UNCONFIRMED

MINUTES



ORDINARY MEETING

HELD

22ND MARCH 2012

ΑT

SHIRE OF DARDANUP
ADMINISTRATION CENTRE EATON
1 COUNCIL DRIVE - EATON

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| COUNCIL ROLE | | | | | | | |
|---------------------|--|--|--|--|--|--|--|
| Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency. | | | | | | |
| Executive/Strategic | The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. | | | | | | |
| Legislative | Includes adopting local laws, town planning schemes and policies. | | | | | | |
| Review | When Council reviews decisions made by Officers. | | | | | | |
| Quasi-Judicial | When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice. | | | | | | |
| | Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. | | | | | | |

DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP ORDINARY MEETING OF COUNCIL HELD ON THURSDAY 22ND MARCH 2012, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 4.30PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr. J E Gardiner declared the meeting open at 4.30pm, welcomed those in attendance and referred to the Disclaimer and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

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

2.1 Attendance

Cr. John E Gardiner Shire President Cr. Brad G Day Councillor Cr. Betty Murfit Councillor Cr. Peter Robinson Councillor Cr. James Lee Councillor Cr. Luke Davies Councillor Cr. Danny Harris Councillor Councillor Cr. Peter Bass Cr. Carmel Boyce Councillor

Mr Mark Chester Chief Executive Officer

Ms Cathy Parkinson Executive Governance Officer
Mr Stuart Eaton Director Corporate Services
Mr Robert Quinn Director Development Services
Mr Luke Botica Director Engineering Services

Mr Craig Browne Senior Engineering Technical Officer

Mr Jake Whistler Planning Officer

Miss Zoey McMillan Community Development Officer

2.2 Apologies

Cr. Michael Bennett - Leave of Absence [Resolution 28/12]

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

4.1 <u>Mr Allan Whitfield Regarding Item 11.6.1 Title: Request for Event Fee</u> Review and Waiver

The following was supplied to all Councillors prior to the commencement of the meeting and read aloud by Mr Whitfield:

Point of Clarification:

The Reporting Officer has indicated that the Bunbury Runners Club has requested that the Shire waive an event application fee for a fun run. Whilst this is true in part, my original request draws attention to a need to review such fees for all events conducted by clubs from neighbouring Shires such as the Bunbury Runners Club and Bunbury Triathlon Club, which are the only clubs of their kind in this area.

The current event application fees cited in the report show that if a Shire of Dardanup based running club or triathlon club conducted an event in the Shire, they would pay no event fees. However no such clubs are based specifically within the Shire, instead your ratepayers are either active members of neighbouring Bunbury based clubs or as individuals, they enter events such as the fun run as a one off activity, conducted through the hard work of neighbouring Shire volunteers.

I should add that these event fees include a rate for a Private Enterprise Event of similar size to a standard local triathlon (involving less than 100) costing \$100 less than the fee incurred by a not for profit community group.

In summary, I believe that the current fee structure has the potential to cause the cancellation of future community events of this nature, have a negative impact on the social and physical wellbeing of your residents and impose further hardship on the diminishing number of volunteers willing to contribute to their sporting interests and community benefit in general.

I urge Councillors to NOT support the Officer Recommendation, but in turn move to waive event application fees for all community groups where an equivalent entity does not exist within the Shire of Dardanup.

Shire President, Cr. J E Gardiner thanked Mr Whitfield and advised that the Council would take the comments into consideration when making a decision on the item.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

Note: A Petition for Speed Hump on Edith Cowan Avenue (Bethanie Esprit) has been received. A report can be found at Item 11.2.2.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Meeting Held 8th March 2012

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

67/12 MOVED - Cr. J Lee

SECONDED - Cr. P Robinson

THAT the Minutes of the Ordinary Meeting of Council held on the 8th March 2012, be confirmed as true and correct subject to the following correction:

 Page 12 – First paragraph - comment by Cr. P S Robinson that reads:

"There is a lack of compliance in dealing with this particular group in the past."

Be changed to read:

<u>Is there</u> a lack of compliance in dealing with this particular group in the past?

CARRIED 9/0

7.2 Special Meeting Held 8th March 2012

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

68/12 MOVED - Cr. P Bass

SECONDED - Cr. B G Day

THAT the Minutes of the Special Meeting of Council held on the 8th March 2012, be confirmed as true and correct subject to no corrections.

CARRIED 10/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

In accordance with the Local Government Act 1995, S 5.23 (2)(e), Council will go Behind Closed Doors toward the end of the meeting [Item 15] to discuss a matter that if disclosed, would reveal information that has a commercial value to a person.

10 DECLARATION OF INTEREST

- Cr. P Robinson declared an Impartiality Interest in item 15.1 and advised he would consider the item on its merits.
- Cr. J E Gardiner advised he had a Proximity Interest in item 11.5.1.

11 REPORTS OF OFFICERS AND COMMITTEES

11.1 CHIEF EXECUTIVE OFFICER REPORT

11.1.1 Title: Establishment of New Council Committees

Reporting Department: Executive

Reporting Officer: Mr Mark L Chester – Chief Executive Officer

Legislation: Local Government Act 1995

File Number: C006 0010; C006 0011; C006 0012

Background

At its meeting of the 26th October 2011, Council agreed to the proposal to change the names of committees be changed to align with the new organisation structure of 3 Directorates, Engineering, Development and Corporate Services.

Council resolved [308/11] as follows:

"THAT Council

- 1. Dissolve the following committees:
 - Technical Development Services and;
 - Finance & Administration.
- 2. Create 3 new committees aligned to the new organisation structure once the final structure has been approved by Council."

Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Legal Implications

The following Local Government Act requirements apply to the business before Council in relation to committees.

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.9. Types of committees

(1) In this section —

"other person" means a person who is not a Council member or an employee.

- (2) A committee is to comprise
 - (a) Council members only;
 - (b) Council members and employees;
 - (c) Council members, employees and other persons;
 - (d) Council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Appointment of committee members

- (1) A committee is to have as its members
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5). *Absolute majority required.
- (2) At any given time each Council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a Council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that Council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the Council a local government is to make an appointment to a committee that has or could have a Council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

- (5) If at a meeting of the Council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, Which ever happens first.

<u>Strategic Plan</u> - None.

Environment - None.

Precedents - None.

Budget Implications - None.

