

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

**AGENDA AND BUSINESS PAPERS**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE COUNCIL CHAMBERS, JURIEN BAY**

on

**THURSDAY 26 NOVEMBER 2015**

**COMMENCING AT 5.00PM**

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



## ORDINARY COUNCIL MEETING

**THURSDAY 26 NOVEMBER 2015**

Welcome to the Ordinary Council Meeting of the Shire of Dandaragan.

Please be advised that the Ordinary Meeting of Council for 2015 / 2016 will be held on the following dates, times and venues:

DAY	DATE	TIME	MEETING VENUE
Thurs	23 July 2015	5.00pm	Jurien Bay
Thurs	27 August 2015 (School Visit)	11.00am	Jurien Bay
Thurs	24 September 2015	5.00pm	Dandaragan
Thurs	22 October 2015	5.00pm	Jurien Bay
Thurs	26 November 2015	5.00pm	Jurien Bay
Thurs	17 December 2015	5.00pm	Jurien Bay
Thurs	28 January 2016	5.00pm	Dandaragan (AGM of Electors 7.00pm)
Thurs	25 February 2016	5.00pm	Jurien Bay
Thurs	24 March 2016	5.00pm	Jurien Bay
Thurs	28 April 2016	5.00pm	Badgingarra
Thurs	26 May 2016	5.00pm	Jurien Bay
Thurs	23 June 2016	5.00pm	Cervantes

Public Forums commence immediately following the closure of the Council Meeting which is generally about 6.00pm.

Members of the public are most welcome to attend both the Council Meetings and the Public Forums.

**BY ORDER OF THE COUNCIL**

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



## **DISCLAIMER**

INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

**Please note:**

The recommendations contained in this agenda are Officers Recommendations only and should not be acted upon until Council has considered the recommendations and resolved accordingly.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils Decision.

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



## COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

***Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.***

***When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.***

***Council has prepared an appropriate form and Public Question Time Guideline to assist.***

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant** or **in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

**Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

**Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration should it be determined appropriate by the Chief Executive Officer.**

**The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).**

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Shire of Dandaragan Administration Centre and all four libraries as well as on the website [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au) seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Shire of Dandaragan Libraries and on the website [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au) within ten (10) working days after the Meeting.

**NOTE:**

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

## SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

The Shire of Dandaragan welcomes community participation during public question time as per the Shire of Dandaragan Standing Orders Local Law.

A member of the public who raises a question during question time is requested to:

- (a) provide a copy of his or her questions at least 15 minutes prior to the commencement of the meeting;
- (b) first state his or her name and address;
- (c) direct the question to the President or the Presiding Member;
- (d) ask the question briefly and concisely;
- (e) limit any preamble to matters directly relevant to the question;
- (f) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
- (g) each **member of the public** with a question is **entitled to ask up to 3 questions** before other members of the public will be invited to ask their questions;
- (h) when a member of the public gives written notice of a question, the President or Presiding Member may determine that the question is to be responded to as normal business correspondence.

The following is a summary of procedure and a guide to completion of the required form.

1. This is a "question" time only. Orations, explanations or statements of belief will not be accepted or allowed.
2. Questions must relate to a matter affecting the Shire of Dandaragan.
3. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Mayor or Presiding Member and therefore not considered.
4. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
5. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
6. When the President or presiding member calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, then ask the question.
7. Questions to be put to the President or presiding member and answered by the Council. No questions can be put to individual Councillors.
8. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** Questions not asked may still be submitted to the meeting and will be responded to by mail.
9. When you have put your question, resume your seat and await the reply. If possible, the President or presiding member will answer directly or invite a staff member with special knowledge to answer in his place. However, it is more likely that the question will have to be researched, in which case the President or presiding member will advise that the question will be received and that an answer will be forwarded in writing. Please note under NO circumstances, will the question be debated or discussed by Council at that meeting.
10. To maximise public participation only three questions per person will initially be considered with a time limit of 2 minutes per person. If there is time after all interested persons have put their questions the President or presiding member will allow further questions, again in limits of two per person.
11. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
12. Please ensure your form is submitted to the minutes secretary.

If you have difficulty in or are incapable of writing the question, Shire staff are available on request to assist in this task.

We hope this note assists you in the asking of your question and thank you for your interest and participation in the affairs of our Shire.

# SHIRE OF DANDARAGAN

## QUESTIONS FROM THE PUBLIC

**Any member of the public wishing to participate in Public Question Time during Council or Committee meetings is welcome to do so, however, Council requires your name, address and written questions to be provided to the meeting secretary.**

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

Address: \_\_\_\_\_

Contact No: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Council Agenda Item No: \_\_\_\_\_  
*(if applicable, see below\*)*

Name of Organisation Representing: \_\_\_\_\_  
*(if applicable)*

### **QUESTION:**

*Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings.*

Please see notes on Public Question Time overleaf...

- \* **Agenda Forums:** Questions can only be addressed where they relate to an Agenda Item.
- \* **Council Meetings:** Questions are to relate to a matter affecting the Shire of Dandaragan.



**REGISTER OF FINANCIAL / IMPARTIALITY / PROXIMITY INTEREST  
RECORD OF DISCLOSURES MADE**

**NAME OF PERSON MAKING DISCLOSURE**

Surname: \_\_\_\_\_

Christian Names: \_\_\_\_\_

Date of Disclosure: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

Council Meeting:                      Yes                      No                      (Please Circle)

or

Committee Meeting:                      Yes                      No                      (Please Circle)

Name of Committee: \_\_\_\_\_

Agenda Book Page No: \_\_\_\_\_ Item No: \_\_\_\_\_

Nature and Extent of Financial Interest:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Person Making Disclosure:

\_\_\_\_\_

Signature of Staff Recording Financial Interest:

\_\_\_\_\_



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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

### 1.2 DISCLAIMER READING

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

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

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

### Members

Councillor L Holmes	(President)
Councillor D Slyn	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor D Richardson	
Councillor C Carey	

### Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)
Ms R Headland	(Council Secretary & PA)

### Apologies

### Approved Leave of Absence



## 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

## 4 PUBLIC QUESTION TIME

- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
  
- 6 CONFIRMATION OF MINUTES**
  - 6.1 MINUTES OF THE ORDINARY MEETING HELD 22 OCTOBER 2015**
  
- 7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
  
- 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
  
- 9 REPORTS OF COMMITTEES AND OFFICERS**

## 9.1 CORPORATE & COMMUNITY SERVICES

### 9.1.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2015

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Financial Management / Creditors / Expenditure  
 Disclosure of Interest: None  
 Date: 15 October 2015  
 Author: Scott Clayton, Executive Manager Corporate & Community Services  
 Signature of Author:   
 Senior Officer: Tony Mottle, Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

To accept the cheque and direct debit listing for the month of September 2015.

