports the use of corporate credit cards as follows:

The Chief Executive Officer, Deputy Chief Executive Officer and Manager Corporate Services will each be issued a corporate credit card for use on Council business and expenditure only.

The following credit limits are applicable:

Chief Executive Officer	\$6,000
Deputy Chief Executive Officer	\$5,000
Manager Corporate Services	\$5,000

The following conditions apply to all cards:

- No cash advances to be made on the card.
- All credit card voucher slips to be retained by the card user and to be submitted to the Manager Corporate Services once a month in order for verification to be carried out on the account.
- Payments to be made within specified time limit so that interest penalties are not incurred.
- Each credit card voucher slip is to have details attached as to what the purchase was for in order for the purchase to be allocated to the correct cost centre.
- General Instructions that must be complied with are provided in Appendix 1.
- Cardholder Procedures that must be complied with are provided in Appendix 2.
- Cardholders must sign an acknowledgement of Terms and Conditions of use (as provided in Appendix 3) prior to receiving the credit card.



## **Appendix 1 - GENERAL INSTRUCTIONS**

### **Introduction**

The Shire has entered into an agreement with the Bankwest Bank for the supply of a Corporate Business Card which will operate on the Bankwest Bank VISA card.

The objectives for introducing the Corporate Card are:

- to allow the Shire's suppliers to receive speedier payments.
- to reduce paperwork for both the Shire and its suppliers.
- to reduce the number of enquiries concerning unpaid accounts.
- to facilitate productivity gains to the various departments of Council.
- to reduce requirements to obtain petty cash and to reduce the possibility of cash theft from staff.
- to take advantage of discounts being offered for early payment.
- to make use of Internet based purchased for overseas/inter-state payments.

It is not intended that Cards be used to bypass the current system of ordering goods and services by requisition through Procurement Services.

### **1. Definitions**

**1.1 Credit Card** - A plastic card having a unique identification for each cardholder (including a magnetic stripe for storing certain information) which enables goods to be obtained on credit from merchants (i.e. Businesses or traders) which accept the card.

**1.2 Corporate Business Account** - Each card is allocated an "account" by the card company in which is recorded all transactions by the cardholder. With the Corporate/Business Card each of these accounts is a subset of the Municipal Account.

**1.3 Corporate Business Card** - A Card on which liability for charges attached to the corporation for which the cardholder works rather than to the individual cardholder.

**1.4 Card Company (or card issuer)** - The company (in this case Bankwest Bank) issuing the Corporate/Business card which pays the merchant and provides credit on the transactions.

**1.5 Cardholder** - The person in the organisation to whom the Corporate/Business Card, is issued. The card is embossed with the person's name and bears his/her signature.

**1.6 Merchant (or trader)** - any person, business or organisation accepting the corporate card in payment for goods or services.

**1.7 Credit Limit** - The limit, determined by Policy, on the total value of transactions (payments, purchases) on each Corporate Card in each billing period.

**1.8 Billing Period** - The cycle agreed with the card company for payment for charges on all the department cards; the arrangement with Bankwest Bank provides for immediate settlement from the Statement date.

### **2. Goods and services for which the credit card can be used**

The Corporate/Business Card can be used to procure goods and services up to the value of financial limits approved by Policy and to which expenditure is authorised and provided for the Council's Budget.

However, the card cannot be used to draw cash for any purposes.

Situations in which the Card may be used:

- (a) Costs in relation to attendance at approved conferences, seminars and training where such attendance is directly related to the person's performance of duties under their contract of employment;
- (b) Subscriptions/publications

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

- (c) Entertainment (see appendix for definition) on occasions deemed appropriate by the cardholder;
- (d) Entertainment (see appendix for definition) on occasions that the cardholder considers it is in the furtherance of the cardholder performing duties under his/her contract of employment. ;
- (e) Other purchases directly related to the person's performance of duties under their contract of employment.

### 3. ESTABLISHMENT ARRANGEMENTS

Manager Corporate Services is responsible for arranging the issue of the Corporate/Business Card.

### 4. RESPONSIBILITIES

#### 4.1 Accounting Services

The following will be the responsibility of Manager Corporate Services:

- Arrange the issue of the Corporate/Business Card.
- Act as liaison point with Bankwest Bank.
- Arrange for each Corporate/Business Cardholder to be advised of their responsibilities and that guidelines are issued before issue of the card.
- Ensure the original "Cardholder Agreement" is retained in a secure place and that a copy is provided to the cardholder.
- Provide written notice of any changes made to a cardholder's billing limits and transaction limits. The original of the notice will be kept with the original "Cardholder Agreement".
- Maintain a master register of cardholders.
- Arbitrate, if necessary, on any disputes occurring with the Bankwest Bank billing statement.
- Regular reconciling of the cardholders' sale dockets against the billing statement.

#### 4.2 Cardholder

The following are the responsibilities of cardholders:

- Ensure invoices are processed as a matter of urgency and ensure payment of the relevant account by the due date by forwarding dockets, invoices to Accounting Services.
- Monitor adherence to the policies and procedures in relation to the card and ensure financial limits are adhered to.
- Cardholder must ensure that the tax invoices and payment authorisation forms include:
  - (a) *A full and proper description of the goods purchased on the tax invoice (ie. Descriptions like "goods" are not acceptable). Similarly, where purchases of goods are not made over the counter (e.g. By telephone) cardholders need to record purchase details on a substitute tax invoice.*
  - (b) *Allocate account numbers and appropriate costing details, relative to the expenditure and sign accordingly and return to the Accounts Payable Clerk for processing of account.*
- Process the account for payment to ensure the payment deadline is met to avoid credit charges being incurred.
- Cardholders must return the Card to the Manager, Corporate Services immediately, if the officer:
  - (a) *resigns or is terminated for whatever reason;*
  - (b) *is absent from work for 4 or more consecutive weeks on authorised leave (unless a special written exemption is provided by the CEO); or*
  - (c) *is instructed to relinquish the card.*
- If the cardholder disagrees with any transaction on the billing statement, the cardholder must advise Accounting Services in writing, as soon as possible once aware of the issue. The Manager, Corporate Services is to be informed on any disputes.
- Cardholders will collect the card from Accounting Services and will be required to sign for receiving the Card and acknowledge the Conditions of Use of the Card. If the cardholder loses a tax invoice, a substitute tax invoice which is acceptable to Accounting Services and the officer's Director (or similar) should be completed with a signed notation that it is a duplicate and that the original was lost.

Before proceeding on any extended leave (being 4 or more consecutive weeks duration), cardholders must ensure all tax invoices are forwarded to Accounting Services for processing. (The

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

Corporate/Business Card is issued to the authorised officer and cannot be used by another officer or any other person).

The Cardholder must **immediately** report loss or theft of the Corporate/Business Card to the Manager Corporate Services.

The Shire, if it deems necessary, will hold the Cardholder personally liable for unauthorised use of or excessive amounts debited to the card by the Cardholder.

The Shire will seek reimbursement of such monies from the cardholder.

## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### Appendix 2 - CORPORATE/BUSINESS CARDHOLDER PROCEDURES

1. You have been approved to be a holder of a Shire of Dandaragan Corporate/Business Card, the following information and guidelines are provided for your information.

- 1.1 While the card will be issued in your name, the card is a "corporate" card and all transactions made with it are the responsibility of the Shire of Dandaragan.

The use of the Card will in no way effect your personal credit rating.

- 1.2 The card is issued to you on condition that it will be used only for authorised purposes directly related to the Cardholders performance of duties under their contract of employment.

