



SHIRE
of
DANDARAGAN

MINUTES - PUBLIC

of the

ORDINARY COUNCIL MEETING

held at the

**COUNCIL CHAMBERS, JURIEN BAY
on**

THURSDAY 17 DECEMBER 2020

COMMENCING AT 4.16PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 17 DECEMBER 2020

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.16pm and welcomed those present.

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor D Richardson	
Councillor R Rybarczyk	
Councillor R Shanhun	
Councillor D Slyn	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)
Mr T O'Gorman	(Manager Economic Development)
Ms M Perkins	(Manager Community & Customer Services)

Apologies

Nil

Approved Leave of Absence

Nil

Observers

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 17 DECEMBER 2020**4 PUBLIC QUESTION TIME**

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Scharf

That the following request for leave of absence be approved:

Councillor D Slys – 18 December 2020 – 18 March 2021

CARRIED 9 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 26 NOVEMBER 2020****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Richardson

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

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 17 DECEMBER 2020
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9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 AUDIT COMMITTEE MINUTES – 26 NOVEMBER 2020

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	7 December 2020
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 26 November 2020.

BACKGROUND

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

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

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

COMMENT

The purpose of the Audit Committee Meeting held 26 November 2020 was to consider the Independent Audit Report for the 2019 / 2020 financial year.

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 26 November 2020 (Doc Id: 166425)

(Marked 9.1.1)

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 17 DECEMBER 2020</p>
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VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUCIL DECISION

Moved Cr Shanhun, seconded Cr Slyns

That Council receive the unconfirmed minutes of the Audit Committee Meeting held on 26 November 2020.

CARRIED 9 / 0

9.1.2 ACCOUNTS FOR PAYMENT – NOVEMBER 2020

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	7 December 2020
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of November 2020.

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, electronic funds transfer (EFT), BPAY and direct debit payments for November 2020 totalled \$1,853,437.71 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the November 2020 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 17 DECEMBER 2020

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for November 2020 (Doc Id: 167288)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Richardson

That the Cheque and EFT listing for the period ending 30 November 2020 totalling \$1,853,437.71 be adopted.

CARRIED 9 / 0

9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2020

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	7 December 2020
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 November 2020.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2020.

COMMENT

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

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 17 DECEMBER 2020</p>
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1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 November 2020 was \$5,355,762. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

Note 12 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 30 November 2020 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 30 November 2020 (Doc Id: 167363)
(Marked 9.1.3)

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VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Shanhun, seconded Cr Richardson****That the monthly financial statements for the period 30 November 2020 be adopted.****CARRIED 9 / 0****9.1.4 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENT INCLUSIVE OF AUDITORS REPORT**

Location:	Shire of Dandaragan
Applicant:	N / A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	7 December 2020
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the 2019 / 2020 Annual Report and the 2019 / 2020 Annual Financial Statements including the Auditors Report for the Shire of Dandaragan and to receive the Auditor's Management Letter.

BACKGROUND

The *Local Government Act (1995)* requires a local government to prepare an annual report for each financial year.

COMMENT

The Shire of Dandaragan finished 2019 / 2020 with a surplus of \$739,166, however, the majority of this surplus is as a result of large advance grants and incomplete capital works projects. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus. It reflects the outstanding commitments that were reprogrammed into the 2020 / 2021 budget.

Details of the financial income for 2019 / 20 include:

- A total of \$6,313,218 in rate income was raised.
- A total of \$4,508,881 in grants were secured.

The Auditors report states the following;

"I have audited the annual financial report of the Shire of Dandaragan which comprises the Statement of Financial Position as at 30 June 2020, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and

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Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.

In my opinion the annual financial report of the Shire of Dandaragan:

- I. is based on proper accounts and records; and*
- II. fairly represents, in all material respects, the results of the operations of the Shire for the year ended 30 June 2020 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.”*

In addition, a Management Control Issues list has been submitted to the Shire. This does not form part of the audit report itself but does allow for the auditor to raise other findings that may warrant consideration.

The “Independent Auditor’s Report” as attached is unqualified but does include two matters that in the auditor’s opinion indicates significant adverse trends. Therefore in accordance with Section 7.12A(4)(a) of the Local Government Act 1995 “The local government must prepare a report addressing any matter identified as significant by the audit in the report, and stating what action the local government has taken or intends to take with respect to each of those matters.”