#### 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 September 2015 totalled \$1,759,720.79 for the Municipal Fund.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Cheque, EFT and direct debit listings for September 2015 (Doc Id: 60147)

**(Marked 9.1.1)**

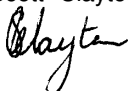

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 30 September 2015 totalling \$1,759,720.79 for the Municipal Fund be accepted.**

## 9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2015

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	BCS/Financial Management/Financial Reporting/Periodic Reports
Disclosure of Interest:	None
Date:	
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

### PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 September 2015.

### 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 September 2015.

### COMMENT

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

#### 1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 30 September 2015 was \$8,210,902. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

#### 2. Material Variances

The Statement of Financial Activity provides variances to budget by way of percentages. During budget adoption a 10 percent or \$10,000 threshold for these variances to be reported was set.



### Governance

Income is at 332% of Y-T-D budget. This is due to several insurance claims. These claims will be matched against the cost to reinstate and therefore do not result in additional available cash.

Expenditure is at 118% of Y-T-D budget due to higher than budgeted depreciation. Depreciation is a non cash item and therefore, does not adversely effect the cash position of the Shire. Depreciation will be adjusted as part of the budget review.

### Health

Expenditure is at 82% of Y-T-D due to August and September invoice for doctor servicing not having been received

### Economic Services

Expenditure is at 87% of Y-T-D budget and is due to less than budgeted expenditure on tourism. This is likely a timing issue only.

### Other Property and Services

Income is at 192% Y-T-D budget and is due to a commercial waste disposal agreement. This variance will continue to grow as months progress and does represent a positive variance in relation to available cash.

Should Councillors wish to raise any issues relating to the 30 September 2015 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:

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 26 NOVEMBER 2015**

- Financial statements for the period ending 30 September 2015 (Doc Id: 61264) (**Marked 9.1.2**)

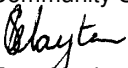

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That the monthly financial statements for the period ending 30 September 2015 be adopted.**

### 9.1.3 ACCOUNTS FOR PAYMENT – OCTOBER 2015

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	16 November 2015
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To accept the cheque and direct debit listing for the month of October 2015.

#### 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 October 2015 totalled \$ 2,176,078.85 for the Municipal Fund.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Cheque, EFT and direct debit listings for October 2015 (Doc Id: 61265) (**Marked 9.1.3**)

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 31 October 2015 totalling \$2,176,078.85 the Municipal Fund be accepted.**

### 9.1.4 RATE EXEMPTION REQUEST

Location:	3 Madrid Street, Cervantes
Applicant:	Central West Men's Shed
Folder Path:	Business Classification Scheme / Rates & Valuations / Rate Payments / Exemptions
Disclosure of Interest:	Nil
Date:	17 November 2015
Author:	Scott Clayton, Executive Manager Corporate & Community Service
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To consider a request for rates exemption at 3 Madrid Street, Cervantes.

#### BACKGROUND

A request from Mr K.R. Howe on behalf of the Central West Men's Shed has been received requesting rating exemption for their shed at 3 Madrid Street, Cervantes.

The Shire was recently advised by the Department of Transport that the Central West Men's Shed had taken on the lease of this property. As with all leases from the Department of Transport the government exemption for payment of rates ceases once a property is leased.

A Gross Rental Value of \$40,000 has been assessed against this property resulting in rates being raised for 2015/2016 of \$3,024.

#### COMMENT

Mr Howes rightfully points out in his correspondence that such a rate charge does seem disproportionate to the lease of \$2,200 paid annually to the Department of Transport.

The Valuation of Land Act 1978 states:

***gross rental value** of land means the gross annual rental that the land might reasonably be expected to realize if let on a tenancy from year to year upon condition that the landlord were liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land.*

However, the Valuation of Land Act 1978 further states:

*The gross rental value of any land not used for residential purposes only shall, where the value of the improvements on the land is less than one-third of what would have been the value of the land if it were vacant land, in any event, be not less than what would be the assessed value of the land if it were vacant land.*

Assessed Value in the Valuation of Land Act 1978 is defined as:

***assessed value** of land means such percentage of the capital value of the land as may from time to time be prescribed.*

The Valuation of Land Regulations 1979 sets the prescribed percentage as follows:

*The percentage of the capital value of land prescribed for the purposes of the term assessed value in section 4 of the Act is ... 5%*

Therefore, in summary the property leased by the Central West Men's Shed, for the purpose of rating, suffers from its desirable location being absolute beach front. As a result the rates have been based on 5% of an \$800,000 capital value.

The only rating exemptions allowed for in the Local Government Act 1995 are contained in section 6.26 which states:

**6.26. Rateable land**

(1) *Except as provided in this section all land within a district is rateable land.*

(2) *The following land is not rateable land —*

(a) *land which is the property of the Crown and —*

(i) *is being used or held for a public purpose; or*

(ii) *is unoccupied, except —*

*where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*

*where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

*and*

(b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*

(c) *land in a district while it is owned by a regional local government and is used for the purposes of that*

*regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*

- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) land used exclusively by a religious body as a school for the religious instruction of children; and*
- (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
- (g) land used exclusively for charitable purposes; and*
- (h) land vested in trustees for agricultural or horticultural show purposes; and*
- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
- (j) land which is exempt from rates under any other written law; and*
- (k) land which is declared by the Minister to be exempt from rates.*

All exemptions except for “(g) land used exclusively for charitable purposes” are quite clear and the Men’s Shed do not qualify for any of them.

“Land used exclusively for charitable purposes” is quite ambiguous as the Act does not provide a definition of “charitable purpose.”

In lieu of a definition within the act it is common practice to use the technical legal meaning which is outlined in Statute of Charitable Uses Act 1601 (UK) which defines charitable as:

*The aged, impotent and poor people; support, aid and help of people decayed; education and referent of orphans.*

Mr Howe does state that the Men’s Shed is a not for profit organisation as the major reason for requesting an exemption. While it could be argued that elements of the Men’s Sheds membership and beneficiaries would fit the definition of charitable,

the exemption does require the operations to be exclusively charitable.