- 1.3 Under no circumstances is the Cardholder entitled to use the card for personal or private purposes.

- 1.4 The Cardholder is at all times responsible for and accountable to the Shire for use of the corporate credit card.

- 1.5 Any unauthorised use or excessive amounts on the card may result in disciplinary action to the Cardholder, including possible termination following investigation.

- 1.6 You will be required to sign a statement acknowledging the limitations imposed on the use of the card and your responsibilities for its care and proper use.

- 1.7 The card is:

- a) Not to be used to draw cash or to purchase goods and services where the Cardholder may/will gain private advantage through the transaction, e.g. Special offers that benefit individuals rather than agencies such as Fly Buys and Frequent Flyers.
- b) To be used only as authorised.
- c) To be used only for the purchases to which funds have been provided for in the Budget.

- 1.8 It will be necessary for you, as the Cardholder, to ensure that a full and proper description of the goods/service is recorded on the sales docket when issued.

- 1.9 In the event of the card being lost or stolen, you must **immediately** advise Bankwest Bank by phone during normal banking hours and afterhours) and the Manager Corporate Service, such notification to be in writing.

- 1.10 The cardholder must complete the Accounting process for all expenditure within 5 working days of advice from Accounting Services to do so.

#### 2. Purchasing of Goods in Person

- 2.1 The Cardholder is to present the card at the time of purchase and ensure that the following information is placed on a tax invoice:

- a brief description of the goods e.g. Nails, PVC fittings, not "various" or "goods".
- name of supplier/merchant is legible quoted on the docket.
- the exact value of the transaction.
- date of purchase of goods and/or service.
- the Cardholder signs the docket at the time of purchase.
- The Cardholder enters the appropriate account code on the docket.

#### 3. GST

GST will be payable on all items purchased where applicable.

#### 4. Authorised Users Maximum Monthly Credit Limit

Is as stipulated in Policy 1.4 Corporate Credit Cards

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013****5. Entertainment Expenses – Fringe Benefits Tax Definitions**

Entertainment expenses are expenses incurred in respect of food, drink or recreation.

For nominated cardholders, this relates to the purchase of food and beverages only, on occasions which have the potential to provide a benefit to the Shire and when accompanied by stakeholders of the Shire, including industry colleagues, business associates, Government representatives, Elected Members and/or Staff.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013****Appendix 3 – CARDHOLDER ACKNOWLEDGEMENT****Acknowledgement of Terms & Conditions of use - Council Credit Card**

I, the undersigned hereby acknowledge receipt of Council Policy 1.4, "CORPORATE CREDIT CARD" and associated General Instructions and Procedures.

As an authorised requisitioning officer I am aware of the Shire's general purchasing policies.


As a card holder of a Shire of Dandaragan VISA card, I hereby acknowledge that I have read the terms and conditions which must be adhered to, as listed in the general Instructions and procedures for use of the Corporate Credit Card, a copy of which I have been provided with for my own use and information.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position in Organisation: \_\_\_\_\_

### 9.3.9 PROCUREMENT AND PURCHASING PROBITY AUDIT REPORT – RECOMMENDATION 9 – REVIEW OF CODE OF CONDUCT

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Councillors / Code of Conduct
Disclosure of Interest:	None
Date:	10 May 2013
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

For Council to adopt new Policy “Code of Conduct” as a result of the recent Procurement and Purchasing Probity Audit Report Recommendation 9.

#### BACKGROUND

As a result of the recent Probity Audit undertaken by the Department of Local Government staff in February 2013 a recommendation was made in relation to the absence of a Code of Conduct for Council in Recommendation 9.

Recommendation 9 states:

*“That the CEO reviews the Shire's Code of Conduct and updates the information contained in the document to include the content that is required by Regulation 34B and 34C of the Local Government (Administration) Regulations 1996.”*

Previously Council has dealt with the Code of Conduct as a separate document however, upon review the Chief Executive Officer recommends that it be incorporated into the Policy Manual. This way the bi-annual reviews will occur during the normal policy review processes.

The Audit Committee considered this item at its meeting held 18 April 2013 and it was resolved:

#### OFFICER RECOMMENDATION / COMMITTEE DECISION

*Moved Cr McGlew, seconded Cr Sheppard*

*That the Audit Committee recommend to Council that in reference to Recommendation 9 of the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government that Council consider adopting the attached Policy “Code of Conduct”.*

**CARRIED UNANIMOUSLY**

#### COMMENT

As such a draft policy has been prepared to address the lack of an existing Code of Conduct based on the WALGA Model Code of Conduct released 19 March 2008.

<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013</b>
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To date, there have been no changes to the original model Code of Conduct and therefore, the policy is based on the last Code of Conduct endorsed in February 2010.

A copy of the proposed draft policy is attached.

#### CONSULTATION

- Stuart Fraser - Department Local Government
- Audit Committee

#### STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Rules of Conduct) Regulations 2007*

#### POLICY IMPLICATIONS

This item recommends the addition of a new policy.

#### 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:

- Draft Policy - "Code of Conduct" (Doc Id: 9460)  
**(Marked 9.3.9)**

#### VOTING REQUIREMENT


Simple majority

#### **COMMITTEE AND OFFICER RECOMMENDATION**

**That Council, in reference to Recommendation 9 of the Procurement and Purchasing Probity Audit Report prepared by the Department of Local Government, consider adopting the attached Policy "Code of Conduct".**



### 9.3.10 COUNCIL MEETING STATUS REPORT – APRIL 2013

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Council Meetings / Tracking
Disclosure of Interest:	None
Date:	13 May 2013
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

For Council to receive the April 2013 Council Meeting Status Report.

#### BACKGROUND

At a recent Council Forum, the Chief Executive Officer advised Council that it would be receiving a report on the outcomes of each Council meeting decision. As such this Status Report is being presented to Council for its perusal.

The report will provide Council with the progress as to where each decision made is currently at on a monthly basis.

#### COMMENT

Not applicable

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- April 2013 Council Status Report (Doc Id: 13685)  
**(Marked 9.3.10)**

#### VOTING REQUIREMENT



Simple majority

#### **OFFICER RECOMMENDATION**

**That Council receive the April 2013 Council Meeting Status Report.**

## 9.4 TOWN PLANNING

### 9.4.1 PLANNING APPROVAL – OUTBUILDING – LOT 979 BYRON DRIVE, JURIE BAY (BEACHRIDGE)

Location:	Lot 979 Byron Drive, Jurie Bay (Beachridge)
Applicant:	Swan Aussie Sheds on behalf of Dave & Jan O'Dwyer
Folder Path:	Development Services Apps / Development Applications / 2013 / 23
Disclosure of Interest:	None
Date:	23 April 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for a proposed outbuilding with a parapet wall, measuring 8.6m x 6m (50.4m<sup>2</sup>) with a wall height of 3.6m on Lot 979 Byron Drive, Jurie Bay (Beachridge).

#### BACKGROUND

The proponent has submitted a proposal to construct a 3.6m high parapet wall shed with an area of 50.4m<sup>2</sup> on the subject lot.

In accordance with Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy) an outbuilding in a residential area is permitted to have an area of 80m<sup>2</sup> provided its external appearance is of a non-reflective cladding or masonry. Clause 8 of the Policy, referring to parapet walls, states:

*"Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision."*

A letter has been distributed notifying the adjoining property owner to the north east (right of the subject lot) with comments closing on 8 May 2013.

#### COMMENT

In accordance with Clause 8 of the Policy, no submission was received from the adjoining property owner, forfeiting their right to comment on the development.