One matter of significance is as follows;

“The Operating Surplus Ratio as reported in Note 31 of the annual financial report is below the DLGSCI’s basic standard of 0.01 for the last three financial years.”

This same matter has been identified for the last 3 years during the audit the following commentary will form the contents of a report to the Minister;

The Shire’s ratio has been negative for the last 5 financial years. The Department of Local Government, Sports and Cultural Industries guidelines state;

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

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

This ratio and associated standard utilise the concept of “own source funding.” To achieve a positive ratio would mean that rates would need to increase significantly to achieve this. Achieving a positive ratio for the Shire of Dandaragan would mean the Shire would be sustainable without any type of non-operating grant funding from the State or Federal Government.

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

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

These are all grant funding that the Shire should expect on an ongoing basis to assist in meeting its asset renewal obligations. The prospect of there ever being a time where a Local Government would receive no government funding assistance is highly unlikely and therefore, increasing rates to simply achieve the ratio standard is not advised. Primarily this is due to the ratio including \$6.3M of depreciation within the “expenditure” category of the calculation.

The Shire’s current asset management plans are not mature enough at this stage to determine whether this depreciation figure is a true representation of the renewal funding required to be contributed back to existing assets. Until such time as maturity is reached in regard to the AMP’s understanding of community level of service expectation, effective life and unit costs for its fixed assets, depreciation should only be used as a measure of the consumption of an assets economic potential over time.

This is not to say the ratio is entirely irrelevant, but the target for this ratio should be driven by sound asset management planning to underpin it, not simply to meet the standard.

Shire staff and consultants have recently completed a condition assessment of all Shire controlled buildings. This assessment will be used to develop a detailed maintenance and renewal program which will be rolled into a revised asset management plan. This is significant progress for the maturity of the Shire’s asset management plans.

In the meantime, the Shire of Dandaragan maintains significant reserves entirely for the purpose of asset renewal should urgent needs arise.

The other matter of significance is as follows;

“The Asset Sustainability Ratio as reported in Note 31 of the annual financial report has progressively declined over the past 3 years and for 2018-19 and 2019-20 is below the Department of

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Local Government, Sport and Cultural Industries (DLGSCI) standard of 0.8.”

As mentioned above the use of depreciation for anything other than the consumption of an assets economic potential is not an accurate measure of future asset renewal needs until such time as asset management plans and processes are mature.

This ratio measures actual capital renewal expenditure against depreciation as a measure of how sustainably the Shire is maintaining its assets.

As asset management plans mature this ratio will be a key component of determining future expenditure needs.

At the audit committee meeting held 26 November 2020 the following decision was made;

OFFICER RECOMMENDATION/AUDIT COMMITTEE DECISION

Moved Cr Eyre, seconded Cr Slyns

That;

- 1. the Independent Audit Report and the audited financial statements for the year ended 30 June 2020 be received, and;*
- 2. In accordance with Section 7.12A (3) of the Local Government Act 1995 determine that there are no matters raised in the report that require further action, and;*
- 3. In accordance with Section 7.12A (4) of the of the Local Government Act 1995 determine that the current action of further development of the Shire’s asset management plans will allow for the two matters of significance identified by the Office of the Auditor General to be resolved in a future financial year, and;*
- 4. the audit committee determine that the responses by the Shire administration to the management control issues highlighted in the Transmittal letters are appropriate.*

CARRIED 4 / 0

CONSULTATION

- Chief Executive Officer
- Office of the Auditor General

STATUTORY ENVIRONMENT

Section 5.53 and 5.54 of the *Local Government Act 1995* requires preparation and acceptance of the annual report.

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local*

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government no later than 31 December after that financial year.