It is quite clear to this officer that this is not the case in this instance.

Therefore, it is recommended that the Men's Shed application for rates exemption be denied.

The Local Government Act 1995 does provide other mechanisms available to the Local Government to provide rate relief.

Section 6.12 states:

*Subject to subsection (2) and any other written law, a local government may ... write off any amount of money ... which is owed to the local government.*

Any decision to write off a rates sum for a not for profit group should be done with caution giving due regard to the precedent being set.

The writing off of any rate amount comes with an opportunity cost in so much as it reduces the capacity of the Shire to produce income. Other possible applications for write off should such a request be granted could total over \$10,000 in lost income.

Therefore, the officer recommends that the rates not be written off based purely on the fact that the Central West Men's Shed is a not for profit organisation.

However, the officer is mindful that this property is being rated based on its location and not its use.

This issue was raised at a Council forum held 22 October 2015.

Two key considerations were raised. Firstly, the Shire's strategic plan contains a goal specifically focusing on a "Healthy, Safe and Active Community."

To be eligible to be formally recognised as a Men's Shed it must meet the following definition in accordance with the Australian Men's Shed Association By-Laws:

*"A Men's Shed [is] any community-based, non-profit, non-commercial organisation that is accessible to all men and whose primary activity is the provision of a safe and friendly environment where men are able to work on meaningful projects at their own pace in their own time in the company of other men. A major objective is to advance the well being and health of their male members."*



It is quite clear that such a definition aligns with the Shire's strategic direction.

The second, and more important consideration in relation to this request is the tenure and possible use of the land in question.

3 Madrid Street is a reserve vested with the Minister for Transport for the purpose of "Jetty Facilities." The site, once used as a crayfish receival depot, had been vacant for over 5 years prior to the Men's Shed taking up tenancy.

In accordance with Section 6.26 (2)(a)(ii) of the Local Government Act 1995, crown land while vacant is exempt from rates.

It is the officer's opinion that it is unlikely the site would or could be used for "jetty purposes" for the foreseeable future. Therefore, had the Men's Shed not taken up tenancy the land would likely remain vacant and non-rateable.

By giving consideration to writing off the rates on this property while tenanted by the Men's Shed it would not come at an opportunity cost to the Shire.

This is in contrast to the effect of writing off rates on freehold land. Any request to write off rates on freehold land based on being a non for profit group would not be recommended for approval by the Officer.

### CONSULTATION

Department of Local Government & Communities

### STATUTORY ENVIRONMENT

- Valuation of Land Act 1978
- Valuation of Land Regulations 1979
- Section 6.26 Local Government Act 1995
- Charitable Uses Act 1601 (UK)
- Section 6.12 Local Government Act 1995
- Australian Men's Shed Association By-Laws

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Writing off rates will result in a reduction in income for 2015/16 of \$3,024.

### STRATEGIC IMPLICATIONS

GOAL 2: HEALTHY, SAFE AND ACTIVE COMMUNITY

### ATTACHMENTS

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

- Email request from Central West Men's Shed (Doc Id: 60062)  
**(Marked 9.1.4)**

#### VOTING REQUIREMENT

Absolute majority

#### **OFFICER RECOMMENDATION**


**That Council:**

- 1. in accordance with section 6.26 of the Local Government Act 1995, deny the Central West Men's Shed request for rates exemption at 3 Madrid Street, Cervantes;**
- 2. in accordance with section 6.12 of the Local Government Act 1995, 2015/2016 rates totalling \$3,024 raised and any pending late payment penalty at 3 Madrid Street, Cervantes be fully written off based on the following reasons;**
  - i. the tenure of the land being crown land would be otherwise exempt from rating had the Central West Men's Shed not taken up tenancy;**
  - ii. the Central West Men's Shed is a non for profit community group with limited income earning potential; and**
  - iii. the purpose of a Men's Shed aligns with the Shire of Dandaragan's strategic plan;**
- 3. determine whether to write off future rate charges at 3 Madrid Street, Cervantes annually as part of the annual budget process; and**
- 4. advise the Central West Men's Shed that any Emergency Services Levy and/or rubbish collection fees will still be payable in full.**

## 9.2 INFRASTRUCTURE SERVICES

## 9.3 GOVERNANCE & ADMINISTRATION

### 9.3.1 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	6 November 2015
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's common seal to the Lease of Land and Premises Agreement between the Shire of Dandaragan and Citybus Pty Ltd Trading as Jurien Bay Adventure Tours.

#### BACKGROUND

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

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

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

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

#### COMMENT

Not applicable

#### CONSULTATION

Not applicable

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT



Simple majority

**OFFICER RECOMMENDATION**

**That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's common seal to the Lease of Land and Premises Agreement between the Shire of Dandaragan and Citybus Pty Ltd Trading as Jurien Bay Adventure Tours.**

## 9.4 DEVELOPMENT SERVICES

### 9.4.1 CONSULTATION PAPER (2<sup>ND</sup> ROUND) - PROPOSAL FOR CARAVAN PARKS AND CAMPING GROUNDS LEGISLATION

Location:	N/A
Applicant:	Department of Local Government and Communities
Path:	BCS\Laws and Enforcement\Licensing \Caravan Parks
Disclosure of Interest:	None
Date:	10 November 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The Department of Local Government and Communities are seeking a second round of comment on the Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation.

#### BACKGROUND

In September 2014 Council made a submission on the Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation.

The Department of Local Government and Communities advise:

*The purpose of this paper is to put forward proposed options for inclusion in new caravan and camping legislation in Western Australia. The objectives to be achieved from developing new legislation are as follows:*

- *Clarity in the interpretation of the legislation*
- *Consistency in the application of the legislation by local governments and state government agencies, and*
- *Flexibility of prescribed requirements for existing and new developments.*

*The responses to the first Consultation Paper have identified that the necessary changes to the legislation are significant. Given the extent of the changes necessary, it is intended that the existing Caravan Parks Act and Regulations be repealed, and new legislation be developed in their place.*

*The paper proposes a raft of recommendations to achieve the objectives. These recommendations are:*

1. *That the current Caravan Parks Act and Regulations are repealed and a new Act and Regulations are developed in their place.*
2. *A facility that has designated two or more sites for short-stay accommodation vehicles and/or tents requires approval to operate. Sites predominantly for the purpose of long-term*

