



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIEN BAY

on

THURSDAY 23 MAY 2019

COMMENCING AT 4.01PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 MAY 2019
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.01pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 2 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor K McGlew	
Councillor D Slyns	

Staff

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

Apologies

Councillor R Shanhun
Councillor D Richardson

Approved Leave of Absence

Nil

Observers

Mrs E Ford, Mr M Ford

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 MAY 2019**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Gibson, seconded Cr Clark
That the following request for leave of absence be approved:
Cr Holmes – 1 July to 11 August 2019 inclusive.

CARRIED 7 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD
WEDNESDAY 24 APRIL 2019****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Gibson
That the minutes of the Ordinary Meeting of Council held
Wednesday 24 April 2019 be confirmed.

CARRIED 7 / 0

**7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT
DISCUSSION**

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Mr Murray Ford spoke to Council on the Cervantes Men's Shed.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 APRIL 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 May 2019
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 April 2019.

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 April 2019.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 April 2019 was \$2,143,502. 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 13 of the attached report details any significant variances.

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Should Councillors wish to raise any issues relating to the 30 April 2019 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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 30 April 2019 (Doc Id: 133437)
(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Scharf

That the monthly financial statements for the period 30 April 2019 be adopted.

CARRIED 7 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 MAY 2019
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9.1.2 ACCOUNTS FOR PAYMENT – APRIL 2019

Location: Shire of Dandaragan
 Applicant: N/A
 Folder Path: Business Classification Scheme / Financial Management / Creditors / Expenditure
 Disclosure of Interest: None
 Date: 13 May 2019
 Author: Scott Clayton, Executive Manager Corporate & Community Services
 Senior Officer: Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of April 2019.

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) and direct debit payments for April 2019 totalled \$1,309,966.03 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the April 2019 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for April 2019 (Doc Id: 133391)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Slyns, seconded Cr Clarke

That the Municipal Fund cheque and EFT listing for the period ending 30 April 2019 totalling \$1,309,966.03 for the Municipal Fund be accepted.

CARRIED 7 / 0

9.1.3 AUDIT COMMITTEE (UNCONFIRMED) MINUTES – 24 APRIL 2019 & ‘TERMS OF REFERENCE’

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	12 May 2019
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 24 April 2019 and to endorse the “Terms of Reference” for the Shire of Dandaragan Audit Committee.

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

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changes will be presented to Council at the following Council meeting.

COMMENT

The purpose of the Audit Committee Meeting held 24 April 2019 was to recommend to Council the adoption of a formal "Terms of Reference" for the Audit Committee.

Due to amendments of the Local Government Act 1995 (Act) the Shire of Dandaragan established an audit committee at the Ordinary Meeting of Council held 5 May 2005.

At the Audit Committee meeting held 23 March 2006, it was resolved to;

AUDIT COMMITTEE DECISION

Moved Councillor Short, seconded Councillor Love

That the Audit Committee recommends Council delegate the following roles and responsibilities to the Audit Committee by absolute majority;

- 1. Annual Budget Review;**
- 2. Statutory Compliance Return;**
- 3. Appointment of Auditors; and**
- 4. Audit Report subject to confirmation from the Department of Local Government and Regional Development.**

CARRIED 4 / 0

At the Ordinary Meeting of Council held 27 April 2006 the minutes of the audit committee were presented for acceptance. The officer's comments in this item were as follows;

"The Audit Committee has requested delegated authority for several roles and responsibilities but unfortunately, the Local Government Act dictates that these need to be brought before the full Council for adoption / appointment. These include:

- *Annual Budget Review*
- *Statutory Compliance Return*
- *Appointment of Auditors*
- *Audit Report*

However, this doesn't preclude the Audit Committee from reviewing these documents and appointments and making recommendations to Council."

Subsequently, the following Council decision was made;

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Russell, seconded Cr Short

That the Audit Committee review the following documents and appointments and make recommendations to Council;

- a. Annual Budget Review;
- b. Statutory Compliance Return;
- c. Appointment of Auditors; and
- d. Audit Report.

CARRIED 8 / 0

While the committee has always operated within its defined functions in accordance with legislation, other than the above recommendation, the role of the Audit Committee has never been documented within a terms of reference.

On Wednesday 24 April 2019 the Audit Committee convened for a meeting and discussed the proposed "Terms of Reference" and recommended that Council adopt the "Terms of Reference" for the Shire of Dandaragan Audit Committee.