** Absolute majority required.*

Section 7.12A (3) of the Local Government Act 1995

(3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2019 – 2023 Corporate Business Plan
Scope of Shire Services

ATTACHMENTS

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

- Annual Report 2019 / 2020 Part I (Doc Id: 167504)
- Annual Report 2019 / 2020 Part II (Doc Id: 167503)
- Transmittal letter from Office of Auditor General (Doc Id: 167502)

(Marked 9.1.4)

VOTING REQUIREMENT

Recommendation 1 Absolute majority
Recommendation 2 Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

**Moved Cr Eyre, seconded Cr Scharf
That Council,**

- 1. in accordance with section 5.54 (1) Local Government Act 1995, Council accept the 2019 / 2020 Annual Report and the 2019 / 2020 Annual Financial Statements inclusive of the Auditors Report;**
- 2. in accordance with Section 7.12A (3) of the Local Government Act 1995 determine that there are no matters raised in the auditor's report that require further action;**
- 3. In accordance with Section 7.12A (4) of the of the Local Government Act 1995 determine that the current action of further development of the Shire's asset management plans will allow for the two matters of significance identified by the Office of the Audit General to be resolved in a future financial year; and**

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4. endorse the audit committee's determination that the response by the Shire administration to the other matters identified in the audit report and transmittal letter are appropriate.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2
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Moved Cr Scharf, seconded Cr Rybarczyk

That Council In accordance with section 5.27 of the Local Government Act (1995) set the date for the Annual Meeting of Electors as 28 January 2021 at 5.30pm in the Jurien Bay Council Chambers.

CARRIED 9 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 JURIEN BAY PROGRESS ASSOCIATION INC LEASE PORTION RESERVE 31884

Location:	Jurien Bay
Applicant:	Jurien Bay Progress Association Inc
Folder Path:	Business Classification Scheme / Parks and Reserves / Service Provision / Jurien Bay Recreation Ground
Disclosure of Interest:	Nil
Date:	20 November 2020
Author:	Tony O'Gorman, Economic Development Manager
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

Council to consider providing a lease over a (1250m²) portion of Reserve 31884 to the Jurien Bay Progress Association Inc for a period of five years with a further five-year option.

BACKGROUND

The Jurien Bay Progress Association Inc have taken over the assets and obligations of the former Lions Club of Jurien Bay Inc. The Lions Club had constructed a storage shed on a portion of the land, Lot 503 Reserve 31884.

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The Lions Club of Jurien Bay Inc were one of the constituent groups of the Jurien Bay Interpretative Complex Inc, which held a lease over that section of the reserve. The Jurien Bay Interpretative Complex Inc has now been wound up and surrendered their lease back to the Shire.

COMMENT

The Jurien Bay Interpretative Complex Inc held a twenty-one-year lease over a portion of lot 503, Reserve 31884. The Jurien Bay Interpretative Complex Inc ceased operations and surrendered the lease to the Shire in October 2020. A deed of release has been executed on the original lease. During the period of the lease the former Jurien Bay Lions Club Inc, which was one of the constituent groups of the Interpretative Complex Inc, constructed a storage shed on the site. The Jurien Bay Lions Club Inc has ceased operations and have transferred all assets to the Jurien Bay Progress Association Inc. The Jurien Bay Progress Association have taken up the self-supporting loan that the former Jurien Bay Lions Club Inc had to construct the storage facility on the site.

The proposal is to grant a lease over 1250m² (50m x 25m) of the original Interpretative Complex Inc portion of Reserve 31884.

It is recommended to approve the granting of a lease over a 1250m² portion of Lot 503 Reserve 31884 for a period of five years with a further term of five years to the Jurien Bay Progress Association.

CONSULTATION

- Jurien Bay Progress Association Inc
- Jurien Bay community Men's Shed Inc

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.58

Local Government (Functions and General) Regulations 1996 Section 30

3.58. *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local*

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government, the most acceptable tender, whether or not it is the highest tender.

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

30. Dispositions of property excluded from Act s. 3.58

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- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
- (i) its market value is less than \$5 000; and
- (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
- or
- (b) **the land is disposed of to a body, whether incorporated or not —**
- (i) **the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and**
- (ii) **the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;**

POLICY IMPLICATIONS

Policy 6.2 C-6R02 – Reserves

To provide guidance regarding the usage and leasing arrangement of Shire Reserves.