*residence, such as park home parks, must provide at least 10 designated short-stay campsites for accommodation vehicles and/or tents, or a prescribed percentage of such sites, to be eligible for an approval to operate.*

3. *Any person making available a campsite for an accommodation vehicle and/or tent will need approval if it will be available for use for any more than three nights in any 28 day period.*
4. *An emphasis will be placed on the development of management plans that address the operator's target market.*
5. *Unless it is owned by the landowner, any building on a facility must be, and remain at all times, transportable.*
6. *Any permanent structure on a facility that is not registered under the Road Traffic Act is to be assessed as a building.*
7. *A set of minimum standards will apply to all facilities operating under the Caravan Parks Act.*
8. *The Caravan Parks and Camping Grounds Advisory Committee will be abolished in favour of consultation with relevant stakeholders.*
9. *All penalties will be increased.*
10. *Transitional arrangements will be put in place for existing facilities and vehicles.*

*The department is seeking submissions on the proposed recommendations presented in this consultation paper*

#### COMMENT

A draft submission is provided in the attachments for Council to consider and provide any additional comments.

Submissions close on Monday 30 November 2015. Emailed comments are due by Friday 27 November to the Manager Planning in order to submit by the due date.

#### CONSULTATION

- Manager Planning
- A/Manager Environmental Health

#### STATUTORY ENVIRONMENT

- Caravan Parks and Camping Grounds Act 1995

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation (Doc Id: 61245)
- Draft submission (Doc Id: 61244)  
*(Marked 9.4.1)*



VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council make a second round submission to the Department of Local Government and Communities on Proposal for Caravan Parks and Camping Grounds Legislation as provided in the attached draft submission Doc ID 61244.**

## 9.4.2 ROAD CLOSURE – PORTION OF ARAGON ST/TALAVERA RD RESERVE - MEMORIAL PARK

Location:	Road Reserve, Cnr Aragon St & Talavera Rd Cervantes
Applicant:	Council
Folder Path:	Business Classification Scheme/Parks and Reserves/Acquisition/Specified Purpose
Disclosure of Interest:	None
Date:	13 November 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

### PROPOSAL

For Council to consider the closure of portion of Road Reserve on the corner of Aragon Street and Talavera Road Reserve for the purpose of formalising Memorial Park following advertising.

### BACKGROUND

Memorial Park on the corner of Talavera Road and Aragon is currently located within the road reserve of Talavera Road and Aragon Street.

In October 2001 Council resolved to request the Minister for Lands under section 58 of the Land Administration Act 1997 to close the section of road that forms Cervantes Memorial Park/Memorial corner. This was at request of the Cervantes Memorial Park Committee. However, for reasons unknown, the process was not finalised.

In September 2013 Council resolved to:

Commence the road closure process of portion of Talavera Road and Aragon Street road reserves in accordance with Section 58 of the Land Administration Act 1997 for the purpose of creating a Reserve for Memorial Park, Cervantes and removing the Parks current status of being in the road reserve.

This request was caught up in the Cervantes Caravan Park proposed expansion of Talavera Road and underwent the same advertising process as it was considered expedient to deal with both processes at the same time. The comment in the minutes of the Council meeting of 26 September 2013 stated; *Both the proposal for Memorial Park and the Cervantes Pinnacles Caravan Park concern the same portion of road reserve. It makes sense to combine the process for both.*

### COMMENT

*Memorial Park*



Memorial Park being located within the road reserve and does not provide for long term security for the existing memorials. The community support this proposal.

### CONSULTATION

The proposal has been advertised in accordance with the requirements of the Land Administration Act 1997. No submissions apart from advice from service authorities were received.

### STATUTORY ENVIRONMENT

- Section 58 Land Administration Act 1997

#### **58. Closing roads**

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

The Shire of Dandaragan will be required to pay the surveying costs for Memorial Park. A cost reduction has been achieved by combining this survey with the required Survey for closure of portion of Talavera Road adjoining the Caravan Park.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Aerial and feature survey of Subject Site (Doc Id: 61246)  
*(Marked 9.4.2)*

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. that Council agree to permanently close an area of Road Reserve on the corner of Aragon Street and Talavera Road that generally comprises the existing Memorial Park for creation of a new Reserve vested to the Shire of Dandaragan for the purposes of “Memorial Park” after having considered all submissions received.**
- 2. seek approval of the Hon Minister for Lands be requested in accordance with Section 58 of the Land Administration Act 1997.**

### 9.4.3 NAMING OF VARIOUS ROADS - ROSE VALLEY SUBDIVISION - COALSEAM DRIVE SUBDIVISION

Location:	Various Roads
Applicant:	n/a
File Ref:	Business Classification Scheme /Roads/ Naming/ Roads and Naming
Disclosure of Interest:	None
Date:	10 November 2015
Author:	David Chidlow, Manager of Planning.

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

Signature of Senior Officer:	
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#### PROPOSAL

To seek approval for the naming of various roads.

#### BACKGROUND

Two recent subdivisions that have been granted conditional approval by the Western Australian Planning Commission (WAPC) and will result in the creation of new roads. Council is responsible for submitting road names to the Geographical Names Committee for formal approval as gazetted roads.

The two subdivisions are:

WAPC 150693 - Lot 9 Dandaragan Road (Known as the Rose Valley Subdivision). One road name is required, suggested name is Rose Valley Close.

WAPC 149487 – Lot 1242 Coalseam Drive (Known as Coalseam Industrial Estate). Two road names are required, suggested names are “Rutile Road” and “Titanium Road”

#### COMMENT

“Rose Valley Close”

This road has been created following further subdivision of a lot within the existing subdivision. Opportunity was taken to create road access to the lots which were previously given access by multiple battle axe legs with rights of access. This configuration was not supported by Council when the original subdivision was approved and has proven to be a problem ever since. The creation of the road now requires that it be formally named. The surveyor suggested Rose Valley Road as historically the subdivision has been known as “Rose Valley”. One of the landowners suggested Rose Valley Lane. However, a check of the guideline rules out the use of Lane. On checking with the landowner, the alternate name Close was suggested as this fits the guidelines for a “Short enclosed roadway – cul de sac”.

“Rutile Road” and “Titanium Road”

These proposed newly created industrial subdivision roads join Coalseam Drive. The names have been selected from the list in the Geonoma Adhoc Report reserved for the Shire of Dandaragan. The names were chosen given the mineral theme of roads in the surrounding area. The theme pays homage to historical and current mining related activities of the industrial area. There are no instances of the same road name being used within 50km of the area.