CONSULTATION

Audit Committee

STATURORY ENVIRONMENT

Section 7.1A of the Local Government Act 1995

Section 16 of the Local Government (Audit) Regulations 1996

Section 7.1A of the Act states;

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

- (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.*
- (4) *An employee is not to be a member of an audit committee.*

Section 16 of the Local Government (Audit) Regulations 1996 states;

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*

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- (c) to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —
- (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
- (i) regulation 17(1); and
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
- (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

<i>Goal 5 Proactive and Leading Local Government</i>	
Objectives	How the Shire will Contribute
5.2 High Performing Administration	c) Compliance in all legislative requirements and functions

ATTACHMENTS

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

- Minutes of the Audit Committee Meeting (unconfirmed) held on 24 April 2019 (Doc Id: 132730)
- Terms of Reference (Doc Id: 132497)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Eyre

That Council:

- 1. receive the unconfirmed minutes of the Audit Committee Meeting held on 24 April 2019; and**
- 2. adopt the Terms of Reference (Doc Id: 132497) for the Shire of Dandaragan's Audit Committee.**

CARRIED 7 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.3.1 POSITION STATEMENT – POULTRY MANURE; ODOUR COMPLAINTS; AND STABLE FLY

Location:	Shire of Dandaragan Local government area
Applicant:	N/A]
Folder Path:	Business Classification Scheme / Public Health / Programs / Pest Control
Disclosure of Interest:	Nil
Date:	14 May 2019
Author:	Felix Neuweiler, Principal Environmental Health Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

For Council to consider adopting the attached position statement relating to poultry manure, odour complaints and stable flies.

BACKGROUND

The Shire of Dandaragan has received a number of complaints relating to poultry manure. The complaints have generally been related to odours, but individuals have also advocated that are concerned about the potential for stable fly breeding and the impacts that this will have on livestock.

Council resolved at the Ordinary Council Meeting held on 24 January 2019 meeting:

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Richardson

That Council, taking into consideration the low number of stable flies in the district, desist from declaring the Stable Fly (*Stomoxys calcitrans*) a pest in the Shire of Dandaragan local government area and review this decision in 24 months' time.

CARRIED 8 / 0

As a follow-up to the above Council resolution staff prepared the attached position statement relating to poultry manure, odour complaints and stable flies.

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COMMENT

This document will provide clarity around these issues for Councillors, staff and members of the public. The document should be reviewed regularly to ensure it stays current. It is recommended to review the position statement within 18 months.

CONSULTATION

Consultation was carried out amongst staff members and a draft copy circulated to Councillors at the April meeting.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986, Part V — Environmental regulation; Division 1 — Pollution and environmental harm offences.

49. Causing pollution and unreasonable emissions

(1) *In this section —*

unreasonable emission means an emission or transmission of noise, odour or electromagnetic radiation which unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person.

(3) *A person who causes pollution or allows pollution to be caused commits an offence.*

(5) *A person who —*

(a) *emits an unreasonable emission from any premises;*
or

(b) *causes an unreasonable emission to be emitted from any premises,*
commits an offence.

The Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016 sets out the measures to be taken to control stable fly in the areas where it is a declared pest.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

Goal 1: Great Place for Residential and Business Development	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options/choices	a) Strategic land use planning and projects
Goal 4: Healthy Natural and Built Environment	
4.2 Support positive land and bio-diversity management practices	c) Sustainable land use

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Goal 5: Proactive and Leading Local Government	
5.6 Implement sound corporate governance and risk management	f) Complaints system

ATTACHMENTS

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

- Position Statement - Poultry Manure, Odour Complaints and Stable Flies (Doc Id: 133597)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Gibson

That Council adopt the Position Statement - Poultry Manure, Odour Complaints and Stable Flies and review the document within 18 months from the date of this Council resolution.

CARRIED 7 / 0

9.4 GOVERNANCE & ADMINISTRATION

The following item 9.4.1 was withdrawn by the CEO prior to the commencement of the meeting as additional information was requested from the applicant and was not provided prior to the Council meeting.

9.4.1 CONSENT FOR SUBLEASE – RAC CERVANTES HOLIDAY PARK

Location:	Shire of Dandaragan
Applicant:	RAC Tourism Assets Pty Ltd
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Reserves and Public Land
Disclosure of Interest:	Nil
Date:	13 May 2019
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

This purpose of this report is for Council to consider the subletting of the café / shop at the RAC Cervantes Holiday Park. Council is the lessor of the caravan park and under the current lease agreement consent is required for any subletting. The recommendation supports Council providing consent for this proposal.

BACKGROUND

The Shire has been approached by Minter Ellison lawyers who are acting on behalf of RAC Tourism Assets Pty Ltd to gain consent

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for subletting the café / shop to Wilchrist Pty Ltd (John and Denise Johansen). Currently the operation of the café / shop is undertaken via a license agreement between the operator and the lessee (RAC Tourism Assets Pty Ltd).

The lessee is seeking to change the instrument of agreement to run the café / shop to enable a greater level of security for the operator which will in turn increase their capacity to invest in the facility and improve service delivery. The instrument to sublease has been prepared by the lessee's solicitors and is provided as attachment 9.4.1.

The lessee will also be required to obtain consent from the Minister for Lands before the sublease is effective.

COMMENT

This proposal does not present a material change to the day to day operation or functionality of the "Seashells Café". Contained within the sublease documents are minimum standards of product lines which are consistent with current offerings. An increased length of tenure to a subtenant may provide greater opportunity for capital improvement to the building and internal fit out. The reception desk/area within the building is not included as part of this sublease.

The proposed sublease's expiry date is linked to the management agreement between the lessee and Australian Tourist Park Management Pty Ltd – this agreement and thus the term of the sublease will expire on 5 April 2021.