<u>Budget – Whole of Life Cost</u> - None

<u>Council Policy Compliance</u> - None

Officer Comment

These committees meet as required to deal with specific issues or as directed by the Council. The Shire President may inform the Council at today's meeting that he wishes to be a member of a committee. The Local Government is then to appoint the Shire President to be a member of that committee.

Each committee is to elect their chairperson at their first meeting. The quorum for a meeting is 50% of offices whether vacant or not, unless the quorum is reduced by the Local Government (Local Government Act 1995 S5.19 & 5.15).

Each elected member is entitled to be a member of at least one committee. (5.10 (2)). Council is reminded that the Local Government Act 1995 requires that all meetings of any committee that Council delegates a power or duty to must be open to the public. Generally Council has not delegated powers or duties to committees, each is required to make recommendations to full Council.

Where Council delegates decision making power to a committee the date, time and venue for the meeting of that committee are to be advertised.

It is proposed that there be three new committees established in line with the new corporate structure:

- Corporate Services Committee
- Development Services Committee
- Engineering Services Committee

The Terms of Reference for each committee are outlined in the below resolution: Elected members can review the Terms of Reference and assess the responsibilities of each committee and make a decision to nominate to be a member of committees that include areas of personal interest.

Note: These committees only meet on a as needs basis.

Council Role - Legislative

Voting Requirements- Absolute Majority

OFFICER RECOMMENDED RESOLUTION "A" & COUNCIL RESOLUTION

69/12 MOVED - Cr. J Lee SECONDED - Cr. P Bass

THAT Council:

- 1. Create 3 new Council committees aligned to the new organisation structure to be named as follows:
 - Corporate Services Committee
 - Development Services Committee
 - Engineering Services Committee
- 2. Adopt the Terms of Reference for the Corporate Services Committee as follows:

Instrument of Appointment & Terms of Reference Corporate Services Committee

1. INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 5.8 of the Local Government Act 1995, the committee to be known as the Corporate Services Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this Instrument.

2. NAME

The name of the Committee is the "Corporate Services" Committee.

3. OBJECTIVES

The detailed functions of the Committee are set out in the relevant Act applicable to the Committee [e.g. Bush Fires Act 1954 s. 67]; the following objectives are generic to all Council committees:

- a) To advise and assist the local government in ensuring that local arrangements are established for its district;
- To liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives; and
- c) To carry out research and other activities as directed by the Council or prescribed by the regulations.
- d) To undertake the following specific tasks as an advisory Committee of Council:-

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4. MEMBERSHIP

If at a meeting of Council to make an appointment to a committee:-

- a) The President of the Shire of Dardanup indicates an intention to be a member of the committee under section 5.10 (4), then he/she will be a member of the committee.
- b) The Council wishes to have staff on the committee, then the CEO indicates an intention to be a member of the committee or nominate a representative of the CEO under section 5.10 (5), then he/she will be a member of the committee.
- c) The Council resolves to nominate no more than five elected members as members for the Committee for a period of two years or until the next ordinary Council election, the five elected members shall be members of the committee.
- d) The Council resolves to nominate five deputy members then five elected members shall be deputy members of the committee.
- e) The Council resolves to appoint officers to the Committee then the Chief Executive Officer is to nominate a maximum of three

officers; the officers nominated shall be members of the committee.

- f) The Council requires representatives from state or federal government agencies to be on the Committee then the organisations shall nominate their representatives and they shall be endorsed by Council as members of the committee.
- g) The Council requires community representation on the Committee then the community shall be invited through public advertising to nominate for the Committee and Council shall endorse the members so nominated for the Committee.
- h) A member retains membership of the committee until; the person no longer holds office by virtue of which the person became a member, the person resigns, the committee is disbanded, the local government removes the person from office: or the next election date.

5. PRESIDING MEMBER

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the provisions of Schedule 2.3. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Dardanup Standing Orders. The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected.

6. MEETINGS

- 6.1 The Committee shall meet on a quarterly basis or as resolved by the Committee.
- 6.2 Notice of meetings including an agenda shall be given to members at least 3 days prior to each meeting.
- 6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide the members and Council with a copy of such minutes.
- 6.4 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations; where there are no recommendations the minutes are to be included in the Ordinary agenda to be received only.
- 6.5 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 6.6 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

7. QUORUM

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note - Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

8. DELEGATED POWERS

8.1 General Powers

The Committee shall have the power to appoint working parties as required to examine specific issues and report back to the Committee.

The Committee has the power to co-opt persons to attend the Committee meetings from time to time to assist the Committee in its functions, but does not have the power to appoint members to the Committee. Co-opted persons do not have voting rights.

The Committee shall seek the advice of the Chief Executive Officer prior to co-opting persons to assist the committee. The Chief Executive Officer shall be responsible for advising the co-opted persons of the invitation and the reasons for the invitation in writing.

8.2 <u>Specific Powers</u>

The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.

The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

Where legislation requires Council to establish a committee (Bush Fires Act 1954, Occupational Safety and Health Act 1984) the terms of reference specific to that committee will outline specific powers if any.

9. TERMINATION OF COMMITTEE

Termination of the Committee shall be:

9.1 in accordance with the Local Government Act 1995; or

- 9.2 at the direction of Council; or
- 9.3 on the specified date.

10. AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

This document may be altered at any time by the Council on the recommendation of the Committee, or by Council after giving 14 days' notice to the Committee.

11. COMMITTEE DECISIONS

Committee decisions shall not be binding on Council in any circumstance.

12. HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

The Council Corporate Services Committee was established by Resolution [69/12] at Shire of Dardanup Ordinary Meeting of Council held 22nd March 2012.

13. OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee.

The appointed officer shall provide the secretarial support through his/her Directorate.

14. COMMITTEE OBJECTIVES

The Corporate Services Committee shall have the following objectives:

- 14.1 To advise Council on the development of policy relevant to Corporate Services, including but not limited to records management, library services, Information Technology and the Eaton Recreation Centre.
- 14.2 To undertake research of matters relevant to the Directorate not covered by an established committee as and when referred by Council, or on the request of the Chief Executive Officer or Director of Corporate Services.

3. Adopt the Terms of Reference for the Development Services Committee as follows:

Instrument of Appointment & Terms of Reference Development Services Committee

1. INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 5.8 of the Local Government Act 1995, the committee to be known as the Development Services Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this Instrument.

2. NAME

The name of the Committee is the "Development Services" Committee.