#### CONSULTATION

- Adjoining landowners.
- Advance Dandaragan.

#### STATUTORY ENVIRONMENT

There are no particular statutory implications relevant to this item however; there are principal's, guidelines and procedures set down by the Geographical Names Committee.

#### POLICY IMPLICATIONS

Council current Policy on road names is as follows:

##### *7.6 Naming of Streets and Roads*

#### **Objective**

To set down the basis of how street and road names within the shire will be determined

#### **Policy Statement**

The Geographic Names Committee's Policy for the naming of streets and roads within the Shire of Dandaragan, is utilized by Council, as follows:

- (a) Names of living individuals are not normally suitable.
- (b) Names characterised as follows are usually inappropriate:
  - Incongruous names
  - Given names
  - Given and Surname combinations
  - Corrupted names
  - Unduly cumbersome or difficult to pronounce names
  - Obscene or derogatory names
  - Racist or discriminatory names
  - Company or commercialised names.
- (c) Preferred sources of names include:
  - Aboriginal names
  - Pioneers, early settlers, war casualty lists
  - Thematic names e.g., flora, ships, etc.
- (d) If possible the origin of each name proposed is to be clearly stated. Proposals for road names should include an appropriate suffix.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item

ATTACHMENTS

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

- Plan of proposed Road – Rose Valley Close. (Doc Id: 61249)
- Plan of proposed Roads – Rutile Road and Titanium Road (Doc Id: 61250)
- Copy of the Geonoma Adhoc Report (Doc Id: 61247)

***(Marked 9.4.3)***

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION 1**

**That Council approves a formal submission to the Geographic Names Committee for their endorsement of naming Rose Valley Close (Doc ID 61249) Rutile Road and Titanium Road.**

**OFFICER RECOMMENDATION 2**

**That Council approves a formal submission to the Geographic Names Committee for their endorsement of naming Rutile Road and Titanium Road (Doc ID 61250).**

#### 9.4.4 DUST BOND – THE WAVES AT JURIEBAY TOURIST DEVELOPMENT – LOT 450 HILL STREET AND LOT 671 DALTON STREET, JURIEBAY

Location: Lot 450 Hill Street and Lot 671 Dalton Street, Jurie Bay


Applicant: DesignInc Perth Pty Ltd on behalf of Lineview Investments Pty Ltd


Folder Path: Projects/Developments/The Waves for Lineview Holdings

Disclosure of Interest: None

Date: 16 November 2015

Author: David Chidlow, Manager of Planning.

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

Signature of Senior Officer: 

#### PROPOSAL

The applicant is seeking refund of the dust bond paid in 2007

#### BACKGROUND

Council at its Ordinary Meeting held on 3 September 2007 resolved the following;

*“That Council approves the Dust Management Plan for Lot 450 Hill Street and Lot 671 Dalton Street subject to the following conditions”*

1. *At all times maintaining a sufficient quantity of Dustex or similar product on site that will be applied to all exposed area's when prior extreme (30km/hr) wind warnings are received via weather forecasts.*
2. *A public notice is placed in the local newspaper, similar to the notice being sent to adjoining land owners, prior to work commencing onsite.*
3. *A cash bond of \$1/m<sup>2</sup> of the area disturbed by the works shall be lodged with Council prior to any works commencing on site.*

The applicant (Lineview Holding Pty Ltd) states;

*A Dust Bond of \$5,949.00 was paid pursuant to the shire's approved Dust Management Plan dated 20/09/2007 (attached). With the completion of the earthwork and as all the ground slabs have been installed, we consider that the conditions of the Dust Management Plan have been satisfied. On this basis, we seek the refund of the Dust Bond.*

#### COMMENT

The site remains incomplete in that only ground slabs have been constructed for the remainder of the units on the site. A condition of the original planning approval is that Development Approval (DA) is required for each of the units not completed. Given that a DA is required for each unit and these have only been constructed

to slab height, they cannot be considered “Substantially Commenced” therefore both the planning and building approvals have expired.

Should any further works be undertaken, new approvals will be required that may require new dust management plans and any bonds.

A concern is that with the refund of the bond, that the uncompleted area may be abandoned and remain in an unsightly state.

The Manager of Planning has been in contact with a private planner working on a Scheme Amendment to the subject site, however no formal application has been received as yet.

#### CONSULTATION

- Nil required at this stage.

#### STATUTORY ENVIRONMENT

Local Planning Scheme No.7

#### POLICY IMPLICATIONS

7.8 Dust Management Requirements for Development Works within the Shire of Dandaragan.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item as the funds of \$5,949.00 are held in a trust fund set up for this purpose.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Correspondence from DesignInc (Doc Id:61243)  
**(Marked 9.4.4)**



#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council refuse to refund the dust bond (\$5,949.00) applicable to development Lot 450 Hill Street and Lot 671 Dalton Street, Jurien Bay to Lineview Holdings Pty Ltd until such time as the project is completed.**

**9.4.5 SUNDRY DEBTOR WRITE – OFF**

Location: N/A  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Financial Management / Debtors / Write-Offs  
 Disclosure of Interest: Nil  
 Date: 11 November 2015  
 Author: Terry Sims, Senior Ranger  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

**PROPOSAL**

To seek Council permission to write off one sundry debtor account.

**BACKGROUND**

Section 6.12 of the Local Government Act 1995 gives the Local Government the power to write off debts to Council.

- 6.12. Power to defer, grant discounts, waive or write off debts*
- (1) Subject to subsection (2) and any other written law, a local government may —*
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) waive or grant concessions in relation to any amount of money; or*
  - (c) write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

**COMMENT**

Permission to write off stale sundry debtor accounts is now being sought in accordance with Section 6.12 of the Local Government Act 1995. The details of the account provided below;

**Invoice Number:** 25171  
**Date of Invoice:** 20 January 2014  
**Details of Invoice:** Firebreaks completed by contractor on private property  
**Amount of Invoice:** \$320.00 inc GST  
**Amount of Write Off:** \$320.00 inc GST

**Comment:** The property owner failed to comply with Fire Break Order by maintaining a firebreak on his property. The property has since sold the property

Numerous reminder letters have been sent to the debtor, unfortunately he refused to make contact. The amount has been outstanding for over a year in the hope that debtor would pay. The property changed hands on 3 December 2013 and debtor invoice



was not paid at settlement.