The existing lease between the Shire and the lessor provides the following key terms in relation to subleases:

15.1 No Assignment or Subletting Without Consent

The rights in this lease are personal to the Lessee, and Lessee may not transfer, assign, sublet or otherwise part with possession or any way dispose of any of its rights or obligations under this Lease without the written consent of the lessor and the Minister for Lands, which consent must not be unreasonably withheld, except for the purpose of allowing tenancies under the Caravan Parks and Camping Grounds Act 1995 and the Residential Parks (Long Stay Tenants) Act 2006. The creation of these tenancies will be in the absolute discretion of the Lessee and will not require the consent of the Lessor.

15.3 Lessors Consent to Assignment and Subletting

Provided all parties whose consent is required under this Lease or at law to an assignment or subletting give their consent, then the Lessor may not unreasonably withhold its consent to the

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assignment or subletting of the leasehold estate created by this Lease if:

- a) *The proposed assignee or sublessee is a respectable and responsible person of good financial standing;*
- b) *All amounts payable due and payable have been paid and there is no existing remedied breach, whether notified to the Lessee or not, of any of the Lessee's Covenants;*
- c) *The Lessee procures the execution by:*
 - i. *The proposed assignee of a deed of assignment; or*
 - ii. *The proposed sublease of a deed of sublease, To which the Lessor is a party and which deed is prepared and completed by the Lessor's solicitors; and*
- d) *The deed of assignment contains a covenant, by the assignee with the Lessor, for the assignee to pay all Amounts Payable and to perform and observe all the Lessee's Covenants or the deed of sublease contains a covenant, by the sublessee with the Lessor for the sublessee to pay all the Amounts Payable and to perform and observe all of the Lessee's Covenants in respect of the subleased area of the Premises.*

The lessor has provided the Shire with documentation provided within the attachments to satisfy the requirements of 15.3(a) and the remainder of the items listed above have been incorporated into the sublease agreement.

The proposal discussed above has the general support of staff. The lease agreement terms between the Shire and the head lease holder (RAC Tourism Assets Pty Ltd) remain in-tact to protect the Shire's interests on the broader site. The approval of a sublease with the terms presented will provide the same level of service to the community and patrons albeit with increased scope for the sublessee to reinvest in the business.

The greatest level of risk that has been identified is the loss of amenity for residents and visitors should the sublessee fail in their enterprise. If this circumstance was to eventuate the lessee would reassume the café business and either operate it themselves under the current license methodology or sublease again. Either way there would be some short term interruption to customers during the transition however it would be in the principal lessee's best interests to reinstate the commercial venture.

CONSULTATION

- RAC Tourism Assets Pty Ltd
- Minter Ellison Solicitors

STATUTORY ENVIRONMENT

Normally Section 3.58 of the Local Government Act 1995 applies to the disposal of property via lease. In this case however the lease (property disposal) is already in place between the Shire and RAC Tourism Assets Pty Ltd and this process is to

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accommodate a sublease. Accordingly there is no need to advertise this request for public notice.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no net financial implications associated with this position. All direct costs are funded via the lessee and there are no new revenue streams associated with the proposal.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1 – Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 Ensure Shire is "open for business" and supports industry and business development	r) Tourism and Marketing s) Business development

ATTACHMENTS

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

- Lease Agreement Café and Shop Pinnacles Holiday Park (Doc Id: 133403)
- Shire Consent to sublease (Doc Id: 133404)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) provide consent to the proposal from RAC Tourism Assets Pty Ltd to sublease a portion of Lot 229, Reserve 30838 comprising the Seashells Café building and alfresco area.
- 2) authorise the Chief Executive Officer to execute the associated sublease documents as presented within attachment 9.4.1 - Doc Id: 133403 and Doc Id: 133404.

9.4.2 COUNCIL POLICY MANUAL REVIEW

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	Nil
Date:	13 May 2019
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

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PROPOSAL

This item addresses the modernisation of the Shire's Policy Manual. The Shire staff have been working with a consultant over the past months to review existing policies and update the policy manual. The recommendation is for Council to adopt the new policy manual.

BACKGROUND

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision making process

The new Policy and Procedure Manual contains both the Policies adopted by Council and their respective Management Procedures established and maintained by the Chief Executive Officer. This provides the following hierarchy:

- Policy provides what can be done.
- Procedures provide for how to do it.

It is important to note that the adopted policies have been made to facilitate:

- Consistency and equity in decision making.
- Promptness in responding to customer needs.
- Operational efficiency
- To provide guidance to the community on the Council's position regarding a range of issues

A policy statement is not binding on Council, but provides a guideline for elected members and staff in determining individual applications or requests. Generally, policies evolve as issues come before Council and should continue to evolve through a process of review and refinement. For this reason, it is important that a review process is in place. It is considered important that the Policy Manual be reviewed approximately every two (2) years to ensure the integrity and relevance of the Policies in place.

This is the first stage of policy manual review with Governance, Finance, Community Amenities, Recreation and Culture, Community, Housing and Employees being updated to the new format. The next stage of the review will consider existing policies within the Law, Order and Public Safety, Health, Education and Welfare and Engineering sections. Economic Services and Development policies will be reviewed by the Development Services department in an ongoing manner.