OBJECTIVES

The detailed functions of the Committee are set out in the relevant Act applicable to the Committee [e.g. Bush Fires Act 1954 s. 67]; the following objectives are generic to all Council committees:

- a) To advise and assist the local government in ensuring that local arrangements are established for its district;
- To liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives; and
- c) To carry out research and other activities as directed by the Council or prescribed by the regulations.
- d) To undertake the following specific tasks as an advisory Committee of Council:-

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4. MEMBERSHIP

If at a meeting of Council to make an appointment to a committee:-

- a) The President of the Shire of Dardanup indicates an intention to be a member of the committee under section 5.10 (4), then he/she will be a member of the committee.
- b) The Council wishes to have staff on the committee, then the CEO indicates an intention to be a member of the committee or nominate a representative of the CEO under section 5.10 (5), then he/she will be a member of the committee.
- c) The Council resolves to nominate no more than five elected members as members for the Committee for a period of two years or until the next ordinary Council election, the five elected members shall be members of the committee.
- d) The Council resolves to nominate five deputy members then five elected members shall be deputy members of the committee.
- e) The Council resolves to appoint officers to the Committee then the Chief Executive Officer is to nominate a maximum of three officers; the officers nominated shall be members of the committee.
- f) The Council requires representatives from state or federal government agencies to be on the Committee then the organisations shall nominate their representatives and they shall be endorsed by Council as members of the committee.
- g) The Council requires community representation on the Committee then the community shall be invited through public advertising to nominate for the Committee and Council shall endorse the members so nominated for the Committee.
- h) A member retains membership of the committee until; the person no longer holds office by virtue of which the person became a member, the person resigns, the committee is disbanded, the local government removes the person from office; or the next election date.

5. PRESIDING MEMBER

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the provisions of Schedule 2.3. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Dardanup Standing Orders. The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected.

6. MEETINGS

6.1 The Committee shall meet on a quarterly basis or as resolved by the Committee.

- 6.2 Notice of meetings including an agenda shall be given to members at least 3 days prior to each meeting.
- 6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide the members and Council with a copy of such minutes.
- 6.4 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations; where there are no recommendations the minutes are to be included in the Ordinary agenda to be received only.
- 6.5 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 6.6 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

7. QUORUM

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note - Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

8. DELEGATED POWERS

8.1 <u>General Powers</u>

The Committee shall have the power to appoint working parties as required to examine specific issues and report back to the Committee.

The Committee has the power to co-opt persons to attend the Committee meetings from time to time to assist the Committee in its functions, but does not have the power to appoint members to the Committee. Co-opted persons do not have voting rights.

The Committee shall seek the advice of the Chief Executive Officer prior to co-opting persons to assist the committee. The Chief Executive Officer shall be responsible for advising the co-opted persons of the invitation and the reasons for the invitation in writing.

8.2 Specific Powers

The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.

The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

Where legislation requires Council to establish a committee (Bush Fires Act 1954, Occupational Safety and Health Act 1984) the terms of reference specific to that committee will outline specific powers if any.

TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 9.1 in accordance with the Local Government Act 1995; or
- 9.2 at the direction of Council; or
- 9.3 on the specified date.

10. AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

This document may be altered at any time by the Council on the recommendation of the Committee, or by Council after giving 14 days' notice to the Committee.

11. COMMITTEE DECISIONS

Committee decisions shall not be binding on Council in any circumstance.

12. HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

The Council Development Services Committee was established by Resolution [69/12] at Shire of Dardanup Ordinary Meeting of Council held 22nd March 2012.

13. OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee.

The appointed officer shall provide the secretarial support through his/her Directorate.

14. COMMITTEE OBJECTIVES

The Development Services Committee shall have the following objectives:

- 14.1 To advise Council on the development of policy relevant to town planning (statutory and strategic).
- 14.2 To undertake research of town planning matters or matters relevant to the Directorate not covered by an established committee as and when referred by Council, or on the request of the Chief Executive Officer or Director of Development Services.
- 14.3 To advise Council on the development of policy relevant to Ranger Services, Community Development, Youth Services, Building and Environmental Health.

4. Adopt the Terms of Reference for the Engineering Services Committee as follows:

Instrument of Appointment & Terms of Reference Engineering Services Committee

1. INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 5.8 of the Local Government Act 1995, the committee to be known as the Engineering Services Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this Instrument.

NAME

The name of the Committee is the "Engineering Services" Committee.

OBJECTIVES

The detailed functions of the Committee are set out in the relevant Act applicable to the Committee [e.g. Bush Fires Act 1954 s. 67]; the following objectives are generic to all Council committees:

a) To advise and assist the local government in ensuring that local arrangements are established for its district;

- To liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives; and
- c) To carry out research and other activities as directed by the Council or prescribed by the regulations.
- d) To undertake the following specific tasks as an advisory Committee of Council:-

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4. MEMBERSHIP

If at a meeting of Council to make an appointment to a committee:-

- a) The President of the Shire of Dardanup indicates an intention to be a member of the committee under section 5.10 (4), then he/she will be a member of the committee.
- b) The Council wishes to have staff on the committee, then the CEO indicates an intention to be a member of the committee or nominate a representative of the CEO under section 5.10 (5), then he/she will be a member of the committee.
- c) The Council resolves to nominate no more than five elected members as members for the Committee for a period of two years or until the next ordinary Council election, the five elected members shall be members of the committee.
- d) The Council resolves to nominate five deputy members then five elected members shall be deputy members of the committee.
- e) The Council resolves to appoint officers to the Committee then the Chief Executive Officer is to nominate a maximum of three officers; the officers nominated shall be members of the committee.
- f) The Council requires representatives from state or federal government agencies to be on the Committee then the organisations shall nominate their representatives and they shall be endorsed by Council as members of the committee.
- g) The Council requires community representation on the Committee then the community shall be invited through public advertising to nominate for the Committee and Council shall endorse the members so nominated for the Committee.
- h) A member retains membership of the committee until; the person no longer holds office by virtue of which the person became a member, the person resigns, the committee is disbanded, the local government removes the person from office; or the next election date.

5. PRESIDING MEMBER

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the provisions of Schedule 2.3. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Dardanup Standing Orders. The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected.

6. MEETINGS

- 6.1 The Committee shall meet on a quarterly basis or as resolved by the Committee.
- 6.2 Notice of meetings including an agenda shall be given to members at least 3 days prior to each meeting.
- 6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide the members and Council with a copy of such minutes.
- 6.4 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations; where there are no recommendations the minutes are to be included in the Ordinary agenda to be received only.
- 6.5 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 6.6 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

7. QUORUM

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note - Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

8. DELEGATED POWERS

8.1 <u>General Powers</u>

The Committee shall have the power to appoint working parties as required to examine specific issues and report back to the Committee.