The proposed development requires a 0.6m height variation of the Policy for Outbuildings in Residential areas. Given the minor increase in height and no objections received, the Planning Officer recommends the proposal be approved.

#### CONSULTATION

A letter was sent to the affected adjoining property owner at Lot

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978 Byron Drive seeking comment on the proposal. The advertising period closed on the 8 May 2013. No submission was received.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7

**POLICY IMPLICATIONS**

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

**FINANCIAL IMPLICATIONS**

The applicant has paid a standard application fee of \$139.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

**ATTACHMENTS**

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

- Site Plan (Doc Id: 13290)  
**(Marked 9.4.1)**



**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That Council grant planning approval for the proposed outbuilding in accordance with the attached plans date stamped 18 April 2013 on Lot 979 Byron Drive, Jurien Bay (Beachridge) subject to the outbuilding matching the colour scheme of the proposed dwelling.**

#### **9.4.2 FOR COUNCIL TO ADOPT NEW SIGNAGE IN HOOP FRAMES ALONG BASHFORD STREET, JURIE BAY & WITHIN CERVANTES TOWN CENTRE**

Location:	Bashford Street, Jurie Bay & Cervantes Town Centre
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning / Community and Social Plan
Disclosure of Interest:	None
Date:	16 April 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

#### **PROPOSAL**

For Council to accept and adopt the proposal to install new custom signage along Bashford Street, Jurie Bay, to better service the visiting population.

#### **BACKGROUND**

The Shire of Dandaragan (the Shire) has been dealing with the issue of signage along Bashford Street in Jurie Bay. The current hoop frame signs are considered to be inadequate in providing first time visitors with sufficient information / direction to be able to find their way around town. This is made even more difficult due to the large vehicles commonly driven down Bashford Street as they are towing a caravan or boat.

In reviewing the Shires Local Planning Policy 8.7 – Signage, it was brought to the attention of the Council that a major problem is being experienced along Bashford Street, and similarly in Cervantes, in trying to navigate through the towns in search of accommodation and other services. David Lantzke, on behalf of the Jurie Bay Chamber of Commerce, provided a presentation to Council at its Forum on the 6 December 2012 about the impracticality of the existing signage. It was suggested that the fingerboard signs be modified to provide a simple yet effective form of advertising, communicating to visitors the general attractions and services, using internationally recognised symbols to establish a clear and concise message to visitors that are new to the areas.

With a total of 49 symbols required and to be of double sided print, two quotes have been provided; Jason SignMakers and Sunny Signs Pty Ltd.

#### **COMMENT**

In receiving the two quotes from Jason SignMakers and Sunny Signs Pty Ltd, it was better understood by Sunny Signs Pty Ltd of the requirements of the requested signs.

Jason SignMakers have quoted for 48 single sided signs varying

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in size at a cost of \$1937.10 (Inc GST). This cost will need to be doubled (total cost \$3,874.20) to achieve a double-sided effect to establish visuals from both directions of traffic.

Sunny Signs provided a quote for nine double-sided signs to fit the required symbols on the allocated signs. This is to accommodate both Cervantes and Bashford Street signage. A quote of \$3,133.90 (Inc GST) has been given to the Shire.

A copy of the signs and allocation of the symbols for each intersection is provided within the attachments.

The Planning Officer is seeking endorsement of the proposed signs from Council to be able to pursue local businesses and local communities of Jurien Bay and Cervantes to comment on the proposal.

#### CONSULTATION

- Artcraft Pty Ltd
- Sunny Signs Pty Ltd
- Jason SignMakers

#### STATUTORY ENVIRONMENT

- Local Government Act 1995

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

The expenses related to the signage are not covered in the current budget and will be accounted for in the next financial year to allow for a \$3,133.90 for the purchase of the new signs.

#### STRATEGIC IMPLICATIONS

The installation of the proposed signs is a move forward to compete for the tourist populations, particularly first time and repeat visitors, especially those driving through the town, aiming to make visitor experiences enjoyable and simplistic.

#### ATTACHMENTS

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

- Proposed signage plan (Doc Id: 12343)
- Proofs of proposed signs (Doc Id: 12265)

**(Marked 9.4.2)**

#### VOTING REQUIREMENT

Absolute majority


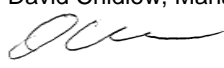
#### **OFFICER RECOMMENDATION**

**That Council endorse the proposed signage scheme as presented in the attachments and authorise advertising in**

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

**local papers circulating Jurien Bay and Cervantes and consult with local businesses.**

### 9.4.3 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 147 (45) LESUEUR DRIVE, JURIE BAY

Location:	Lot 147 (45) Lesueur Drive, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of B & M Nelson
Folder Path:	Development Services Apps / Development Applications / 2013 / 26
Disclosure of Interest:	None
Date:	5 May 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for a proposed outbuilding with a parapet wall, measuring 10m x 6m (60m<sup>2</sup>) with a wall height of 3.6m on Lot 147 (45) Lesueur, Jurien Bay.

#### BACKGROUND

The proponent has submitted a proposal to construct a 3.6m high parapet wall shed with an area of 60m<sup>2</sup> on the subject lot.

In accordance with Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’ (the Policy) an outbuilding in a residential area is permitted to have an area of 80m<sup>2</sup> provided its external appearance is of a non-reflective cladding or masonry. Clause 8 of the Policy, referring to parapet walls, states:

*“Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision.”*

A letter has been distributed notifying the adjoining property owner with comments closing on 8 May 2013.

#### COMMENT

As in accordance with Clause 8 of the Policy, one objection was made by the adjoining property owner on the development. This can be seen in the attachments.

The property adjoining the subject lot to the side has an existing shed within 750mm of the boundary fence, having a minimal impact on the neighbouring property as the adjoining affected property has an established outbuilding along the boundary fence.

The proposed development requires a 0.6m variation height and a 1m variation in length of the Policy for Outbuildings in Residential areas. Given the minor nature of the height and length variation and the position of the neighbours existing outbuilding, the Planning Officer recommends the proposal be approved.

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A letter was sent to the affected adjoining property owner at Lot 147 Lesueur Drive seeking comment on the proposal. The advertising period closed on the 8 May 2013. One (1) submission was made and can be seen in the attachments.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7

**POLICY IMPLICATIONS**

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

**FINANCIAL IMPLICATIONS**

The applicant has paid a standard application fee of \$139.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item

**ATTACHMENTS**

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

- Site Plan (Doc Id:13322)
- Schedule of Submissions (Doc Id: 13454)

***(Marked 9.4.3)***

**VOTING REQUIREMENT**

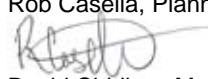
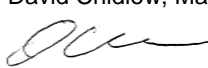
Simple majority

**OFFICER RECOMMENDATION**

**That Council grant planning approval for the proposed outbuilding in accordance with the attached plans date stamped 23 April 2013 on Lot 147 Lesueur Drive, Jurien Bay subject to the outbuilding matching the colour scheme of the proposed dwelling.**



#### 9.4.4 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 492 (7) ESSEX STREET, JURIE BAY

Location:	Lot 492 (7) Essex Street, Jurie Bay
Applicant:	Kevin & Lesley Hug
Folder Path:	Development Services Apps / Development Application / 2013 / 27
Disclosure of Interest:	None
Date:	29 April 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

##### PROPOSAL

The applicant seeks planning approval for a proposed outbuilding with a parapet wall, measuring 14m x 7m (98m<sup>2</sup>) with a maximum height of 4.5m on Lot 492 (7) Essex Street, Jurie Bay.

##### BACKGROUND

The proponent has submitted a proposal to construct a 4.5m high parapet wall shed with an area of 98m<sup>2</sup> on the subject lot.