CONSULTATION

None

STATUTORY ENVIRONMENT

Section 6.12 of the Local Government Act 1995

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire of Dandaragan has incurred an expense in engaging a contractor to carry out the firebreaks with the intention of recouping this expense from the land owner, therefore a decision to write off this debt will have a negative impact on the 2015/16 budget of \$320.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- **Confidential** - Copy of Invoice 25171 (Doc Id:61021)  
**(Marked 9.4.5)**

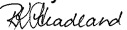

VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION**

**That Council authorise the write off of sundry Debtor Invoice 25171 for the amount of \$320 inc GST**

**9.4.6 SUNDRY DEBTOR WRITE – OFF**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Debtors / Write-Offs
Disclosure of Interest:	Nil
Date:	11 November 2015
Author:	Robyn Headland, Council Secretary & PA
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

**PROPOSAL**

To seek Council permission to write off one sundry debtor account.

**BACKGROUND**

Section 6.12 of the Local Government Act 1995 gives the Local Government the power to write off debts to Council.

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

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

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

*\* Absolute majority required.*

**COMMENT**

Permission to write off stale sundry debtor accounts is now being sought in accordance with Section 6.12 of the Local Government Act 1995. The details of the account provided below;

<b>Invoice Number:</b>	25898
<b>Date of Invoice:</b>	13 January 2016
<b>Details of Invoice:</b>	Home Occupation Registration – Hairdressing
<b>Amount of Invoice:</b>	\$90.00 inc GST
<b>Amount of Write Off:</b>	\$90.00 inc GST

**Comment:** The debtor was granted a Home Occupation to conduct a Hairdressing Business on the 18 December 2014 and invoiced a annual registration fee to operate. The debtor has since left the district failing to pay the Debtor invoice before leaving.

Numerous reminder letters have been sent to the debtor, unfortunately she refused to make contact. The amount has been outstanding for nearly a year in the hope that the debtor would

pay.

CONSULTATION

None

STATUTORY ENVIRONMENT

Section 6.12 of the Local Government Act 1995

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire of Dandaragan invoiced the applicant a Home Occupation licence fee for the operation of the home based Hairdressing business, therefore a decision to write off this debt will have a negative impact on the 2015/16 budget of \$90.00.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- **Confidential** - Copy of Invoice 25898 (Doc Id:61026)  
*(Marked 9.4.6)*



VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION**

**That Council authorise the write off of sundry Debtor Invoice 25898 for the amount of \$90 inc GST.**

**9.4.7 SUNDRY DEBTOR WRITE – OFF**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Debtors / Write-Offs
Disclosure of Interest:	Nil
Date:	11 November 2015
Author:	Robyn Headland, Council Secretary & PA
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

**PROPOSAL**

To seek Council permission to write off one sundry debtor account.

**BACKGROUND**

Section 6.12 of the Local Government Act 1995 gives the Local Government the power to write off debts to Council.

- 6.12. Power to defer, grant discounts, waive or write off debts*
- (1) Subject to subsection (2) and any other written law, a local government may —*
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) waive or grant concessions in relation to any amount of money; or*
  - (c) write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

**COMMENT**

Permission to write off stale sundry debtor accounts is now being sought in accordance with Section 6.12 of the Local Government Act 1995. The details of the account provided below;

<b>Invoice Number:</b>	25767
<b>Date of Invoice:</b>	19 November 2014
<b>Details of Invoice:</b>	Reimbursement of advertising costs to conduct activities on Shire Reserves
<b>Amount of Invoice:</b>	\$60.37 inc GST
<b>Amount of Write Off:</b>	\$60.37 inc GST

**Comment:** The debtor failed to pay his invoice for reimbursement of advertising costs to operate commercial activities on Shire reserves.

Numerous reminder letters have been sent to the debtor, unfortunately he refused to make contact. The amount has been outstanding for over a year in the hope that he would pay. The debtor has left the district without the debtor invoice being settled.

CONSULTATION

None

STATUTORY ENVIRONMENT

Section 6.12 of the Local Government Act 1995

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire of Dandaragan has incurred an expense in advertising with the intention of recouping the cost from the applicant, resulting in a nil overall financial effect, therefore a decision to write off this debt will have a negative impact on the 2015/16 budget of \$60.37.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- **Confidential** - Copy of Invoice 25767 (Doc Id:61025)  
*(Marked 9.4.7)*

VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION**

**That Council authorise the write off of sundry Debtor Invoice 25767 for the amount of \$60.37 inc GST**

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – OCTOBER 2015 COUNCIL STATUS REPORT

Document ID: 61181

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 22 October 2015. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – NOVEMBER 2015

Document ID: 61073

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for November 2015. **(Marked 9.5.2)**

### 9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2015

Document ID: 60766

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for October 2015. **(Marked 9.5.3)**

### 9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2015

Document ID: 60775

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for October 2015. **(Marked 9.5.4)**

### 9.5.5 APPEA – OIL & GAS AND FARMING INDUSTRIES ENFORCE NEW FRAMEWORK FOR COEXISTENCE IN WA

Document ID:

*"Farmers and petroleum companies in Western Australian have drawn up a model agreement to support agricultural productivity in areas being explored for onshore gas".*

Attached to the agenda is a copy of the Joint Media Release dated 30 October 2015. **(Marked 9.5.5)**

### 9.5.6 MCLEODS BARRISTERS & SOLICITORS – PROPOSED RECORDING AND LIVE STREAMING OF LOCAL GOVERNMENT COUNCIL AND COMMITTEE MEETINGS

Document ID:

*"In Western Australia there has been a long running debate on the question of whether Council meeting should be streamed live online, with the recordings being made available to electors by uploading to the local government's website as soon as practical, and maintained online as an archive".*

Attached to the agenda is a copy of the Local Government update. **(Marked 9.5.6)**

### 9.5.7 DEPARTMENT OF CULTURE AND THE ARTS – LOCAL GOVERNMENT ELECTED MEMBERS INDUCTION VIDEO

Document ID: 60742

State Records Office (SRO) has produced an induction video for use by local governments. The video is available in the 'What's New' section on the homepage of the SRO website: [www.sro.wa.gov.au](http://www.sro.wa.gov.au).