The Committee has the power to co-opt persons to attend the Committee meetings from time to time to assist the Committee in its functions, but does not have the power to appoint members to the Committee. Co-opted persons do not have voting rights.

The Committee shall seek the advice of the Chief Executive Officer prior to co-opting persons to assist the committee. The Chief Executive Officer shall be responsible for advising the co-opted persons of the invitation and the reasons for the invitation in writing.

8.2 Specific Powers

The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.

The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

Where legislation requires Council to establish a committee (Bush Fires Act 1954, Occupational Safety and Health Act 1984) the terms of reference specific to that committee will outline specific powers if any.

9. TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 9.1 in accordance with the Local Government Act 1995; or
- 9.2 at the direction of Council; or
- 9.3 on the specified date.

10. AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

This document may be altered at any time by the Council on the recommendation of the Committee, or by Council after giving 14 days' notice to the Committee.

11. COMMITTEE DECISIONS

Committee decisions shall not be binding on Council in any circumstance.

12. HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

The Council Engineering Services Committee was established by Resolution [69/12] at Shire of Dardanup Ordinary Meeting of Council held 22nd March 2012.

13. OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee.

The appointed officer shall provide the secretarial support through his/her Directorate.

14. COMMITTEE OBJECTIVES

The Engineering Services Committee shall have the following objectives:

- 14.1 To advise Council on the development of policy relevant to infrastructure development and maintenance as required from time to time.
- 14.2 To undertake research of infrastructure (roads, buildings, drainage, footpaths) as and when referred by Council, or on the request of the Chief Executive Officer or Director of Engineering Services.
- 14.3 To undertake the review of operational plans in relation to the effective management of Council infrastructure and services, as and when referred.
- 14.4 To undertake the review of Council plant and vehicle fleet and make recommendations to Council, as and when referred.

CARRIED 9/0 By Absolute Majority

Discussion:

Shire President, Cr. J E Gardiner advised that as Shire President he exercises his right to be on all three Standing Committees.

Cr. J E Gardiner also noted that Deputy Shire President, Cr. M T Bennett had also nominated for all three committees.

Cr. J E Gardiner advised that there were four positions to be filled on the Corporate Services Committee and called for nominations.

Cr. M T Bennett, Cr. J Lee, Cr. C N Boyce and Cr. D Harris were nominated.

Council Role - Legislative

<u>Voting Requirements</u>- Absolute Majority

OFFICER RECOMMENDED RESOLUTION "B" & COUNCIL RESOLUTION

70/12 MOVED - Cr. C N Boyce SECONDED - Cr. P Bass

THAT the following Councillors be elected to the Corporate Services Council Committees, terms expire in October 2013:-

CORPORATE SERVICES COMMITTEE

- Cr. J E Gardiner
- Cr. M T Bennett
- Cr. J Lee
- Cr. C N Boyce
- Cr. L D Harris

Deputy Members for Corporate Services Committee:

- Cr. B G Day
- Cr. P Bass
- Cr. B Murfit
- Cr. P Robinson
- Cr. L Davies

CARRIED 9/0 By Absolute Majority

Council Role - Legislative

Voting Requirements- Absolute Majority

Discussion:

Cr. J E Gardiner advised that there were four positions to be filled on the Development Services Committee and called for nominations.

Cr. M T Bennett, Cr. J Lee, Cr. P S Robinson, Cr. B A Murfit, Cr. D Harris and Cr. P A Bass were nominated for the committee.

As there were six nominees for four positions, a secret ballot was held. The successful nominees were Cr. M T Bennett, Cr. J Lee, Cr. B A Murfit and Cr. P S Robinson.

OFFICER RECOMMENDED RESOLUTION "C" & COUNCIL RESOLUTION

71/12 MOVED - Cr. C N Boyce SECONDED - Cr. P Robinson

THAT the following Councillors be elected to the Development Services Council Committees, terms expire in October 2013:-

DEVELOPMENT SERVICES COMMITTEE

- Cr. J E Gardiner
- Cr. M T Bennett
- Cr. J Lee
- Cr. B Murfit
- Cr. P Robinson

Deputy Members for Development Services Committee:

- Cr. B G Day
- Cr. P Bass
- Cr. L Davies
- Cr. C N Boyce
- Cr. L D Harris

CARRIED 9/0 By Absolute Majority

Discussion:

Cr. J E Gardiner advised that there were four positions to be filled on the Engineering Services Committee and called for nominations.

Cr. M T Bennett, Cr. D Harris, Cr. P S Robinson, Cr. C N Boyce and Cr. P A Bass were nominated for the committee.

As there were five nominees for four positions, a secret ballot was held. The successful nominees were Cr. M T Bennett, Cr. P A Bass, Cr. C N Boyce and Cr. P S Robinson.

Council Role - Legislative

Voting Requirements- Absolute Majority

OFFICER RECOMMENDED RESOLUTION "D" & COUNCIL RESOLUTION

72/12 MOVED - Cr. J Lee SECONDED - Cr. C N Boyce

THAT the following Councillors be elected to the Engineering Services Council Committees, terms expire in October 2013:-

ENGINEERING SERVICES COMMITTEE

- Cr. J E Gardiner
- Cr. M T Bennett
- Cr. P Bass
- Cr. C N Boyce
- Cr. P Robinson

Deputy Members for Engineering Services Committee:

- Cr. B G Day
- Cr. B A Murfit
- Cr. L Davies
- Cr. D Harris
- Cr. J Lee

CARRIED 9/0 By Absolute Majority

11.1.2 Title: South West Ballistics Centre Working Group

Reporting Department: Executive

Reporting Officer: Mr Mark L Chester – Chief Executive Officer

Legislation: Local Government Act 1995

File Number: GR02 0016

Background -

Correspondence from the South West Development Commission [SWDC] (Appendix ORD: 11.1.2) has been received advising that they are seeking a representative from the Shire of Dardanup to join in the 'to be formed' South West Ballistics Centre Working Group.

The SWDC have recognised that there is value in dealing with the issue of accommodating a suitably located ballistics complex on a holistic basis, rather than

on an agency-by-agency or club-by-club basis. The SWDC will provide the executive support for the working group.

Legal Implications - None.

<u>Strategic Plan</u> - None.

Environment - None.

<u>Precedents</u> - None.

Budget Implications - None.