In accordance with Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’ (the Policy) an outbuilding in a residential area is permitted to have an area of 80m<sup>2</sup> provided its external appearance is of a non-reflective cladding or masonry. Clause 8 of the Policy, referring to parapet walls, states:

*“Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision.”*

A letter has been distributed notifying the adjoining property owner with comments closing on 14 May 2013.

##### COMMENT

As in accordance with Clause 8 of the Policy, a submission has been submitted to Council by the joint land owners of Lot 480 (12) Hasting Street, Jurie Bay, expressing their strong objection to the proposal.

The property adjoining the subject lot is vacant land and is currently zoned ‘Tourist’ with a residential density of R17.5. Under the Local Tourism Planning Strategy, an amendment is to be made to rezone the adjacent lot back to residential as it has no strategic significance. The impact of the proposed shed is difficult to determine as the orientation of any future development on 12 Hasting Street is unforeseen and unpredictable.



### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Local Tourism Planning Strategy

### ATTACHMENTS

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

- Site Plan (Doc Id:13727)
- Neighbour Submission (Doc Id: 13560)

**(Marked 9.4.4)**

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

**That Council refuse the application for an 'Outbuilding' at Lot 492 Essex Street, Jurien Bay for the following reasons:**



- 1. The proposal does not appropriately address the performance criteria of the Residential Design Codes (2010);**
- 2. The use has the potential to have an adverse impact on the amenity of the surrounding area and the affected adjoining property;**
- 3. The proposed outbuilding does not preserve the amenity of the locality; and**
- 4. The proposal far exceeds the provisions of the Shire's Local Planning Policy 8.6 – Outbuildings 'Residential Areas'.**

### **Advice**

- **The applicant be advised that should they be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the Planning and Development Act 2005.an application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:**

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

#### **9.4.5 PLANNING APPROVAL – PROPOSED EXTENSION TO WORKSHOP, TRUCK SHELTER AND FUEL STORAGE SHED – LOT 1205 GYPSUM STREET, JURIE BAY**

Location:	Lot 1205 & 1206 Gypsum Street, Jurie Bay
Applicant:	Terrance Chisholm (Winchester Industries)
Folder Path:	Development Services Apps / Development Applications / 2013 / 20
Disclosure of Interest:	None
Date:	18 April 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

##### **PROPOSAL**

The applicant seeks planning approval for a shed extension to the existing workshop, a storage shed (4mx2.5m) and a silo/hopper extension (6mx4.2m) at the concrete facility on lot 1205 & 1206 Gypsum Street, Jurie Bay (subject site).

##### **BACKGROUND**

The subject site is zoned "Industrial" under the Shire of Dandaragan (the Shire) Local Planning Scheme No. 7 (LPS7) and is currently utilised for the manufacturing and supply of pre-mixed concrete in Jurie Bay.

Lot 1205 is 2008.5m<sup>2</sup> in area with an established workshop and office space enclosed by a large 450m<sup>2</sup> shed. This shed is utilised for the storage and maintenance of the concrete vehicles as well as employee lunch room, toilets, store and office space. The lot also contains an existing sea container for the storage of fuel for the company's fleet of vehicles towards the entrance of Lot 1205. The applicant requires a facility that is more secure for the storage of fuel, thus proposing a 10m<sup>2</sup> storage shed to replace the sea container in the north west corner of Lot 1205.

Lot 1206 is 2753m<sup>2</sup> in area and is utilised for the loading and operations of the concrete business. Established is an existing silo and hopper (batching plant) where the cement trucks go to get filled. Here, a 25.2m<sup>2</sup> open shed (shelter) will be constructed to provide protection from the winter weather to the trucks when loading.

##### **COMMENT**

The subject lot is a combination of two lots for the manufacturing and supply of pre-mixed concrete. Under the LPS7 Table 2: Site and Development Requirements Table for an Industrial General use, a front setback of 7.5m is required with a 'Nil' rear setback and a side boundary setback to be determined by Council in each particular case.

Considering the fuel storage is an existing use, it is recommended the replacement facility be permitted within the 7.5m front setback

for ease of access and to allow for free flow of traffic between fleet vehicles within the site.

With the extension to the existing workshop, the remainder setback for the rear boundary is 3m, causing no implications in accordance with the Scheme, with no requirements for a rear setback on an industrial zone. The side setback is to be determined by the Council. The proposed setback will be 0.25m. The adjacent property to the east of the subject lot is a spray painting facility with its workshop to the western boundary. The boundary setback should not implicate or cause any disturbance or inconvenience to the adjacent operations.

The proposed extension to the silo/hopper is to protect the plant and trucks from damage through moisture catching the cement and sticking to the trucks. This extension will be an open facility to provide shelter from the rain from above.

Given the above, it is for this reason the Shire's Planning Officer recommends Council grant approval for the three (3) proposals.

#### CONSULTATION

- Terrance Chisholm (Winchester Industries)

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

The applicant has paid a standard application fee of \$139.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Site Plan (Doc Id: 13220)  
**(Marked 9.4.5)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant planning approval for the proposed extension to the workshop, silo/hopper and construction of a storage facility in accordance with the attached plans dated 12 April 2013 on Lot 1205 and 1206 Gypsum Street, Jurien Bay subject to all trucks being parked or stored on the subject property and not on the verge.**

#### 9.4.6 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 14 TARRAGONA LOOP, CERVANTES

Location:	Lot 14 Tarragona Loop, Cervantes
Applicant:	Gary Bacich
Folder Path:	Development Services App / Development Applications / 2013 / 19
Disclosure of Interest:	None
Date:	16 April 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Planning Manager
Signature of Senior Officer:	

##### PROPOSAL

The applicant seeks planning approval for an 8m x 10m outbuilding with a parapet wall with a ridge height of 4.5m on Lot 14 Tarragona Loop, Cervantes.

##### BACKGROUND

The subject lot is currently vacant land and zoned 'Residential' under the Shire of Dandaragan's (Shire) Local Planning Scheme No.7 (LPS7). The property is approximately 633m<sup>2</sup> and located on the corner of Tarragona Loop and Valencia Road in Cervantes.

Under the Shire's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (LPP8.6) it restricts proposed outbuildings with a boundary wall to be limited to a maximum wall height of 3.0m and a length of 9m. Any proposal in excess of the required size restrictions are to be referred to affected adjoining property owner/s for a Council decision.

##### COMMENT

The proposed development is to be lowered 1 meter below ground level to achieve the height needed to store the applicants boat, as the maximum wall height of a parapet wall permitted is 3.0m.

The variation with the application is the length of the parapet wall, bordering the lot to the south of the subject land, Lot 15 Valencia Road, Cervantes. The proposed length of the wall is 10m, 1 metre in excess of the Shires requirements through its LPP8.6 of 9m.

As mentioned above, this requires comment from any affected adjoining property owner/s for a Council decision. As this is just a minor variation, and receiving support from the adjoining land owner (Lot 15 Valencia Road, Cervantes) the Shire Officer has no objections with the proposed 80m<sup>2</sup> outbuilding and recommends Council approve the application.