COMMENT

The following table provides an overview of the evolution of the Shire's Policy Manual.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 MAY 2019
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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
1.1	Governance and Administration	COMMUNITY COMMUNICATION	Apr-05	Jun-15	C-1CE09 – Community Engagement C-1SCCL010 – Shire Corporate Crest / Logo
1.2	Governance and Administration	CUSTOMER SERVICE CHARTER	Apr-05	Mar-15	Recommended to adopt as standalone document with current wording.
1.3	Governance and Administration	CUSTOMER COMPLAINTS HANDLING	Apr-05	Mar-15	C-1CH014 Complaints Handling
1.4	Governance and Administration	CORPORATE CREDIT CARD	Apr-05	Mar-15	C-3CCC05 – Corporate Credit Card
1.5	Governance and Administration	PUBLICATIONS, REGALIA AND EQUIPMENT - ISSUE TO COUNCILLORS	Apr-05	Mar-15	C-1EME015 Elected Members Entitlements
1.6	Governance and Administration	COMMUNITY GRANTS PROGRAM	Jul-09	Jul-17	C-1CG06 – Community Grants Minor amendments made to provide flexibility at year end acquittals and align with current timelines. Notes increased allocation of Cervantes Arts Festival. Two ineligibility criteria removed being: “for events delivered by structured sporting clubs and community organisations, that are consistent within the primary purpose of that club/organization;” “applications for any activity deemed to be a component of a wider project that will ultimately result in a durable item” Committee will be able to assess and prioritise alignment of proposals with genuine need and outcomes – e.g. Golf Club using this fund for a major golf tournament.
1.7	Governance and Administration	TRAVELLING EXPENSES - MEMBERS AND NON MEMBER DELEGATES	Apr-05	Mar-15	C-1EME015 Elected Members Entitlements

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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
1.8	Governance and Administration	CONFERENCES, TRAINING AND DEVELOPMENT EXPENSES - MEMBERS	Apr-05	Mar-15	C-1EME015 Elected Members Entitlements
1.9	Governance and Administration	ELECTED MEMBERS' INSURANCE	Apr-05		C-1EME015 Elected Members Entitlements
1.1	Governance and Administration	POLICY DEVELOPMENT AND ADOPTION	Apr-05	Mar-15	Remove as policy. Built into the manual preamble.
1.11	Governance and Administration	PUBLIC FORUM	Apr-05	May-10	C-1MSCP013 – Meeting Structure & Community Participation
1.12	Governance and Administration	LEGAL REPRESENTATION AND COSTS INDEMNIFICATION	Apr-05	May-10	C-1LR04 – Legal Representation
1.13	Governance and Administration	ELECTRONIC MAIL / INTERNET	Apr-05	Mar-15	Removed, covered by Record Keeping Plan and internal HR policies.
1.14	Governance and Administration	HONORARY FREEMAN WITHIN THE SHIRE OF DANDARAGAN	Apr-05	May-10	C-1HFS08 – Honorary Freeman within the Shire of Dandaragan
1.15	Governance and Administration	SHIRE OF DANDARAGAN PURCHASING POLICY AND TENDER GUIDE	Feb-07	Aug-17	C-1PAT01 – Purchasing and Tender
1.16	Governance and Administration	INCREASING PARTICIPATION OF WOMEN AS EMPLOYEES AND ELECTED MEMBERS OF THE SHIRE OF DANDARAGAN	Jul-09		C-1WLG05 – Women in Local Government
1.17	Governance and Administration	CODE OF CONDUCT	May-13		Recommended to adopt as standalone document with current wording. A new model is currently being development by the Department in line with the LG Act Review.
2.1	Finance and Accounting	INVESTMENT POLICY	Apr-05	Jun-13	C-3I01 – Investments
2.2	Finance and Accounting	SELF SUPPORTING LOANS	Apr-05	May-10	C-3SSL03 – Self-Supporting Loans
2.4	Finance and Accounting	ASSET MANAGEMENT POLICY	Jun-13	May-15	C-3AM04 – Asset Management
	Finance and Accounting	<i>SIGNIFICANT FINANCIAL ACCOUNTING POLICY</i>			C-3SAP02 – Significant Accounting Policy
3.1	Law, Order and Public Safety	BUSH FIRE ACT - ADMINISTRATIVE MATTERS	Apr-05	Jun-15	No changes – (Stage 2 Policy Review)