**9.5.8 DEPARTMENT OF MINES & PETROLEUM – GUIDE TO THE REGULATORY FRAMEWORK OF SHALE AND TIGHT GAS IN WESTERN AUSTRALIA**

Document ID: 60741

*"This guide provides a comprehensive description on how this industry is currently regulated in Western Australia. Further, the guide clearly demonstrates how Government works collaboratively and collectively to manage risk inherent to the industry under one, whole-of-government, regulatory framework".*

**9.5.9 CERVANTES CHAMBER OF COMMERCE & CERVANTES RATEPAYERS & PROGRESS**

Document ID: 60542

*"Thank you for the opportunity of meeting with you on Thursday to discuss the proposed re-location of the sullage point to a more accessible location".*

Attached to the agenda is a copy of the email received from the above. **(Marked 9.5.9)**

**9.5.10 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 40**

Document ID: 60254

Inside this issue:

- Kwinana CEO Receives State Recognition
- Professional Risk and Natural Hazards
- Meeting with Minister for Agriculture; Fisheries
- Cultural Planning Forum
- Road Ribbon on Road Safety® 2015 Campaign Material Available
- Sustainability Workshop – Final Call
- Vacancies on Boards and Committees
- Developing Infrastructure Funding Proposals Workshop
- Bike Week 2016 Grants Now Open
- Auditor General's Report – Cycling in the Perth Metro Area
- Australian Climate Leadership Summit

**9.5.11 JURIE BAY COMMUNITY MENS SHED - OKTOBERFEST**

Document ID: 60458

*"Thank you from the Jurien Bay Community Mens Shed for the support received in relation to Oktoberfest".*

Attached to the agenda is a copy of the letter received from Jurien Bay Community Mens Shed. **(Marked 9.5.11)**

**9.5.12 GREY CONSERVATION AND COMMUNITY ASSOCIATION – LETTER OF APPRECIATION**

Document ID: 60456

*“On behalf of our member shack owners at Grey, may we express our appreciation for the manner in which the Shire responded to our recent request for assistance to deal with a troublesome dog in Grey.*

*In particular, the actions of the Shire Ranger Rosalyn Edwards were particularly praiseworthy”.*

**9.5.13 LOCAL GOVERNMENT AND COMMUNITIES – REGIONAL FORUMS – CARAVAN PARKS AND CAMPING GROUNDS REVIEW**

Document ID: 60424

*“To promote the release of a second consultation paper for the Caravan Parks and Camping Grounds Act 1995 review”.*

Attached to the agenda is invitation to attend a public forum  
**(Marked 9.5.13)**

**9.5.14 WALGA – ENVIRO NEWS – ISSUE 7**

Document ID: 60342

Inside this issue:

- City of Bayswater – Eric Singleton Bird Sanctuary Restoration Works
- City of South Perth Builds a Water Treatment Wetland
- Shire of Yilgarn ‘Cliffs Care’ Tree Planting Day
- Whadjuk Trails Flourish
- EMRC Combined Catchment Group Meeting
- Reeling in the Waste
- Refilling Water Bottles Saves Thousands at the Royal Show
- Wetland Conservation NAMN Forum – 4 November
- Perth Urban Forest Masterclass
- Helping your Ratepayers Save Water and Save Money this Spring
- Backyard Fruit Growers to get Active on Medfly

**9.5.15 WADDI WIND FARMS PTY LTD – SALE OF PROJECT**

Document ID:

*“With the Waddi Wind Farm project at an advanced stage of development and with the politics that has impacted the Renewable Energy Target subsiding, Wind Prospect has been seeking an investor that has the capacity to achieve project finance and take the project through to construction and operation. The property has been sold to Trustpower, a New Zealand company”.*

**9.5.16 DEPARTMENT OF FIRE & EMERGENCY SERVICES – CERVANTES VOLUNTEER BUSH FIRE BRIGADE**

Document ID: 60138

*“The Department of Fire and Emergency Services (DFES) has been approached by Cervantes Volunteer Bush Fire Brigade to transition to a Volunteer Fire and Emergency Services Unit (VFESU)”*



Attached to the agenda is a copy of correspondence. (**Marked 9.5.16**)

#### 9.5.17 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 41

Document ID: 60459

Inside this issue:

- State Road Funds to Local Government Agreement
- Meeting with Minister for Emergency Services
- Preventing Misconduct in Local Government: Breakfast with the Commissioners
- Elected Member Notification – Reminder
- Wetland Conservation NAMN Forum – Final Call
- Talking Rubbish Roadshows
- Vacancies on Boards Committees –
  - Local Government Self Insurance Schemes Board (LGIS)
    - 1 Non-Metropolitan Member
  - Swan River Trust
    - 1 Metropolitan Member

Just Added:

- South West Region Planning Committee (SWRPC)
  - 2 Members
- Western Australian Planning Commission (WAPC)
  - 2 Deputy Members
- Syrian Refugee Relocation to WA
- Western Australian Ombudsman Investigating Child Deaths by Drowning
- Training

#### 9.5.18 MEDIA RELEASE – MINISTER FOR FINANCE; MINES AND PETROLEUM – GAS FRAMEWORK TO BUILD COMMUNITY CONFIDENCE

Document ID:

*“Stringent regulations to protect public health, water supplies and the environment are highlighted in a new nine-agency framework to govern gas industry development”.*

Council has previously been provided with a copy on 20 October 2015. Should councillors require a copy of this please go to the following link:

<https://www.mediastatements.wa.gov.au/Pages/Barnett/2015/10/Gas-framework-to-build-community-confidence.aspx>

#### 9.5.19 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – ISSUE 10

Document ID:

In this issue:

- RoadWise Program receives Australia Road Safety Conference Award
- Road Ribbons for Road Safety® 2015 campaign
- Which project can your Local Government nominate for a Local Government Road Safety Award?

- Carnarvon RoadWise Committee gets a new chair
- Parents pledge to slow down in Warnbro
- Drivers turn it off and bag it up
- New Driver Reviver operation in Collie
- Denmark RoadWise Committee involved in high school leavers talk
- Road safety is all around at Crushing and Mining Equipment
- Plantagenet students doing more than counting cars
- Kalbarri Road Trauma Prevention Day
- Children learn about road safety with Izzy
- Enjoy the ride – bush poem
- Onslow Road Users Group – award finalist
- Interactive website to help you brush up on your road rules
- Unsecured loads – Take the tie down test
- Road safety events, conferences and resources

**9.5.20 GAIL PENNINGTON – DOBBYN PARK DEVELOPMENT – TOILET FACILITIES**

Document ID:

Correspondence from Gail Pennington expressing the lack of cleanliness of the existing facilities at Dobbyn Park, and the provision of decent showers and change rooms.