<u>Budget – Whole of Life Cost</u> - None

<u>Council Policy Compliance</u> - None

Officer Comment

A potential site for the ballistics complex has been identified on a former Iluka mine site near Capel. Iluka Resources is working with the SWDC to resolve land aspects related to this issue.

The SWDC have supplied a copy of the SW Ballistics study commissioned by the Department of Sport and Recreation on behalf of the SW International Shooting Complex Steering Committee. Due to the large size of this document, it has not been appended, but is available for viewing upon request.

Mr Graeme Baesjou, Manager Infrastructure and Enterprise SWDC has advised that the Terms of Reference for the group will be framed at the first meeting. There will also be some legislative matters regarding partial surrender of mining leases that will need to be clarified by the Department of Mines and Petroleum and DEC.

SWDC consider that Cr. Brad Day would be an ideal representative because of his interest in the Ballistics Centre and his background in the sport.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

73/12 MOVED - Cr. C N Boyce SECONDED - Cr. P Bass

THAT Council advise the South West Development Commission that Cr. Brad Day is the nominee from the Shire of Dardanup for the South West Ballistics Centre Working Group.

CARRIED 9/0

Discussion:

Cr. J E Gardiner asked Cr. B G Day if he would like a proxy member nominated for times that he is unable to attend meetings. Cr. J E Gardiner suggested that Cr. J Lee may like to be the proxy.

Cr. B G Day and Cr. J Lee agreed.

COUNCIL RESOLUTION

74/12 MOVED - Cr. P Bass SECONDED - Cr. L Davies

THAT Council advise the South West Development Commission that Cr. J Lee is the proxy nominee from the Shire of Dardanup for the South West Ballistics Centre Working Group.

CARRIED 9/0

11.1.3 <u>Title: Renewal of Lease – Part Lot 34 Ferguson Road, Dardanup – DB's Takeaway [T Rhea]</u>

Reporting Department: Executive

Reporting Officer: Ms Cathy Parkinson – Executive Governance Officer

Legislation: Local Government Act 1995

File Number: LE11 0017 & A2639

Background -

In accordance with its lease with Council, Tara Rhea would like to take up the option to extend the lease of part lot 34 Ferguson Road, Dardanup – DB's Takeaway for a period of five years. Previously, the lease has been renewed on an annual basis.

Location



Legal Implications

Leasing of Council property falls under Section 3.58 of the Local Government Act "Disposing of Property".

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; **property** includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to—
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local 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.

Strategic Plan - None.

Environment - None.

<u>Precedents</u> - This lease has been in place since 2007.

Budget Implications -

This lease was previously at a Peppercorn rental.

Officers consider that as this lease is for business purposes, a rental fee should be charged. Based on the lease area of 130m², and the land value; the Gross Rental Value of the land per annum should be \$318. The tenant will be required to pay GST on this amount.

The lessee accepts this rental figure.

Budget – Whole of Life Cost – None.

<u>Council Policy Compliance</u> - None

Officer Comment

As required under the Local Government Act 1995 S3.58, public notice was given advising of the Shire's intention to renew the lease, the purpose of the lease, and the

rental value. The public notice also invited submissions to be made by the 3rd February 2012.

The lease document has been amended to reflect the WALGA proforma lease document.

There have been no submissions received regarding the lease of the property and therefore it is recommended that the lease be renewed for a period of five years.

<u>Council Role</u> - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

75/12 MOVED - Cr. B G Day SECONDED - Cr. P Bass

THAT Council:

- 1. Approve the extension of the lease to Tara Rhea DB's Takeaway for part Lot 34 Ferguson Road, Dardanup; for a period of five years at an annual rental of \$318 plus GST, per annum.
- 2. Authorise the Chief Executive Officer and Shire President to execute the new lease.

CARRIED 9/0

11.2 DIRECTOR ENGINEERING SERVICES REPORT

11.2.1 <u>Title: Vehicle Speeds on Waterloo Road</u>

Reporting Department: Engineering Services Directorate

Reporting Officer: Mr Luke Botica – Director Engineering Services

Legislation: Local Government Act 1995

File Number: RD010215

Background

Correspondence has been received from residents of Waterloo Road and surrounding areas requesting that the speed be lowered on Waterloo Road, including reducing the section between Damiani-Italiano Road and Ferguson Road to 70 km/h with advanced warning signs suggesting 60 km/h around the bends.

The residents have advised that since the road was widened, the speed of vehicles, particularly trucks, has increased along the road. The residents have cited a number of near-misses between trucks and farm machinery, as well as other vehicles. They have indicated that the increased speed combined by visibility issues along the bends contribute to the problems experienced.

A copy of the correspondence is provided in the Agenda together with a map showing the section in question (Appendix ORD: 11.2.1).

The situation has been investigated by Shire staff and has been previously referred to the Dardanup Roadwise Committee.

Preliminary assessment of sightlines reveals that there is insufficient stopping sight distance for heavy vehicles in relation to crossovers at Lot 75 and Lot 89 Waterloo Road at 110 km/h and 80km/h. Both of these crossovers have been in place prior to the road upgrade. It should be noted that the road upgrade carried out in 2009-2010 involved the reconstruction and widening of the road pavement, from a 6 metre seal to an 8.2 metre seal. There was minimal adjustment to the road alignment due to restrictions resulting from existing service infrastructure, existing residences and the need to resume private property. Some land resumption was negotiated with land owners to accommodate the widened road.

The widening of the 4.0 kilometre section of Waterloo Road (from the Ferguson River Bridge northwards) was an approved Auslink Black Spot project. The section qualified for consideration under the Auslink Black Spot Program due to a significant number of accidents occurring on the road section. The project was nominated and funded on the basis that the benefit-cost analysis of the proposed widening treatment would improve the road section. The analysis was prepared by a road safety consultant in consultation with the Shire and the road design was also designed by a traffic engineering consultant. The design was also audited by a Road Safety Audit team. This was in accordance with the terms and conditions of the Black Spot funding agreement.

Since Shire staff were made aware of the residents' concerns, an attempt was made to address the matter through the pruning of trees along the section of road. Although the pruning has made some difference it has not addressed the problem fully, due to the fact that some of the trees that are blocking visibility are actually situated within private property. There is some reluctance to remove some of the trees within private property as they were planted to provide screening from the road environment.