##### CONSULTATION

- Neighbour Consultation (Lot 15 Valencia Road, Cervantes);

##### STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

FINANCIAL IMPLICATIONS

The application is to pay a standard application fee of \$139.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Proposed site plan & neighbour consultation (Doc Id: 13173)  
**(Marked 9.4.6)**



VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council grant approval to Gary Bacich for the proposed 80m2 outbuilding in accordance with the attached plans date stamped 12 April 2013 on Lot 14 Tarragona Loop, Cervantes subject the outbuilding matching the proposed dwelling in colour.**

#### **9.4.7 PLANNING APPROVAL – PROPOSED EXTENSION TO BALCONY, SETBACK VARIATION – LOT 75 CORUNNA ROAD, CERVANTES**

Location:	Lot 75 Corunna Road, Cervantes
Applicant:	George Mostert, Midwest Carpentry
Folder Path:	Development Services App / Development Application / 2013 / 08
Disclosure of Interest:	None
Date:	7 May 2013
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

##### **PROPOSAL**

The applicant seeks planning approval to extend an existing balcony to a dwelling with reduced front setback.

##### **BACKGROUND**

The subject lot is zoned Residential R12.5. Currently there is an existing two storey dwelling located on the lot.

This application requires Council approval as it does not comply with the setback requirements of the Residential Design Codes.

##### **COMMENT**

The proposed extension is to an existing balcony on the northern side of the property. The lot shape is not a standard rectangular shape having a large truncation to take into account the sweeping curve of the road. The proposed additions are adjacent to the truncation of the boundary.

##### *Side boundary setback*

The proposed side addition extends the line of the existing verandah (below the balcony) and maintains the existing 750mm setback. There is a 5 metre wide Right of Way (ROW) between the adjoining neighbours property and the proposed development.

##### *Front boundary setback*

The proposed balcony extends the line of the existing balcony, however due to the truncation, the setback of the north western most column is 2.29m from the truncated boundary. If the lot was not truncated, the proposed extension would maintain the required 6 metre setback of the existing balcony

##### *Privacy*

Privacy is not an issue as the balcony extension will not overlook any private open space of adjoining residences. The Residential Design Codes do not consider overlooking of front yards as a privacy issue due to the public nature of front yards. However an objection has been received concerning privacy. The Residential Design Codes do allow for neighbours to agree on means of providing privacy beyond the strict requirements of the Codes.



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013

### *Traffic line of sight*

The proposed additions to not impede vehicles line of sight traversing the corner.

Due to the proposed additions being located behind a truncated boundary and not exceeding existing setbacks if the truncation did not exist, the proposal not presenting a traffic hazard and there being no objections from potentially impacted neighbours, the proposal is supported.

### CONSULTATION

In accordance with Clause 9.4.3 of the Scheme, a notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval.

The advertising period expired on 17 May. One submission was received. The submitter objected to privacy being invaded from the adjoining proposed balcony. Discussion with the builder was that the applicant is prepared to consider means of ensuring privacy. It is recommended that Council condition the approval subject to the privacy provisions of the Residential Design Codes.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

### POLICY IMPLICATIONS

- Local Planning Policy

### FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$139.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Development application (Doc Id: 13626)
- Submission from neighbour (Doc Id: 13783)

**(Marked 9.4.7)**

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

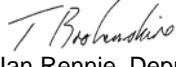

**That Council grant approval to Midwest Carpentry for the proposed extensions to the existing balcony in accordance with the attached plans dated 29 March 2013 on Lot 75 Corunna Road, Cervantes subject to the following conditions:**

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

- 1. the additions matching the existing verandah and balcony in built style, materials and colour; and**
- 2. the proposed structure complying with the privacy provisions of the Residential Design Codes.**

## 9.5 HEALTH

### 9.5.1 DEMOLITION OF TOILET FACILITY AT THIRSTY POINT CERVANTES

Location:	Cervantes
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Environmental Management / Monitoring / Beaches
Disclosure of Interest:	Nil
Date:	10 May 2013
Author:	Tim Brokenshire, Manager Environmental Health
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to acknowledge the demolition works and other associated preventative works undertaken by staff due to natural beach erosion and receding of the shore line at Thirsty Point Cervantes.

#### BACKGROUND

In 2009 a shore line Movement Analysis was undertaken to provide advice to Council about erosion on the tip of Thirsty Point (MP Rogers & Associates PL Thirsty Point, Cervantes – Preliminary Shoreline Movement Investigation 2009).

The conservative estimates made in the report appear to be accurate with recent storm activity bringing the Shore line within 8 metres of the toilet block. The prediction made in the Rogers & Associates report places the shore line position past the toilet block by the year 2019. With this recent Shore line movement it seemed pertinent to respond by demolishing the toilet block before the natural actions of the sea, does.

#### COMMENT

- Issue of shoreline movement reported to Shire 11/04/13. This being approximately 8 metres from toilet block to high water mark.
- Immediate concern of sewage contamination to Marine Park.
- Meeting held with Shire Managers. The actions carried out were;
  - Toilet septic tank cleaned out and toilet block permanently closed with toilet closed signage erected.
  - Barrier fence erected to stop vehicles driving too close to edge.
  - As soon as practicable demolish the toilet block (while accessible).
  - Eroded bitumen and gravel subsurface blocks be removed from beach as soon as conditions allow

Further recommendations from the meeting to be addressed at some future time were:

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

- The bitumen that is still in place be removed to a suitable position beyond the 10 year erosion line and a permanent vehicle barricade be installed.
- That Bitumen surface be removed to proposed permanent vehicle barrier.
- That planning officer review future usage needs of the location and size up the car park required for the future use and if appropriate provide a suitable location for a replacement toilet block.
- That consideration is also given to the rebuilding of the toilet block at an agreed location.
- The erosion be monitored keeping in mind that the need to demolish the lookout may arise.
- Council be approached to approve funds as required to complete future works.

**CONSULTATION**

- Manager Building Services
- Manager Planning
- Manager Technical Services and Works

**STATUTORY ENVIRONMENT**

Health Act, Local Government Act, Building Act.

**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

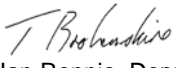

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That Council acknowledge the demolition and associated works at Thirsty Point Cervantes as outlined within this report.**

### 9.5.2 SHIRE OF DANDARAGAN 8 YEAR LOCAL LAW REVIEW

Location:	Shire of Dandaragan
Applicant:	CEO
Folder Path:	Business Classification Scheme / Laws and Enforcement / Local Laws / Review of Local Laws
Disclosure of Interest:	Nil
Date:	10 May 2013
Author:	Tim Brokenshire, Manager Environmental Health
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To seek approval from the Council to commence the process of reviewing the Shire of Dandaragan's (the Council) local laws.

#### BACKGROUND

The *Local Government Act 1995* (the Act), requires that the Council must every eight years after adoption of any local law, or the last review conduct a review of the local law to ensure that is still retains currency.

The Council has appointed BHW Consulting (BHW) to assist in undertaking the review.

#### COMMENT

It is proposed that the Council conduct a review in accordance with S3.16 of the Act of the following local laws (year in brackets is the year of Gazettal):

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places (2001);
- Bush Fire Brigades Local Law (2001);
- Dogs Local Law (2001);
- Extractive Industries Local Law (2001);
- Health Local Laws 2005 (2005);
- Local Government Property Local Law (2001);
- Local Laws Relating to the Badgingarra, Dandaragan and Jurien Bay Public Cemeteries (2001);
- Local Law Relating to Beekeeping (2001);
- Local Laws Relating to Fencing (2001);
- Local Law Relating to Pest Plants (2001);
- Parking and Parking Facilities Local Law 2010 (2010);
- Prevention and Abatement of Sand Drift Local Law 2009 (2009); and
- Standing Orders Local Law 2001 (2001).

The Dogs Local Law and Extractive Industries Local Law were amended by notice in the Government Gazette on 5 March 2002 and the Health Local Law 2005 was amended by notices appearing in the Government Gazette on 19 September 2006 and 22 May 2007.