FINANCIAL IMPLICATIONS

There are no financial implications attached to this item as all costs for leases are typically borne by the groups applying for the lease.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04- Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities
Priority Outcomes	Our Roles
A Shire built on the strengths of community spirit and resilient, connected communities.	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

ATTACHMENTS

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

- Plan of proposed lease area (Doc Id: 166475)
 - Draft Lease for Jurien Bay Interpretative Complex (Doc Id: 165976)
- (Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Gibson, seconded Cr Richardson**

That Council authorise the Chief Executive Officer to formulate and finalise the lease agreement (based on the Shire's model lease agreement) for the surveyed portion of Reserve 31884 with the Jurien Bay Progress Association Inc inclusive of the following material terms:

- 1. Authorised use - Jurien Bay Progress Association Inc activities and ancillary uses**
- 2. Term: 5 years**
- 3. Additional Term: 5 years**
- 4. Annual Rent: \$1.**

CARRIED 9 / 0**9.4.2 COUNCILLOR VACANCY**

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	Business Classification Scheme / Governance / Elections / Electoral Commission
Disclosure of Interest:	Nil
Date:	2 December 2020
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

This purpose of this report is for Council to consider options and determine the process/timeline for filling a vacant Councillor position which has occurred due to the resignation of Councillor Richardson.

BACKGROUND

Councillor Richardson provided written notice of her resignation as a Shire of Dandaragan Councillor to the Chief Executive Officer on 18 November 2020, effective 31 January 2021.

The Local Government Act 1995 (the Act) requires Council to determine how it wishes to deal with the vacancy created within one month of the date of notice being provided to the Chief Executive Officer by the resigning Councillor.

COMMENT

The following options are available to Council in determining this matter.

Option 1 (Officer's Recommendation)

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Defer filling the vacancy until the next ordinary election in October 2021.

Section 4.16 of the Local Government Act 1995 gives Council the option of holding a Councillor vacancy with the approval of the WA Electoral Commissioner, where that vacancy is created more than 92 days from the next ordinary election and after the third Saturday in January of an election year. The Electoral Commissioner has already provided consent for this outcome should it be Council's decision.

The resignation of Councillor Richardson effectively leaves Council with 8 of 9 seats filled until the October 2021 ordinary election under this option. While this doesn't have a material impact on the Councillor / Elector ratio it would result in a situation where the Shire of Dandaragan is without an elected member living in the communities of Badgingarra or Dandaragan until October 2021.

In considering this option the remaining elected members should deliberate on their capacity to retain necessary elected member engagement with these communities and community groups within.

There are no cost implications associated with this option. A minor saving associated with Councillor allowances would be achieved of approximately \$8,000.

Option 2

Hold an extraordinary postal election (conducted by the WA Electoral Commission) to fill the vacancy. The vacant position is for a term until October 2023.

Should an extraordinary postal election be considered by Council, the Act requires that a date for that election be set within 4 months of the resignation being provided to the Chief Executive Officer, unless otherwise approved by the WA Electoral Commissioner. Council has previously entered into a long term agreement with the WA Electoral Commissioner to undertake the Shire's postal elections so the process for implementing a postal election requires only a Council decision to endorse the process commencing.

Cognisant of the timing of this Ordinary Council meeting, Officers have received advice from the WA Electoral Commission who have suggested Friday 16th April 2021 as a suitable date as Election Day, which ensures that all statutory obligations can be met.

The WA Electoral Commission has also advised that the cost of holding an extraordinary postal election for the Shire of Dandaragan would be approximately \$16,000. There is no

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provision within the 2020/21 budget to hold an extraordinary election in this financial year.

Postal voting has been the method utilised by the Shire of Dandaragan since 1999. The postal process is more user-friendly than in-person elections, where electors receive their ballot papers well in advance of Election Day, and can return them via post, which is of great benefit to those who work away and those who are otherwise unable to attend in person.

Postal voting also ensures complete impartiality in the process, with the local government (Shire of Dandaragan) having a limited role and also not handling ballot papers. The WA Electoral Commission appoints a Returning Officer and manages the election itself.

Option 3

Hold an extraordinary in-person election to fill the vacancy until October 2023.

Should an extraordinary in-person election be considered by Council, the Act requires that a date for that election be set within 4 months of the resignation being provided to the Chief Executive Officer, unless otherwise approved by the WA Electoral Commissioner.

As with Option 2, and for simplicity as well as reduced cost, it is suggested that Friday 16th April 2021 could be a suitable date to hold an extraordinary election, which will ensure that all statutory obligations can be met.

An in-person election would be managed internally by Shire officers however given the current workload and project commitments additional skilled staff would need to be employed to complete the task and manage competing workloads. The estimated cost of holding an in-person extraordinary election is between \$10,000-\$15,000, which would cover items such as staff time, printing costs, and statutory advertising.