The matter of speed zoning was referred to Main Roads WA for comment and possible action. Waterloo Road is currently not sign-posted with a speed limit. The default rural speed limit of 110 km/h is therefore applicable. The most recent traffic counts placed between Paradise Road and Phillips Road indicate that the majority of vehicles travel at speeds over 100 km/h with the 85th percentile being at 103 km/h (November to December 2010). This section of road is straight and there are no counts available, at this stage, for the section in question. It is therefore not possible to comment on whether vehicles would be travelling at similar speeds through the bends or at a lower speed.

Main Roads WA have advised in writing that they will not be assessing the road for a sign-posted speed limit until the upgrade works are completed and there is a uniform pavement width standard for the full length of the road. Approximately 80% of the road is now widened to 8.2 metres and the remainder is scheduled for completion in 2012-2013.

Further investigations by Shire staff have indicated that sightlines at the crossovers can be significantly improved (i.e. meet the relevant guidelines) if they were relocated. Due to the rural nature of the properties, there is substantial road frontage available to relocate some of the crossovers. This option has been discussed with property owners and may be a viable option subject to the cost and whether there was some means of cost sharing.

Legal Implications

The Shire is obliged to provide a safe road environment. In this particular case, the crossovers were pre-existing at the time of the road upgrade and the visibility issues were also pre-existing. It should be realised that each road lane has been widened from 3.0 to 3.5 metres with the addition of a sealed shoulder of 0.5 metres. In theory, if each vehicle travelled in the centre of the lane, the vehicles would then have only moved over by 0.25 metres – it is expected that this lateral shift would have minimal effect on sight distance. It can therefore be assumed that the sight distance is virtually the same now as to that prior to road widening. It should be also noted that the crossovers in question would not be approved under the current approval regime. The Shire does have the power under the Local Government Act and Regulations to require property owners to rectify crossovers – in this case, the Shire could require new crossovers to be constructed in more appropriate locations.

Although there is currently no evidence (except anecdotal) to indicate that vehicles are travelling faster since the road widening, the claim does have some validity in that, theoretically, a wider sealed pavement does afford more opportunity for lateral movement and thus vehicles could potentially attempt to negotiate the bends at a higher speed. This theory could only be verified if traffic counts pre and post upgrade were available for comparison. Unfortunately, there is no count available for the section in question prior to the road widening, except for a count approximately 200 metres south of the Ferguson River and may not be indicative of the issues being faced at the bends.

Strategic Plan

The widening of Waterloo Road is in accordance with the Shire's Road Asset Management Plan. Road widening commenced in late 2009 and approximately 80% of the road to date has been widened from a 6.0 metre seal to an 8.2 metre seal. The remainder is scheduled for completion in 2012-2013, and funding has been confirmed for the project through the Regional Road Group.

Waterloo Road is a heavy vehicle route and is listed on the Restricted Access Vehicle (RAV 2 and 3) Network. General endorsement is therefore granted to all B-doubles and pocket road trains up to a length of 27.5 metres. Waterloo Road has been included in the RAV 2 and 3 Network since inception of the RAV network

mapping system approximately 12 years ago. It should be noted that there is no other route available for long vehicles from South West Highway except Waterloo Road. Long vehicles are not permitted on Ferguson Road through Dardanup town site due to turning and stacking issues at the Ferguson Road and Boyanup-Picton Road intersection.

Environment

Any clearing of native vegetation needs to be in accordance with the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The Shire holds a clearing permit for trees along Waterloo Road, which was attained for the purposes of road widening. This permit could potentially be used to clear any trees deemed necessary for removal within the road reserve and to the extent as defined in the permit. It should be noted that any remnant native vegetation within private property would not be exempt of the Act and Regulations. All other non-native vegetation is exempt.

Precedents - None.

Budget Implications

The construction of new crossovers and decommissioning of the redundant crossovers would cost in the vicinity of \$4,000 to \$8,000 depending on the location and the size of the roadside drain. The construction of new crossovers will require the construction of internal roads within the properties to connect the new crossovers to the existing dwellings and buildings.

If tree pruning and removal was undertaken to improve sightlines, the majority of trees to be pruned and removed would be located within private property. It is estimated that this work could be carried out ranging from \$5,000 to \$10,000 depending on the extent and scope of the clearing work.

Realignment of the road would improve the curvature and visibility on the road. Such works would require the construction of a new carriageway from the Ferguson Road Bridge northwards to beyond the second bend. Bends in the road would still exist but larger radii would be used. Realignment of the road will have a significant impact on private property, and would pass through the orchard and adjoining agricultural land. Realignment of the road would require land resumption, service modifications and significant amount of earthworks, and as a guesstimate, is expected to cost in the vicinity of \$300,000.

Budget – Whole of Life Cost - None.

<u>Council Policy Compliance</u> - None.

Officer Comment

There is validity in the claim that vehicle speeds may have increased as the result of the road widening, as vehicles have more sealed pavement width to negotiate the bends. The crossovers have been at the locations prior to the road widening. However, the road widening did not reduce the sightlines available at the crossovers and the speed limit of 110 km/h has remained as previous. Similarly, the road was already a truck route; however, growth and activities in the region have seen an increase in long vehicles. Therefore, when considering the maximum permissible speed and sightlines, the circumstance along the road have not changed since the road widening. What has changed is that the volume of vehicles on Waterloo Road has increased and perhaps the speed of vehicles (particularly larger vehicles) through the bends has increased due to the increased pavement width.

The crossovers associated with the road section in question would not be approved in their current locations under the Shire's current policy and would be better suited in other locations. The crossovers pre-date the current Shire staff and as a result it is unclear as to the history behind their approval or otherwise.

The road widening of the full length of Waterloo Road will be completed in 2012-2013. Main Roads WA will be requested to undertake a speed zone assessment in order for the speed zoning to be implemented as soon as possible after the remainder of the widening works is complete. It is likely that the speed limit will be lowered to 90 km/h for the full length of the road and full assessment of the bends would be undertaken for speed advisory signs.

<u>Council Role</u> - Executive/Strategic

<u>Voting Requirements</u> - Absolute Majority

OFFICER RECOMMENDED RESOLUTION

THAT Council, in relation to inadequate sightlines from crossovers at properties on Waterloo Road (from Damiani-Italiano Road to Ferguson Road), authorizes the Chief Executive Officer to:

- 1. Offer affected properties the option of relocating the current crossovers;
- 2. The crossovers to be relocated by Council at Council's cost;
- 3. Any alterations to internal accesses will be the responsibility of the property owners and at their cost;
- 4. Councils offer is only available to those properties where Council assesses there to be a high risk.
- 5. Council allocates unbudgeted funds of \$15,000 to cover expenses.