The above list incorporates the Parking and Parking Facilities

Local Law 2010 and Prevention and Abatement of Sand Drift Local Law 2009 both of which were gazetted less than eight years ago, however it was considered that standardising the review date for all local laws would assist the Council in conducting future reviews.

S3.16 of the Act provides the process to be followed for a review of local laws is as follows:

**3.16. Periodic review of local laws**

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
  - (a) *the local government proposes to review the local law; and*
  - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
  - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required.*

It is appropriate to point out that any outcomes from a review that result in amendments to a local law must then be processed as though it was a change to the local law and the amendments formally adopted using S3.12 of the Act. This in effect means there are two distinct processes to follow - the first being a review and

the second the implementation of the outcome of the review.

Whilst at this point a detailed review of the current local laws has not been undertaken it is likely that local laws at least eight years old will require some amendment, even if it relates to change of the description of legislation and altering the penalties listed. Council employees may also have some suggested changes based on their operational experience.

To commence the review process the Council is required to advertise state-wide its intention to review the local laws.

#### CONSULTATION

No consultation has been undertaken in regard to the local laws, however following the agreement of the Council to undertake the review Council employees are encouraged to review the local laws and identify any areas that may require change.

After the Council has approved of the local laws to be reviewed the Act requires that the details of the local laws to be reviewed must be advertised state-wide for a period of not less than 6 weeks inviting public comment on the proposed review from the community.

Following the state-wide advertising the Council will consider all comment/submissions received, after which it will determine the outcome of the review. This may include amendments to the local laws or in some cases where significant change has occurred the repeal and replacement. Any new local laws or amendments approved will then be processed in accordance with S3.12 of the Act.

#### STATUTORY ENVIRONMENT

S3.16 of the Act requires the Council to carry out a formal review of its local laws every 8 years.

Following the review of the local laws any new local laws or amendments will be processed in accordance with S3.12 of the Act.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

Local Law review allocated in 2012/13 budget.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

That Council proceed with the review of the following Local Laws and advertise in accordance with s3.16 (2) of the Local Government Act 1995:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places;
- Bush Fire Brigades Local Law;
- Dogs Local Law;
- Extractive Industries Local Law;
- Health Local Laws 2005;
- Local Government Property Local Law;
- Local Laws Relating to the Badgingarra, Dandaragan and Jurien Bay Public Cemeteries;
- Local Law Relating to Beekeeping;
- Local Laws Relating to Fencing;
- Local Law Relating to Pest Plants;
- Parking and Parking Facilities Local Law 2010;
- Prevention and Abatement of Sand Drift Local Law 2009; and
- Standing Orders Local Law 2001.



## 9.6 BUILDING

## 9.7 COUNCILLOR INFORMATION BULLETIN

### 9.7.1 LANDCARE AUSTRALIA – 2013 WA LANDCARE AWARDS

Document ID:

Landcare Australia is calling for entries from inspiring individuals, community groups and networks.

*“Are you protecting or improving your local environment, farm, coastline, native vegetation, bushland, wetland, waterway, native species, school, region, catchment, backyard?”*

*Then enter the 2013 State and Territory Landcare Awards today!”*

Entries close Sunday 30 June 2013.

### 9.7.2 SHIRE OF DANDARAGAN LEMC MEETING MINUTES

Document ID: 13394

Attached to the agenda is a copy of the Minutes from the Shire of Dandaragan Local Emergency Management Committee Meeting held in Badgingarra on Wednesday 20 February 2013. **(Marked 9.7.2)**

### 9.7.3 STATE LIBRARY OF WESTERN AUSTRALIA STRATEGIC DIRECTIONS 2013 – 2017

Document ID: 13030

On hand is a copy of the State Library of Western Australia's Strategic Directions 2013 – 2017.

The Strategic Directions build on the State Libraries tradition of supporting public libraries and preserving the heritage of Western Australia while nurturing tomorrow's library users through early literacy programs.

### 9.7.4 NATIONAL FAMILIES WEEK 15 – 20 MAY 2013

Document ID: 13096

The Shire of Dandaragan has been invited to help celebrate the 11<sup>th</sup> National Families Week, which will be held between 15 and 21 May 2013.

Each year tens of thousands of people and hundreds of organisations celebrate National Families Week – Australia's annual celebration of families.

The aim of National Families Week 2013 is to celebrate the vital role that families play. This year's theme is *'Families working together: Getting the balance right'*.

### 9.7.5 MINISTERIAL MEDIA STATEMENT – HON COLIN BARNETT

## **MLA – CHANGES TO MACHINERY OF GOVERNMENT**

Document ID:

### **Key Points:**

- Changes to Government departments to streamline and improve operations;
- These arrangements will deliver better government in a range of areas; and
- West Australians will benefit from better service and greater efficiency.

A copy of this correspondence is on hand.

### **9.7.6 MINISTERIAL MEDIA STATEMENT – HON KIM HAMES – GP AFTER HOURS SUCCESS AIDED BY IPHONE APP**

Document ID:

#### **Key Points:**

- 68 General Practice after hours clinics operating across WA; and
- 25,000 downloads of the GP after hours iPhone app.

A copy of this correspondence is on hand.

### **9.7.7 MINISTERIAL MEDIA STATEMENT – HON TROY SIMPSON – LOCAL GOVERNMENT AND COMMUNITIES MERGE**

Document ID:

#### **Key Points:**

- New Department of Local Government and Communities to be created;
- Merger will lead to more collaboration at a local level;
- Part of changes to improve the delivery of services to the WA community.

A copy of this correspondence is on hand.

### **9.7.8 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – REGIONAL COOPERATION AND DEVELOPMENT FORUM**

Document ID: 13154

This year's Regional Cooperation and Development Forum will be held in Canberra on Sunday 16 June.

ALGA is calling for applications from Council's, Regional Development Australia Committees and Regional Organisations of Council's to showcase the many regional development initiatives that local government authorities are currently undertaking.

The Forum will continue to allow the sharing of ideas and opportunities through a mix of academic and practitioner insights and the latest positions from Commonwealth politicians and senior officials, including the Regional Australia Institute.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.8)**

**9.7.9 SIGNIFICANT CHANGES OF MACHINERY OF GOVERNMENT (MOG) AFFECTING DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS**

Document ID:

Premier Colin Barnett announced a number of changes to Machinery of Government arrangements.

The Director General is very pleased by the government's decision to address the substantial responsibilities of the Department of Regional Development and Lands by announcing the redesignation of a Department of Regional Development and the formation of a separate Department of Lands, both with effect from 1 July 2013.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.9)**

**9.7.10 WALGA – ANNUAL GENERAL MEETING – CALL FOR AGENDA ITEMS**

Document ID: 13178

The Annual General Meeting for the Western Australian Local Government Association (WALGA) will be held on Wednesday 7 August 2013 as part of the Local Government Convention. The meeting will be held at the Perth Convention and Exhibition Centre, 21 Mounts Bay Road, Perth.

Please note that the closing date for submissions of motions is Monday 10 June 2013. Any motions proposing alterations or amendments to the Association's Constitution must be received by Friday 17 May 2013 in order to satisfy the 60 day constitutional notice requirements.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.10)**

**9.7.11 CENTRAL COAST HEALTH ADVISORY GROUP – MINUTES**

Document ID: 13106

Attached to the agenda is a copy of the Minutes from the Central Coast Health Advisory Group Meeting held 9 April 2013. **(Marked 9.7.11)**

**9.7.12 CITY OF GREATER GERALDTON – PROPOSED NORTH ROAD STOCK ROUTE DRIVE TRAIL**

Document ID: 13141

Following the receipt of responses from all the stakeholders involved in the proposed North Road Stock Route Drive Trail, an agenda item was prepared for Council seeking a decision regarding the future of the project and the City's role in the project.