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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
3.2	Law, Order and Public Safety	FIREBREAK ORDER	Apr-05	Jun-16	No changes except for removal of Bushfire Notice from policy manual which needs to change each year.
3.3	Law, Order and Public Safety	BUSH FIRE ADVISORY COMMITTEE MEETINGS	Apr-05	May-15	No changes – (Stage 2 Policy Review)
3.4	Law, Order and Public Safety	BUSH FIRE CONTROL OFFICER APPOINTMENTS	Apr-05	May-15	No changes – (Stage 2 Policy Review)
4.1	Health, Education and Welfare	FOOD REGULATION COMPLIANCE AND ENFORCEMENT POLICY	Dec-12	May-15	No changes – (Stage 2 Policy Review)
5.1	Housing	STAFF HOUSING	Apr-05	May-15	C-2SH05 – Staff Housing
6.1	Community Amenities, Recreation and Culture	JURIEN BAY INFORMATION BAY	Apr-08		Suggest removal and incorporate into future Signage policy review if required.
6.2	Community Amenities, Recreation and Culture	DISABILITY ACCESS AND INCLUSION	Apr-05		C-1DAI07 – Disability Access and Inclusion
6.3	Community Amenities, Recreation and Culture	WASTE MANAGEMENT AT JURIEN BAY, BADGINGARRA, CERVANTES AND DANDARAGAN	Apr-05	May-15	C-7WMJBBCD09 – Domestic Waste Management
6.4	Community Amenities, Recreation and Culture	COMMUNITY CENTRE - MANAGEMENT	Apr-05		C-5PMMCC02 – Provision, Management and Maintenance of Community Centres
6.5	Community Amenities, Recreation and Culture	RESERVES	Apr-05	Sep-15	No changes – (Stage 2 Policy Review)
6.6	Community Amenities, Recreation and Culture	SPORT AND RECREATION FUNDING	Apr-05	May-15	C-5SRF01 – Sport and Recreation Funding Reference to major indoor facility has been removed. This will be addressed by individual project planning. Annual grants pool now linked to rates to provide ongoing growth. Minor wording and terminology changes in Policy statement. Specification of a clearer timeline for Capital Works Fund with

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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
					<p>flexibility for decision to allow for clarifications between staff and community groups.</p> <p>Amendment to 1.3(iv) to provide greater clarity around Council's commitment in the event CSRFF or other funding is not approved. Now capped at 50% of project budget which a dollar value would be specified in Council decision. Provides greater recognition of in-kind contributions without material impact on cash position of Council.</p> <p>Updates to terminology and naming of Tronox Management funding program. Reduction of years noted in 2.4(iv) to years to simplify assessment, full history of funding is still available to committee to 1970.</p> <p>Clarification of staff member's role as non-voting.</p> <p>Removal of consideration being given to the committee's assessment criteria as this already forms part of the recommendation from the committee.</p>
6.7	Community Amenities, Recreation and Culture	REFURBISHMENT OF COMMUNITY CENTRE KITCHENS	Mar-09		C-5PMMCC02 – Provision, Management and Maintenance of Community Centres
7.1	Engineering	PLANT AND EQUIPMENT	Apr-05	May-10	No changes – (Stage 2 Policy Review)
7.2	Engineering	SIGNS	Apr-05	May-10	No changes – (Stage 2 Policy Review)

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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
7.3	Engineering	STREETSCAPES - TOWNSITES	Apr-05	May-10	Replaced by new policy which also incorporates 7.4 – subject to public advertising and finalisation of supporting information sheets.
7.4	Engineering	TREES - STREETS, ROAD RESERVES AND FORESHORES	Apr-05	May-10	Replaced by new policy which also incorporates 7.3 – subject to public advertising and finalisation of supporting information sheets.
7.5	Engineering	RESTRICTED ACCESS VEHICLE ROUTES	Apr-05	Nov-05	No changes – (Stage 2 Policy Review
7.6	Engineering	EXPLORATORY DRILLING ON ROAD RESERVES	Apr-05	May-10	No changes – (Stage 2 Policy Review
7.7	Engineering	DUST MANAGEMENT REQUIREMENTS FOR DEVELOPMENT WORKS WITHIN THE SHIRE OF DANDARAGAN	Apr-08	May-10	No changes – (Stage 2 Policy Review
7.8	Engineering	VERGE BOND POLICY	Apr-05	May-10	No changes – (Stage 2 Policy Review
8.1	Economic Services and Development	RELOCATED DWELLINGS	Apr-05	May-10	No changes these policies independently reviewed by Development Services.
8.2	Economic Services and Development	MINING HORTICULTURAL AND AGRICULTURAL VENTURES – ACCOMMODATION FOR STAFF	Apr-05		Remove – Policy previously rescinded.
8.3	Economic Services and Development	CLEARING OF VEGETATION FROM RESIDENTIAL LOTS	Apr-05		No changes these policies independently reviewed by Development Services.
8.4	Economic Services and Development	OUTBUILDINGS AND TEMPORARY ACCOMMODATION IN RURAL RESIDENTIAL AND SPECIAL USE- RURAL DEVELOPMENT ZONES	Jun-08	Apr-12	No changes these policies independently reviewed by Development Services.
8.5	Economic Services and Development	OUTBUILDINGS - 'RESIDENTIAL AREAS'	Jun-08	Sep-11	No changes these policies independently reviewed by Development Services.
8.6	Economic Services and Development	ADVERTISING DEVICES (SIGNAGE) POLICY	Dec-10	Apr-13	No changes these policies independently reviewed by Development Services.