Discussion:

Chief Executive Officer, Mr Mark Chester referred Councillors to the further information provided prior to the Council meeting. The information being and email dated 18th March 2012 from resident Wendy Hughes and a file note from Senior Engineering Technical Officer – Operations, Mr Craig Browne.

Cr. P A Bass moved the resolution and Cr. B G Day seconded it.

Cr. L D Harris spoke against the resolution advising that he felt it was extremely complicated to shift driveways when houses are close to the road. I would rather see that this goes to Main Roads WA for their consideration as to whether speed zones can be adopted. It may take a while, but I don't want to see people go through the process of changing their gateways.

Cr. P Bass stated he felt that Council need to make crossovers much wider. We should widen the gateways so that vehicles don't have to swing out so far to go in. There is a need to get better vision for oncoming vehicles. You'll only get people cut speed when they want to cut down. Hoons won't pay attention to a change in speed limit.

Cr. J E Gardiner suggested that there are several roads and several entrances involved here. Should this be referred to the budget?

Director Engineering Services, Mr Luke Botica advised Council that the resolution does not say that residents have to relocate the crossovers. There are some people that are not keen on moving them. The option is there for those that do. Council is providing the option only – they may not take us up on that option. The ideal situation would be to remove trees for safety, but we have no mechanism to make them remove the trees.

Cr. B G Day noted that the speed limit changes have not been ruled out at this stage. We would have to wait for the whole road to be finished being built before Main Roads will review the speed limit. The speed limit part will come back at a future date. This option gives the residents an opportunity to change crossovers if they wish for safety reasons.

Cr. P Robinson noted that Council can reduce the speed limit temporarily as they do for road works? Do we have to get approval for that?

Director Engineering Services, Mr Luke Botica advised that Council had delegated authority for temporary speed limits for road works only.

Cr. J Lee referred to Cr. P A Bass comments regarding the widening of the crossovers and moved and amendment to part 1 of the resolution to add the words "or widening" so that part 1 would read:

1. Offer affected properties the option of relocating or widening the current crossovers:

Cr. P Bass advised he had no objection to the amendment.

Cr. B G Day asked Director Engineering Services, Mr Luke Botica if the widening would alleviate the problem?

Director Engineering Services, Mr Luke Botica advised that the issue is sight lines so widening will not improve the problem.

Cr. B G Day advised that in that case, he did not support the amendment.

Cr. J Lee said that it would be better to have this resolution in such a way that it can be applied as an alternative, the relocation still stands as it is, but having heard Cr. P A Bass adding this to the resolution is a simple and easy solution.

After debate the Shire President put the amendment:

ORIGINAL RESOLUTION

MOVED - Cr. P Bass

SECONDED - Cr. B G Day

THAT Council, in relation to inadequate sightlines from crossovers at properties on Waterloo Road (from Damiani-Italiano Road to Ferguson Road), authorizes the Chief Executive Officer to:

- 1. Offer affected properties the option of relocating the current crossovers;
- 2. The crossovers to be relocated by Council at Council's cost;
- 3. Any alterations to internal accesses will be the responsibility of the property owners and at their cost;
- 4. Councils offer is only available to those properties where Council assesses there to be a high risk.
- 5. Council allocates unbudgeted funds of \$15,000 to cover expenses.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

75/12 MOVED - Cr. J Lee

SECONDED - Cr. P Bass

THAT the words "or widening" be added to part 1 of the resolution, between the words "option of relocating" and "the current crossovers".

CARRIED 6/3

Note: The amended motion became the question before the meeting and was put as follows:

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

76/12 MOVED - Cr. P Bass SECONDED - Cr. B G Day

THAT Council, in relation to inadequate sightlines from crossovers at properties on Waterloo Road (from Damiani-Italiano Road to Ferguson Road), authorizes the Chief Executive Officer to:

- 1. Offer affected properties the option of relocating or widening the current crossovers;
- 2. The crossovers to be relocated by Council at Council's cost;
- 3. Any alterations to internal accesses will be the responsibility of the property owners and at their cost;
- 4. Councils offer is only available to those properties where Council assesses there to be a high risk.
- 5. Council allocates unbudgeted funds of \$15,000 to cover expenses.

CARRIED 6/3 By Absolute Majority

11.2.2 <u>Title: Petition for Speed Hump on Edith Cowan Avenue (Bethanie Esprit)</u>

Reporting Department: Engineering Services Directorate

Reporting Officer: Mr Luke Botica – Director Engineering Services

Legislation: Local Government Act 1995

File Number: TS080004 / A2864

Background

Correspondence and a petition has been received from residents of Bethanie Esprit requesting Council to consider installing speed humps at the approaches to the 90-degree bend in Edith Cowan Avenue in Eaton.

A copy of the correspondence and petition is provided in the agenda (Appendix ORD: 11.2.2A).

There have been a number of vehicle accidents at the bend, the most recent being on the 26th of February 2012, where a driver lost control and crashed into brick boundary fence of the village. The accident resulted in property damage, with a section of the wall requiring replacement.

The bend is adequately designed and is sign-posted with advanced warning signs (bend symbolic plus recommended speed), is line-marked and has chevron markers around the bend to guide motorists. The bend is adequate under normal driving behaviour; however, could be problematic if attempted at above the recommended speed. The village is relatively new and there have been a number of accidents since its construction and occupation. Due to the high density nature of the village and the close proximity of the dwellings to the boundary, the residents are concerned that a high speed impact could have a dire consequence.

Bethanie Esprit initially requested to Shire staff that a guardrail be installed along the boundary. However, the current request relates to speed humps as a means of slowing vehicles when approaching the bend thus reducing the potential for vehicles to lose of control.

The village is requesting Council consideration towards the installation of speed humps.

Legal Implications

The bend is designed, sign-posted and marked in accordance with the relevant standards and guidelines. Although crash data is limited for the bend, due to many accidents being unreported, it appears that most accidents occur due to vehicles trying to negotiate the bend at speeds higher than that recommended.

Although it would seem that a significant portion of the accidents at the bend are related to hoon activity, it is incumbent on Council to provide a safe road environment for all road users. In this particular case, there is a risk for accidents as a result of hoon activity at the bend which could result in damage and harm at the village. Although the village has some responsibility to adequately protect their premises, the Shire could still be held liable for an accident at the bend.

<u>Strategic Plan</u> - None.

Environment - None.