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

### 9.7.13 MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 171 – MARCH 2013

Document ID: 13032

Inside this issue:

- Waste Revolution: Call For Papers
- Temporary Collection Day
- Peed Off With Packaging
- Tipface Resource Recovery Trial
- Clean Up Emphasises C4C
- Your Data Is Not Wasted
- Thanks To Keiran
- Fresh Face For Environment Portfolio
- Keep Informed
- Guidance On HSLs
- Poo Guidelines Released
- NT To Fight Container Deposit Court Loss
- Clean Tech To Cut Emissions
- Prime Minister's Environment Awards 2013
- Review of Government Enviro Activity
- National Waste Policy Alert
- Staggering Clean Up Figures

### 9.7.14 WALGA INFOPAGE – TV AND COMPUTER RECYCLING SCHEME

Document ID: 13033

Key Issues:

- The National TV and Computer Product Stewardship Scheme is now rolling out.
- Local Governments should decide their level of engagement in the Scheme.
- Should a Local Government make the decision to be involved with the Scheme, engagement with the Arrangements is essential (two Arrangement Providers have been appointed as WALGA Preferred Suppliers to assist in this process).

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.14)**

### 9.7.15 WALGA INFOPAGE – DRAFT STATE EMERGENCY MANAGEMENT POLICY 4.4 (RECOVERY COORDINATION)

Document ID: 13040

Key Issues:

- The State Emergency Management Committee has released the State Emergency Management Policy (SEMP 4.4) Recovery Coordination for a 12 week review period.
- A copy of the SEMP 4.4 and the feedback sheet can be accessed through the WALGA Website at <http://www.walga.asn.au/MemberResources/PlanningCommunityDevelopment/EmergencyManagementServices.aspx>

Action Required:

- Review of the Draft SEMP 4.4 and provide feedback to WALGA

by COB Friday 21 June 2013.

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

**9.7.16 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 13.13 – 8 APRIL 2013**

Document ID: 13041

Inside this issue:

- Census 2016 – Submission Period Ends In May
- HR Forum: Metro Local Government Structural Reform – Contingency Planning For The HR Impact.
- Review of the Emergency Services Acts – Comment Period Extended.
- MWAC Information Bulletin Out Now.
- Officer Training.
- Elected Member Training.
- Water Breakfast Invitation.
- Review Of The *Product Stewardship (Oil) Act 2000*.
- Information Session: Your Data Is Not Wasted.

**9.7.17 DEPARTMENT OF LOCAL GOVERNMENT – WA TRAINING AWARDS 2013**

Document ID: 13065

WA Training Awards 2013 are now open.

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

Applications close 5.00pm Friday 10 May 2013.

Should you require further information please contact Ms Frances Papalia, WA Training Awards Coordinator on 6551 5606 or email [trainingawards@dtwd.wa.gov.au](mailto:trainingawards@dtwd.wa.gov.au) or visit the Awards website [www.dtwd.wa.gov.au/trainingawards](http://www.dtwd.wa.gov.au/trainingawards).

**9.7.18 CITY OF GREATER GERALDTON – REGIONAL ACTIVITY PLAN 2013 / 2014**

Document ID: 13427

The Geraldton Regional Library is in the process of preparing the 2013 / 2014 Activity Plan for all the Libraries in the Mid West Region. The Manager of Libraries and Heritage has written to ascertain preferences for the type of support Libraries require in each Local Government Authority. At the moment, Geraldton Regional Library provides training and advice to library staff, holds an annual Regional meeting and visits libraries on a biennial basis.

More information is on hand.

**9.7.19 WALGA INFOPAGE – FARM BUILDINGS, BUILDING CODE OF**

## **AUSTRALIA FIRE REQUIREMENTS AND ALTERNATIVE SOLUTIONS**

Document ID: 13407

### Key Issues:

- Decreasing water pressure and deficient water infrastructure is resulting in onerous fire requirements required for new buildings.
- A draft report to WALGA's July State Council meeting has been prepared, supporting the endorsement of an alternative solution based on a similar exemption that exists in South Australia.
- Examples of problems being encountered are requested, to assist in justifying this change.

### **9.7.20 MUNICIPAL WASTE ADVISORY COUNCIL – ISSUE 172 – 8 APRIL 2013**

Document ID: 13406

#### Inside this issue:

- Waste To Energy Debate Heating Up
- Road To Success
- Waste & Recycle – Revolution
- Waste Castaways
- State Of WA
- Compost Awareness Week
- Welcome Kyle
- New Report Sprung
- Mobile Awards
- The All Oil Review
- Plastic Free July
- Digital Switch
- ACCC Tick For Tyres
- National Approach to Asbestos Management
- State Environment Changes
- Chemical Waste Policy
- Bag Ban Drives Up Bin Liner Sales
- Old Mobiles Change Lives
- Solid Printer

### **9.7.21 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 16.13 – 29 APRIL 2013**

Document ID: 13403

#### Inside this issue:

- GST On Waste Disposal Facility Charges
- Western Australian Age Friendly Communities Network Workshop Postponed
- Fleet Safety Workshop
- Local Government Building Surveyor Networking Breakfast
- Local Government Community Safety Forum
- Successful Overseas Recruitment Drive
- Workshop On The Use Of Recycled Construction And Demolition Material
- MWAC Information Bulletin Out Now
- Officer Training

- Elected Member Training
- Regional Training

#### **9.7.22 STATE EMERGENCY MANAGEMENT COMMITTEE – STATE WIDE EMERGENCY MANAGEMENT COMMITTEE INITIATIVES**

Document ID: 13398

The State Emergency Management Committee was reconstituted in mid 2012 and now includes independent members in addition to State agency Chief Executive Officers. Further details of the SEMC membership, roles and functions are attached.

*A copy of this correspondence was emailed to Cr McGlew on 10 May 2013.*

#### **9.7.23 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 15.13 – 22 APRIL 2013**

Document ID: 13277

Inside this issue:

- Cuballing Narrogin Regional Transition Group (RTG)
- Workshop On The Use Of Recycled Construction And Demolition Material
- Local Government Community Safety Forum
- Officer Training
- Elected Member Training
- AIIM's Awareness Training
- Regional Training
- Signs, Lines And Pavement Markings Workshop; And Refresher On Black Spot Guidelines And Cars
- Local Government Infrastructure And Asset Management Conference
- Enterprise Connect – Assistance For Eligible WA Businesses
- Ozwater 13 International Water Conference and Exhibition

#### **9.7.24 WALGA MEMBERSHIP FOR 2013 / 2014**

Document ID: 13272

WALGA would like to thank the Shire of Dandaragan for supporting their work over the past year. Our contribution has enabled the Association to deliver its strategic objectives of strongly representing the interests of their sector; providing leadership on key Local Government issues; delivering products and services that provide significant benefits to Members; and promoting a positive profile for Local Government within the wider community.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.24)**

#### **9.7.25 DEPARTMENT OF HEALTH – BREAST SCREENING MAMMOGRAPHY SERVICE – JURIE**

Document ID: 13258

BreastScreen WA would like to thank the Shire of Dandaragan for assisting to promote the visit of the mobile screening



mammography service. The efforts of people working in the community and at the regional level greatly contribute to the success of the program.

On hand is a summary of screening statistics from their recent visit to Jurien.