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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
8.7	Economic Services and Development	PLANNING - "CAR PARKING"	Dec-10		No changes these policies independently reviewed by Development Services.
8.8	Economic Services and Development	SHIPPING CONTAINERS	Jan-11		No changes these policies independently reviewed by Development Services.
8.9	Economic Services and Development	HOME BASED BUSINESSES (INCLUDING COTTAGE INDUSTRY)	Jan-11		No changes these policies independently reviewed by Development Services.
8.10	Economic Services and Development	BED AND BREAKFAST ESTABLISHMENT	Jan-11		No changes these policies independently reviewed by Development Services.
8.11	Economic Services and Development	RESIDENTIAL DESIGN CODES - SIDE AND REAR BOUNDARY SETBACKS	Oct-11		No changes these policies independently reviewed by Development Services.
8.12	Economic Services and Development	MOBILE AND ITINERANT VENDORS AND COMMERCIAL ACTIVITIES ON RESERVED LAND (INCLUDING FORESHORE)	Nov-14		No changes these policies independently reviewed by Development Services.
8.13	Economic Services and Development	HOLIDAY HOMES	Oct-18		No changes these policies independently reviewed by Development Services.
8.14	Economic Services and Development	JURIEN BAY FORESHORE COMMERCIAL DEVELOPMENT PLAN	Jan-19		No changes these policies independently reviewed by Development Services.
9.1	Customer Service and Training	CUSTOMER SERVICE TRAINING	Apr-15		Removed, superseded by Workforce Plan and internal HR Policies.
9.2	Customer Service and Training	SAFETY POLICY	Apr-05	Jul-11	C-2OSH03 – Occupational Safety and Health
9.3	Customer Service and Training	GRATUITY / SEVERANCE PAY			C-2SGP01 – Severance/Gratuity Payment
9.4	Customer Service and Training	MEDICAL EXAMINATION	Apr-05	May-10	Removed – covered by internal HR policy and recruitment procedures.
9.5	Customer Service and Training	EQUAL EMPLOYMENT OPPORTUNITY	Apr-05	May-10	No changes – (Stage 2 Policy Review)
9.6	Customer Service and Training	EDUCATION AND STUDY ASSISTANCE	Apr-05	May-10	C-2SPDCST04 – Staff Professional Development, Conferences & Study Tours

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Number	Section	Title	Established	Last Reviewed	Comment / New Policy
9.7	Customer Service and Training	STAFF BENEFITS	Apr-05	May-13	Removed, superseded by Workforce Plan and internal HR Policies.
9.8	Customer Service and Training	EMPLOYEE CLOTHING ALLOWANCE	Apr-05	May-10	Removed – covered by internal HR policy and recruitment procedures.
9.9	Customer Service and Training	PROTECTIVE CLOTHING	Apr-05	May-10	C-2OSH03 – Occupational Safety and Health
9.10	Customer Service and Training	STAFF APPOINTMENTS AND LEAVE	Apr-05	Jul-17	C-1AACEO012 – Appointment of Acting CEO
9.11	Customer Service and Training	POLICE CLEARANCE FOR STAFF IN RISK AREAS	Apr-05	May-10	Removed – covered by internal HR policy and recruitment procedures.
9.12	Customer Service and Training	STAFF VEHICLE USE	Apr-05	May-10	C-2SUOV06 – Staff Use of Vehicles
9.13	Customer Service and Training	STAFF TRAINING	Apr-05	May-10	C-2SPDCST04 – Staff Professional Development, Conferences & Study Tours

In addition to the table tracking above, there are a number of new policies proposed for adoption. These are:

- 1) C-1PPS02 – Pre-qualified Panels of Suppliers (Separated from previous purchasing policy)
- 2) C-1RPP03 – Regional Price Preference
- 3) C-1PID011 – Public Interest Disclosure (Whistle-blower)
- 4) C-2EAAR02 – Employee Achievement Award and Recognition
- 5) C-6ARMM01 – Acquisition of Road Making Material

These policies are currently in line with existing practices with the exception of the Regional Price Preference.

The Regional Price Preference provides a pricing advantage for local suppliers in relation to all tenders. The regional price preference enables tenders to be evaluated as if the proposed tender bid price were reduced in accordance with permitted price preferences as specified in the policy.

Since the item was first addressed, but subsequently deferred by Council in April 2019, the Cervantes Arts Committee has written to Council seeking an increase in their annual Community Grant to match the maximum funding availability (\$2,000). This request as detailed in the attachments is associated with the increased costs and scope of running the event. It is supported by staff and has been included in the Community Grants policy.

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CONSULTATION

- Elected Members
- Executive Management Team

STATUTORY ENVIRONMENT

There are a number of policies which interact with legislation that applies to Local Government within the Policy Manual. Each policy deals with these individually as required.

POLICY IMPLICATIONS

This items provides a review and update of Council's policies.