There is no provision within the 2020/21 budget to hold an election in this financial year.

CONSULTATION

- WA Electoral Commission

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 2.32

2.32. *How extraordinary vacancies occur in offices elected by electors*

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

(a) *dies; or*

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- (b) *resigns from the office; or*
- (c) *does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*
- (d) *advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
- (da) *is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
- (db) *is dismissed under section 8.15L or 8.25(2); or*
- (e) *becomes the holder of any office or position in the employment of the local government; or*
- (f) *having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

Division 6 — Postponement and consolidation of elections

4.16. Postponement of elections to allow consolidation

- (1) *This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.*
- (2) *If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.*
- (3) *In the case of a member's office becoming vacant under section 2.32 by resignation, if —*
 - (a) *the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and*
 - (b) *the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,*
any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (4) *If a member's office becomes vacant under section 2.32 —*
 - (a) *after the third Saturday in January in an election year; but*
 - (b) *before the third Saturday in July in that election year,*
the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

[Section 4.16 amended: No. 66 of 2006 s. 7; No. 2 of 2012 s. 11.]

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

Financial implications for this item are associated with Council's decision to either hold or not hold an extraordinary election. Indicative costs have been identified within the comments section of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04 – Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
Priority Outcomes	Our Roles
A region that develops and supports community leadership and collective values	Provide an industry leading local government organisation promoting community confidence and support in our decision –making processes.

ATTACHMENTS

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

- Letter from WA Electoral Commission (Doc Id: 167275)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That Council, pursuant to section 4.16(4) of the Local Government Act 1995, accept the approval from the WA Electoral Commissioner for the vacancy created by the resignation of Councillor Richardson to remain unfilled until the next ordinary election in October 2021.

CARRIED 9 / 0

9.4.3 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

Location:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Emergency Services / Meetings / LEMC
Disclosure of Interest:	Nil
Date:	7 December 2020
Author:	Shane Elliss, Emergency Management Coordinator
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

That Council adopt the revised Local Emergency Management Arrangements (LEMA).

BACKGROUND

The purpose of the Local Emergency Management Arrangements is to set out the following;

- The Shire of Dandaragan policies for emergency management
- The roles and responsibilities for public authorities and other persons involved in emergency management
- Provisions about the coordination of the emergency operations performed by public authorities and other persons
- Description of emergencies likely to occur within the Shire of Dandaragan
- Strategies and priorities for emergency management in the district
- Other matters about emergency management in the Shire of Dandaragan that the Shire considers appropriate

These Local Emergency Management Arrangements are to ensure the community is prepared to deal with the identified emergencies should they arise. It is not the intent of this document to detail the procedures for other Hazard Management Agencies (HMA) in dealing with an emergency. These should be detailed in the HMA's individual plans.

- The LEMA applies to the local Government district of the Shire of Dandaragan
- The LEMA covers areas where the Shire of Dandaragan provides support to Hazard Management Agencies in the event of an incident
- The LEMA details the Shire of Dandaragan's capacity to provide resources in support of an emergency, while still maintaining business continuity. It also details the Shire of Dandaragan's responsibilities in relation to recovery management.
- The LEMA serves as a guide to be used at the local level however incidents may arise that require action or assistance from the district, state or federal level.

The revised LEMA is structured into the following sections;

- Section 1 – Introduction
- Section 2 – Coordination of Emergencies
- Section 3 – Risk
- Section 4 – Evacuation
- Section 5 – Welfare
- Section 6 – Shire of Dandaragan Recovery Plan
- Section 7 – Communications Plan
- Section 8 – Contacts and Resources Register

COMMENT

The Western Australian State Emergency Management Act 2005 requires that an entire review of the Local Emergency Management Arrangements should be conducted every 5 years.

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This review will meet that requirement. The next full review will be required in December 2025.

CONSULTATION

The LEMA has been reviewed and endorsed by the Local Emergency Management Committee.

Information from a number of other Hazard Management Agencies has been incorporated into the documents.

STATUTORY ENVIRONMENT

State Emergency Management Act 2005 - Section 36.