**9.7.26 WALGA INFOPAGE – AUSTRALIAN EARLY DEVELOPMENT INDEX (AEDI) RESULTS**

Document ID: 13181

Key Issues:

- The 2012 AEDI results have been released and are available from [www.aedi.org.au](http://www.aedi.org.au).
- The AEDI data provides evidence to support policy, planning and action for health, education and community support.
- 2012 results indicate a 1.6 per cent improvement in the number of developmentally vulnerable children across the country.

**9.7.27 WALGA INFOPAGE – MYRTLE RUST – A NEW THREAT TO WA**

Document ID: 13180

Key Issues:

- Myrtle rust is a serious threat to Australia biodiversity and primary industries;
- Myrtle rust is present in eastern Australia, and has been identified as a threat to WA; and
- A training course is available to help practitioners identify, manage, report and assess risk for myrtle rust.

**9.7.28 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 14.13 – 15 APRIL 2013**

Document ID: 13179

Inside this issue:

- Community Environment Grants Now Open
- REMINDER: HR Forum: Metro Local Government Structural Reform – Contingency Planning For The HR Impact
- Nominations Open For WA Coastal Awards For Excellence 2013
- Upcoming Training On Myrtle Rust Recognition, Report And Management
- Nominations Open For 2013 WA Landcare Awards
- Officer Training
- Elected Member Training
- Regional Elected Member Training
- Traffic Management Services
- Save The Date 2014 Roads and Transport Forum
- Connecting School Grant Program – Applications Now Open
- Recycle Unwanted Computer Equipment

**9.7.29 WA POLICE – COMMUNITY ENGAGEMENT DIVISION JUDICIAL SERVICES – REPORT GRAFFITI DVD**

Document ID: 13138

Following a series of requests from local Council's, the WA Police

Graffiti Team (the Team) has developed an educational DVD for community members on the process of reporting graffiti vandalism. This resource is designed to support local Council's in the effective management of graffiti vandalism in partnership with residents.

More information is on hand.

**9.7.30 DAVID TEMPLEMAN MLA – MEMBER FOR MANDURAH – APPOINTMENT AS SHADOW MINISTER FOR LOCAL GOVERNMENT, COMMUNITIES AND THE PEEL REGION**

Document ID: 13490

David Templeman MLA was recently appointed by the Leader of the State Opposition, Mark McGowan, to the above portfolio areas.

*“As a former Councillor and Deputy Mayor of the City of Mandurah, I have had experience in the Local Government area and am very enthusiastic and excited about my new appointment.*

*Over the coming months, I am very keen to make contact and meet personally with as many Local Government Authorities throughout the State and indeed welcome your Council's contact.”*

**9.7.31 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 17.13 – 6 MAY 2013**

Document ID: 13519

Inside this issue:

- WALGA Annual General Meeting 2013 – Call For Motions
- WALGA Honours Awards 2013 – Reminder
- Local Government Building Surveyor Networking Breakfast
- Local Government Community Safety Forum
- Officer Training
- Elected Member Training
- Regional Training
- Unsealed Local Roads Workshops
- Future Directions For Local Government – NSW Panel Report

**9.7.32 2013 PREMIER'S AWARD SUBMISSION**

Document ID: 13527

Lynette O'Reilly has submitted SuperTowns for the 2013 Premier's Awards and listed the Shire of Dandaragan as a partner agency.

Attached to the agenda is a copy of the submission. **(Marked 9.7.32)**

**9.7.33 THE HON JASON CLARKE MP – NATIONAL CRIME PREVENTION FUND**

Document ID: 13553

Applications for grants under the National Crime Prevention Fund are now open.

The National Crime Prevention Fund will provide up to \$40 million to support projects targeting street crime and violence in areas

that experience high crime rates compared to the rest of Australia, and provide funding for diversionary activities for young people at risk of becoming involved in crime.

Applications must be lodged by 9.00pm (AEST) on Wednesday 29 May 2013.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.33)**

**9.7.34 ADVANCE DANDARAGAN COMMITTEE INC – JUNCTION OF ROWES ROAD AND DANDARAGAN ROAD**

Document ID: 13556

*“Advance Dandaragan would like to request that the Shire consider the hazard at the junction of Rowes Road and Dandaragan Road.”*

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

**9.7.35 DEPARTMENT OF LOCAL GOVERNMENT – ADVICE OF ACQUITTAL REQUIREMENTS**

Document ID: 13585

The Department of Local Government has provided the Shire with one or more grants relating to the Integrated Planning and Reporting Program. These are:

- Asset Management
- Strategic Planning
- Long Term Financial Planning

The completion date for these grants was 29 April 2013, with acquittal due within 40 business days after, on 25 June 2013.

More information is on hand.

**9.7.36 MINISTERIAL MEDIA STATEMENT – HON COLIN BARNETT MLA & HON KEN BASTON MLC - \$7.8M SUPPORT PACKAGE TO ASSIST WA FARMERS**

Document ID:

Key Points:

- Package includes financial support payments for eligible farmers.
- Boost to community, social support and rural counselling services.
- Grants to help vulnerable farmers transition off farms.

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

**9.7.37 HARVEY SHIRE COUNCIL PUSH FOR FREE CARAVAN SPACE**

Document ID:

*“At its April 16 meeting the Harvey Shire Council decided to*

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*provide day caravan parking facilities at Yarloop, Harvey, Brunswick Junction, Binningup and Australind, bringing the Shire into line with a national trend in the provision of touring van facilities.”*

Attached to the agenda is a copy of the above mentioned article in The West Australian and a corresponding article on <http://thegreynomads.com.au>. **(Marked 9.7.37)**

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

## 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 minutes 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 -*

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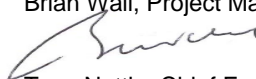

- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (ii) ***endanger the security of the local government's property; or***
  - (iii) *prejudice the maintenance or enforcement 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.*
- (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.*

## **11.1 WORKS AND PLANT**

### **OFFICER RECOMMENDATION**

**That the meeting be closed to members of the public at \_\_\_\_\_ in accordance with Section 5.23 (2) (e) (ii) and Section 5.23 (2) (f) (ii) of the *Local Government Act 1995* to allow Council to discuss Item 11.1.1 'Land Tenure Civic / Tourist Information Centre'.**



#### **11.1.1 LAND TENURE CIVIC / TOURIST INFORMATION CENTRE**

Location:	Lot 124 Bashford Street
Applicant:	Shore of Dandaragan
Folder Path:	Business Classification / Council Properties / Urban Design / Civic Precinct
Disclosure of Interest:	None
Date:	13 May 2013
Author:	Brian Wall, Project Manager – Special Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**11.2 HEALTH****OFFICER RECOMMENDATION**

That the meeting be closed to members of the public at \_\_\_\_\_ in accordance with Section 5.23 (2) (e) (ii) of the *Local Government Act 1995* to allow Council to discuss Item 11.2.1 'Tender RFT 03 / 2013 – Lot 1227 Whitfield Road Jurien Bay – Refurbishment of Wellness Centre, Assessment of Tenders received by Council'.

**11.2.1 TENDER RFT 03 / 2013 – LOT 1227 WHITFIELD ROAD JURIE BAY – REFURBISHMENT OF WELLNESS CENTRE, ASSESSMENT OF TENDERS RECEIVED BY COUNCIL**

Location:	Lot 1227 Whitfield Road, Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Public Health / Planning / Public Health Plan
Disclosure of Interest:	None
Date:	10 May 2013
Author:	Will George, Manager Building Services
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	



**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 MAY 2013**

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

**13 CLOSURE OF MEETING**