FINANCIAL IMPLICATIONS

There are no material changes to Council's financial position as a result of the changes proposed within the new policy manual. As noted above the annual funding round for Sport and Recreation Grants has increased by approximately \$12,000 and is now linked to 1% of budgeted rates.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5 – Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.1 High Performing Council	a) Ensure the Councillors and Council decision-making processes are well supported.
5.2 High Performing Administration	c) Compliance in all legislative requirements and functions

ATTACHMENTS

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

- Proposed new policy manual (Doc Id: 131688)
- Shire of Dandaragan Code of Conduct May 2019 (Doc Id: 132454)
- Shire of Dandaragan Customer Service Charter May 2019 (Doc Id: 132447)
- Correspondence from Cervantes Cultural Committee (Doc Id: 133418)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Eyre

That Council:

1. Adopt the new Shire of Dandaragan Policy Manual - May 2019
2. Adopt the Shire of Dandaragan Code of Conduct May 2019
3. Adopt the Shire of Dandaragan Customer Service Charter - May 2019

4. Defer implementation of Policy 7.4 - Street Trees and Streetscapes until a public consultation process has been completed and instruct the CEO to:
- a) Re-table the policy for Council consideration if there are any objections.
 - b) Implement the policy if there are no objections.

CARRIED 7 / 0

9.4.3 LEASES – CENTRAL WEST MEN’S SHED - CERVANTES

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	Business Classification Scheme / Parks & Recreation / Usage / Leasing
Disclosure of Interest:	Nil
Date:	13 May 2019
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

The purpose of this report is for Council to consider formalising land tenure via way of lease between the Shire and the Central West Men’s Shed over 3 Madrid Street, Cervantes. The applicant is currently working towards a relocation to a site adjacent to the Cervantes Community Centre and this lease will provide short term consent to continue their operations on the Madrid Street site. The recommendation supports a 2 year lease with 2 year option and addresses a number of subsequent funding requests which are associated with the relocation project.

BACKGROUND

The Shire has been assisting the Central West Men’s Shed progress a lease for the development of a new Men’s Shed site on the north east corner of the recreation reserve in Cervantes. Council last considered this item on 23 August 2018 and resolved the following:

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That Council:

1. seek the ability to lease for period up to 21 years portion of Reserve 40711, Lot 850 Aragon Street, Cervantes from the Department of Planning, Heritage and Lands;
2. on receipt of the above, endorse the Central West Men’s Shed Cervantes lease agreement proposal; and
3. authorise the Chief Executive Officer to formulate and finalise the lease agreement documentation to be forwarded to the Minister of Lands for final approval.

CARRIED 8 / 0

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 MAY 2019</p>

Since this resolution the Shire has received approval from the Department of Planning Lands and Heritage to lease the portion of Reserve 40711. The project to relocate the Men's Shed operations to the new site is some way off with the group still needing to secure funding from grant providers to progress to construction. The group is currently working on feasibility, staging and funding documentation and have identified Lotterywest as the primary source of likely funding.

In the interim Shire staff have met with the members of the Men's Shed and there remains a number of matters which need commitment or clarification from Council to inform the project planning for the new development. The letter provided as Attachment 1 (Doc Id: 133433) provides an overview and commentary of the groups requests from Council including:

- a. Council to fund power supply to the new shed
- b. Council to fund all costs associated with the surveying of the new site
- c. Council to fund all legal costs associated with the development and lodgement of the of the new lease
- d. Council to fund security fencing to the site.

The current site at 3 Madrid Street was originally a reserve managed by the Department of Transport which was used by the lobster industry. The Central West Men's Shed leased the site from the Department of Transport for \$2,200 per annum and made a number of improvements over the years. It was transferred to the Shire on 22 June 2017 and the Central West Men's Shed has continued their occupation, albeit without a formal lease agreement.

As stated in the letter attached, the Men's Shed maintain a position that the Shire has driven the need to relocate associated with a future foreshore development project and accordingly the Shire should be responsible for the costs in doing so.

COMMENT

This item deals with two separate, but connected, lease issues and will provide certainty to the Central West Men's Shed so they can continue their project planning for a new facility.

The first matter seeks to formalise a lease agreement for the current site (3 Madrid Street) based on a 2 year with 2 year option (at Council's discretion) which will align with the proposed planning timeframe for the Cervantes foreshore. At this stage the foreshore project is in its early stages and a scope of redevelopment has still not been established. The continuation of the lease for the second term would not be unreasonably withheld.

A short term lease, based on Council's new model community group lease will ensure proper lease conditions are in place,

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compared to the unmanaged and undetermined usage conditions currently in place. It is recommended that Council meet the costs of this lease to test the new model community group lease and recognise its implementation seeks to address an existing omission where there should have been land management arrangements in place to manage risk and land use.

Other material and variable conditions for Council endorsement specific to this lease over 3 Madrid Street should include:

- 1) Authorised use: Community Men's Shed and ancillary uses.
- 2) Term: 2 years
- 3) Additional Term: 2 years at Council's discretion (based on the progress of the Cervantes Foreshore project)
- 4) Annual Rent: \$1
- 5) Council to meet all lease preparation costs.

The items requested relating to the second lease over the Aragon Street site which require Council decision have been mentioned above. Shire staff have directed the members of the Men's Shed to the Shire's Policy 6.5 – Reserves and Policy 7.1 Plant and Equipment as the source of the current direction on their requests.