**9.5.21 WALGA – NWAC INFORMATION BULLETIN – ISSUE 222**

Document ID:

In this issue:

- Talking Rubbish Roadshows
- Bag Ban Binned – Again!
- Separation Distances
- Save Money on Roads
- Party for the Planet
- WALGA Treks the Trail

**9.5.22 TAMMY HARSTON – DUMP POINT IN JURIE BAY**

Document ID:

Concerns and request for a local dump point within the town of Jurien Bay.

**9.5.23 WESTERN AUSTRALIAN NEWSPAPER – DEPARTMENT REPORT – GAS FRACKING GETS RISK CLEARANCE**

Document ID:

Newspaper article by Daniel Mercer quoting “*WA’s Health Department has given a clean bill of health to the contentious gas extraction technique known as hydraulic fracturing – or fracking – saying it can be done safely.*”

Attached to the agenda is the newspaper article (**Marked 9.5.23**)

**9.5.24 WESTERN AUSTRALIAN NEWSPAPER – COUNCILS ON MOBILE FOOD WAGON**

Document ID:

*"The food trucks are coming. The mobile foodie craze is sweeping Perth as punters flock to a rapidly growing mobile food movement to eat exciting, inexpensive food on the street".*

Attached to the agenda is the newspaper article (**Marked 9.5.24**)

**9.5.25 MOORE CATCHMENT COUNCIL – MEDIA RELEASE – 10 NOVEMBER 2015**

Document ID:

*"Moore Catchment Council (MCC) is extremely proud to be finalists of not one, but two prestigious awards this year. These accolades reflect the hard work and on-going dedication that the MCC has in helping to manage natural resources in the Moore River Catchment."*

Attached to the agenda is the media release dated 10 November 2015 (**Marked 9.5.25**)

**9.5.26 ILUKA – CATABY MINERAL SANDS PROJECT UPDATE – NOVEMBER 2015**

Document ID:

*"Iluka and its contractor Parson Brinkerhoff are currently progressing the definite feasibility study (DFS) phase of the Cataby mineral sands project."*

Attached to the agenda is the Cataby Mineral Sands Project Update – November 2015 (**Marked 9.5.26**)

**9.5.27 WALGA – MWAC INFORMATION BULLETIN – ISSUE 224**

Document ID:

In this issue:

- Infinity Winners
- Rural Landfill Standards – Progress
- Litre Levy on Paint
- Balloon Ban Floats
- \$5m CCTV funding now available for Councils
- Call for CDS in Tasmania

**9.5.28 HON DEAN NALDER MLA – MINISTER FOR TRANSPORT – MEDIA STATEMENT - WORKS TO IMPROVE SAFETY ON INDIAN OCEAN DRIVE – FRIDAY 13 NOVEMBER 2015**

Document ID:

*"Works are under way to widen 9.3 kilometre section of Indian Ocean Drive, north of Perth, Transport Minister Dean Nalder said."*

Attached to the agenda is Media Statement dated Friday 13 November 2015 (**Marked 9.5.28**)

**9.5.29 HON TONY SIMPSON MLA – MINISTER FOR LOCAL GOVERNMENT, COMMUNITY SERVICES, SENIORS AND VOLUNTEERING; YOUTH – MEDIA STATEMENT – AGE**

**FRIENDLY LOCAL GOVERNMENTS' FUNDING BOOST – TUESDAY 10 NOVEMBER 2015**

Document ID:

*“More than 50 Western Australian local governments are on the way to becoming age-friendly, with the help of the State Government’s Age Friendly Communities Grants Program.”*

Attached to the agenda is Media Statement dated Tuesday 10 November 2015 (**Marked 9.5.29**)

**9.5.30 HON LIZA HARVEY MLA – MINISTER FOR POLICE, ROAD SAFETY, TRAINING AND WORKFORCE DEVELOPMENT; WOMEN’S INTERESTS – MEDIA STATEMENT - \$5M CCTV FUNDING NOW AVAILABLE FOR COUNCILS – SUNDAY 8 NOVEMBER 2015**

Document ID:

*“The State Government has delivered another key election commitment with the opening of a multi-million dollar round of grant funding for local governments to install CCTV camera to help combat criminal and anti-social behaviour, and respond to emergencies.”*

Attached to the agenda is Media Statement dated Sunday 8 November 2015 (**Marked 9.5.30**)

**9.5.31 COUNTRY WOMENS ASSOCIATION JURIE BAY BRANCH – DIVING OFF THE JURIE BAY JETTY**

Document ID: 61260

Letter from CWA expressing concerns with patrons diving off the Jurie Bay Jetty and free camping between Greenhead and Leeman.

Attached to the agenda is letter from CWA Jurie Bay dated 12 November 2015 (**Marked 9.5.31**)

**9.5.32 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 44**

Document ID: 61204

In this issue:

- Local Government Recognised at Planning Awards
- Use of Copyright Information
- New Councillor Seminar 2015
- 2016 WA Transport & Roads Forum
- Humanitarian Refugee Information Seminar
- Underground Power
- Perth Urban Forest Masterclass
- WALGA Climate Change – Seeking Feedback
- Community Event Accessibility

**9.5.33 WALGA – STATE COUNCIL AGENDA – DECEMBER 2015**

Document ID: 61112

A copy of the Agenda for WALGA State Council to be Wednesday 2 December 2015 is on hand.

**9.5.34 WHEATBELT NORTH REGIONAL ROAD GROUP – MOORA SUBGROUP – MINUTES 9 NOVEMBER 2015**

Document ID: 60984

Attached to the agenda is copy of the Unconfirmed Minutes from the Wheatbelt North Regional Road Group – Moora Subgroup meeting held 9 November 2015. **(Marked 9.5.34)**

**9.5.35 HON BILL MARMION MLA – MINISTER FOR FINANCE; MINES AND PETROLEUM – MEDIA STATEMENT – WA GAS REPORT**

Document ID:

*“Mines and Petroleum Minister Bill Marmion has welcomed the Legislative Council Environment and Public Affairs Committee’s extensive report into hydraulic fracturing for unconventional gas”.*

Attached to the agenda is copy of the Executive Summary, Findings and Recommendations. **(Marked 9.5.35)**

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

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

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

**13 CLOSURE OF MEETING**