36. *Functions of local government* It is a function of a local government —

- (a) *subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and*
- (b) *to manage recovery following an emergency affecting the community in its district; and*
- (c) *to perform other functions given to the local government under this 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

Strategic Community Plan – Envision 2029

03 - Environment	The Shire will be the custodian of the environment working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
Priority Outcomes	Our Roles
The Shire will be prepared for and respond to the challenge of climate change	Implement effective planning and projects that reduce risks to property, infrastructure and the environment. Increase community awareness and preparedness for the impacts of climate change and its major local risks such as bushfire.

ATTACHMENTS

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

- The revised Local Emergency Management Arrangements (Doc Id: 167518)

(Marked 9.4.3)

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VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That Council adopts the reviewed Local Emergency Management Arrangements (Doc Id: 167518).

CARRIED 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – NOVEMBER 2020 COUNCIL STATUS REPORT

Document ID: 167458

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 26 November 2020. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – NOVEMBER 2020

Document ID 167330

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for November 2020. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – NOVEMBER 2020

Document ID: 167281

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for November 2020. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2020

Document ID: 167280

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for November 2020. **(Marked 9.5.4)**

9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR NOVEMBER 2020

Document ID: 167211

Attached to the agenda is monthly report for Tourism / Library for November 2020. **(Marked 9.5.5)**

9.5.6 HON STEPHEN DAWSON MLC – WA RECOVERY PLAN

Document ID: 166566

Attached to the agenda for you information is correspondence in relation to works planned within the Environment portfolio to be undertaken in the Shire of Dandaragan as part of the \$5.5 billion WA Recovery Plan **(Marked 9.5.6)**

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

Local Government Act 1995

5.23. Meetings generally open to public

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

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- (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.

Local Government (Administration) Regulations 1996

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

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

11.1 GOVERNANCE & ADMINISTRATION

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That the meeting be closed to members of the public at 4:27pm in accordance with Section 5.23 (2) (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Disposal of Shire of Dandaragan Properties.

CARRIED 9 / 0

11.1.1 DISPOSAL OF SHIRE OF DANDARAGAN PROPERTIES

Location:	3517 & 3470 Dandaragan Road, Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Council Properties
Disclosure of Interest:	Nil
Date:	3 December 2020
Author:	Felix Neuweiler, Principal Environmental Health Officer / Building Surveyor
Senior Officer:	David Chidlow, Executive Manager Development Services

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

COUNCIL DECISION 1

Moved Cr Shanhun, seconded Cr Scharf

That Council;

- 1. Acknowledge the Market Valuation provided by Griffin Valuation Advisory for Lot 13 on Deposited Plan 173770 Dandaragan Road;**
- 2. Authorise the Chief Executive Officer to appoint an agent to act on its behalf to promote and conduct the sale of Lot 13 on Deposited Plan 173770 Dandaragan Road;**
- 3. Authorise the Chief Executive Officer to undertake negotiations and determine a preferred offer with the appointed agent in regards to any offers received for Lot 13 on Deposited Plan 173770 Dandaragan Road, and;**

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4. be presented with the preferred offer for endorsement of disposal prior to commencing the local advertising requirements as per Section 3.58 (3) of the Local Government Act.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

NOTE: The Officers Recommendation 1 was not adopted as Council elected to review and decide on the preferred offer.

COUNCIL DECISION 2

Moved Cr Gibson, seconded Cr Clarke
That Council;

1. Acknowledge the Market Valuation provided by Griffin Valuation Advisory for Lot 2 on Deposited Plan 58543 Dandaragan Road;
2. Authorise the Chief Executive Officer to appoint an agent to act on its behalf to promote and conduct the sale of Lot 2 on Deposited Plan 58543 Dandaragan Road;
3. Authorise the Chief Executive Officer to undertake negotiations and determine a preferred offer with the appointed agent in regards to any offers received for Lot 2 on Deposited Plan 58543 Dandaragan Road, and;
4. be presented with the preferred offer for endorsement of disposal prior to commencing the local advertising requirements as per Section 3.58 (3) of the Local Government Act.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

NOTE: The Officers Recommendation 2 was not adopted as Council elected to review and decide on the preferred offer.

COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf that the Meeting be reopened to the public at 4.31pm.

CARRIED 9 / 0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.32pm.

These minutes were confirmed at a meeting on 28 January 2021

Signed 

Presiding person at the meeting at which the minutes were confirmed

Date 28 January 2021