These policies provide guidance that the Shire will contribute towards the site works of a community building project by providing Shire staff and equipment to effectively level the site in readiness for building construction. When considering leases it will normally provide 21 year leases at a "peppercorn" rate. The policy is also clear in stating that lessees will be responsible for the lease preparation and lodgement costs which includes a survey diagram provided by a licensed surveyor.

These provisions and policy items have been implemented recently in the case of the Jurien Bay Men's Shed and Jurien Bay Lions Club which has driven the staff emphasis of these positions to date. Nonetheless the Central West Men's Shed have asked that Council consider their relocation different and their arguments focus on relocation being driven by the need to redevelop parts of the Cervantes foreshore. The officer recommendation takes guidance from the policy position and precedent set from the recent Jurien Bay based projects.

CONSULTATION

- Central West Men's Shed

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.58

Local Government (Functions and General) Regulations 1996 Sec 30

3.58. *Disposing of property*

(1) *In this section —*

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- 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 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.*

30. Dispositions of property excluded from Act s. 3.58

- (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

Shire of Dandaragan Policy 6.5 - Reserves

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

Shire of Dandaragan Policy 7.1 – Plant and Equipment

To establish Council's Policy in respect of the use and loan of Shire plant, equipment and other property.

FINANCIAL IMPLICATIONS

There are no major financial implications associated with the officer recommendation.

The costs associated with the requests made by the Central West Men's Shed are yet to be quantified by either the Shire or the group but are conservatively estimated at approximately \$60,000. The electricity connection or upgrades may be a substantial cost and incur headworks fees from Western Power if a new grid connection is required.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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Goal 5 – Proactive and Leading Local Government	
Objectives	How the Shire will contribute
5.3 Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other strategic decisions that affect the community	a) Consult and engage with the community on issues, projects and decisions that affect them b) Provide relevant and timely information through the Council website, newsletters, and local media

ATTACHMENTS

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

- Letter from Central West Men’s Shed (Doc Id: 133433)
- Letter of Support from Cervantes Historical Society (Doc id: 133430)
- Shire of Dandaragan Model Lease Agreement for Community Groups (Doc Id: 133426)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That Council:

- 1) Authorise the Chief Executive Officer to formulate and finalise the lease agreement (based on the Shire’s model lease agreement) for 3 Madrid Street with the Central West Men’s Shed inclusive of the following material terms:
 - a. Authorised use: Community Men’s Shed and ancillary uses.
 - b. Term: 2 years
 - c. Additional Term: 2 years at Council’s discretion
 - d. Annual Rent: \$1
 - e. Council to meet all lease preparation costs associated with the 3 Madrid Street lease.

- 2) Advise the Central West Men’s Shed that the following requests for funding commitments outside of an existing competitive Shire grants round are refused based on Council’s current policy relating to reserves:
 - a. Council to fund power supply to the new shed
 - b. Council to fund all costs associated with the surveying of the new site
 - c. Council to fund all legal costs associated with the development and lodgement of the of the new lease
 - d. Council to fund security fencing to the site.

CARRIED 7 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – APRIL 2019 COUNCIL STATUS REPORT

Document ID: 133272

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held Wednesday 24 April 2019. **(Marked 9.5.1)**

9.5.2 WALGA – 2019 / 2020 WA STATE BUDGET UPDATE

Document ID: 133347

Attached to the agenda is a copy of WALGA 2019 / 2020 WA State Budget Update, follow the link below to view the entire document <https://walga.asn.au/getattachment/b0dc7b9f-44dc-4de2-8d23-08563a27ed3c/State-Budget-2019-APPROVED>. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – APRIL 2019

Document ID: 133293

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for April 2019. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – APRIL 2019

Document ID: 133292

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for April 2019. **(Marked 9.5.4)**

9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR APRIL 2019

Document ID: 133392

Attached to the agenda is monthly report for Tourism / Library for April 2019. **(Marked 9.5.5)**

9.5.6 MELISSA PRICE MP - \$1.2 MILLION FOR JURIE BAY RSL

Document ID: 133389

Attached to the agenda is media release from Melissa Price MP announcing an election promise of \$1.2 million for the Jurie Bay RSL Community Centre. **(Marked 9.5.6)**

9.5.7 T LOFTHOUSE – SPRAY THE GREY APPRECIATION

Document ID: [132547]

Attached to the agenda is correspondence from Teresa Lofthouse expressing her appreciation for the wonderful work done at Spray the Grey. **(Marked 9.5.7)**

9.5.8 IRWIN DISTRICT HISTORICAL SOCIETY INC – JURIE BAY INTERPRETATION CENTRE

Document ID: [132568]

Attached to the agenda is correspondence from Irwin District Historical Society urging Council to support the establishment of a permanent museum. **(Marked 9.5.8)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 MAY 2019

9.5.9 THE WEST AUSTRALIAN OPERA 2019 – OPERA IN THE PINNACLES | 2019 POST EVENT REPORT

Document ID: [133689]

Attached to the agenda is Post–Event Report for the Opera in the Pinnacles | 2019 from the West Australian Opera 2019. **(Marked 9.5.9)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.23pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date