<u>Precedents</u>

It is likely that there have been a significant number of unreported accidents at the location prior to the construction of Bethanie Esprit. The land was vacant prior to the village, and any accidents would not have resulted in damage and in some cases would not have been witnessed by anyone due to the absence of any residences.

Budget Implications

Shire staff have prepared plans for speed cushions (removable rubber speed humps) to be placed at the approaches to the bend. Each cushion would cost \$5,000 to

purchase and install. This includes line-marking. It is suggested that the approach from Recreation Drive be fitted with the speed cushions. This is based on the fact that evidence would suggest that the majority of incidences have occurred from vehicles travelling in that direction. Furthermore, currently the village residences are situated on the northern side of the bend with the southern portion yet to be built on. Further cushions could be installed at the other approach when the remainder of the village is developed (southern portion).

A plan of the cushions and the proposed location is provided in the agenda (Appendix ORD: 11.2.2B).

Budget - Whole of Life Cost

It is expected that if the cushions are installed at the location, they would have a life of approximately 10 to 15 years, after which time they would have to be replaced.

Council Policy Compliance - None.

Officer Comment

Until the village was built, the Shire was unaware of accidents occurring at the location. The Shire had, however, received complaints in the past regarding vehicles driving around the bend too fast and not remaining lane correct. Similarly, some vehicles were simply cutting the corner and not necessarily speeding around the bend. Shire staff organised line-marking, advanced warning signs and chevron signs around the bend. This has had an impact on vehicles, with the majority keeping to the correct side of the road and taking note of the approaching bend. However, the measures so far do not address the hoon element in the traffic.

Bethanie Esprit and its residents have previously insisted on a guardrail for the bend as a barrier against any vehicles that are out of control. Shire staff believe that speed humps are a better measure as it addresses the speed of vehicles approaching the bend as a preventative measure against accidents. A guardrail may protect the village but does not address the cause of the accident. It is likely that the guardrail could be struck on a regular basis requiring repairs.

Generally, the Shire would seek public comment on a proposal to install speed humps. Due to the fact that the request for the humps was made by residents of the village, and them being the only residents in proximity to the proposed humps, it is suggested that the Council proceed with the installation of the humps without advertising.

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION

MOVED - Cr. C N Boyce

SECONDED -

Cr. B Murfit

THAT Council Suspend Standing Orders so that they could hear from a representative of the Bethanie Group and residents of Bethanie Esprit [5.16pm].

CARRIED

9/0

COUNCIL RESOLUTION

MOVED - Cr. J Lee

SECONDED - Cr. B G Day

THAT Council Resume Standing Orders [5.24pm]. All those present prior to the adjournment were present following the adjournment.

CARRIED 9/0

RESUMPTION OF STANDING ORDERS

OFFICER RECOMMENDED RESOLUTION

THAT Council resolves to install speed cushions at the western approach to the 90-degree bend in Edith Cowan Avenue in Eaton and allocates \$5,000 of unbudgeted funds to the works.

Council Role - Executive/Strategic

<u>Voting Requirements</u> - Absolute Majority

Discussion:

Cr. C N Boyce moved the resolution and Cr. D Harris seconded.

Cr. C N Boyce advised she was happy with resolution but felt that this should be put out for public comment. Normally we would seek public comment on this. Cr. C N Boyce added a second part to the resolution to advise the public what is taking place.

Cr. L D Harris did not agree with the addition of part 2 of the resolution and withdrew his support of the resolution.

Shire President, called for a seconder for the officer recommended resolution with the addition of part 2 that reads: "Advise the public of the installation of speed cushions in Edith Cowan Avenue."

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

LOST MOVED - Cr. C N Boyce SECONDED - Cr. P Bass

THAT Council:

- 1. Install speed cushions at the western approach to the 90-degree bend in Edith Cowan Avenue in Eaton and allocates \$5,000 of unbudgeted funds to the works.
- 2. Advise the public of the installation of speed cushions in Edith Cowan Avenue.

LOST 5/4 Not by Absolute Majority

Discussion:

Shire President, Cr. J E Gardiner advised that the resolution was required to be carried by Absolute Majority. As the votes did not reach the required majority, the resolution was lost.

Cr. B G Day moved the original officer recommended resolution.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

77/12 MOVED - Cr B G Day SECONDED - Cr. P Robinson

THAT Council resolves to install speed cushions at the western approach to the 90-degree bend in Edith Cowan Avenue in Eaton and allocates \$5,000 of unbudgeted funds to the works.

CARRIED 9/0 By Absolute Majority

11.3 ENGINEERING SERVICES REPORTS

11.3.1 Title: Kerbside Waste Collection Contract Extension - Cleanaway

Reporting Department: Engineering Services Directorate

Reporting Officer: Mr Tim Batt – Manager Environment & Emergency

Legislation: Local Government Act 1995

File Number: LE 0400043

Background

Council is currently under contract with Cleanaway for the provision of waste containers and the collection of waste from the containers (Kerbside Waste Collection Contract). The Contract was due to expire on the 30th of June 2012.

Preparation for the new contracts commenced in March 2011 with WALGA being engaged to assist in the preparation and development of a Preferred Tenders Panel. Due to several factors beyond Council's control, the development of the panel and contract has been delayed.

In order to provide sufficient lead-in time for the new contract, a request to extend the existing Kerbside Waste Collection contract has been submitted to Cleanaway.

Legal Implications

Clause 6.2 Extension of Contract -

The Principal may, at its option, and subject to the agreement of the Contractor, extend the operation of the Contract beyond the Contract Term.

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications

Standard CPI rises will be applied for the provision of the services from the 1st of July 2012. Cleanaway have applied for the standard CPI Increase effective from the 1st of July 2012.

Budget – Whole of Life Cost

The extension of the Contract is for twelve months only. After this date the new contract will take effect and new pricing may apply.

Council Policy Compliance - None.

Officer Comment

Council has received confirmation from Mr John Lillywhite, General Manager, Transpacific Cleanaway – WA, SA &NT, that the Contractor accepts the extension to the Contract.

With the ongoing assistance of WALGA, the preferred tenders panel and new Contracts are being progressed. It is expected that a new contract will be awarded in August 2012. This will enable the successful applicant approximately nine months to prepare for a July 2013 start date.

It is recommended that Council accept the extension to the Contract. Similar requests have been made by other Councils that have similar contracts with the contractor. Staff believe that there is no significant disadvantage to Council in requesting the extension to the contract. The contractor has advised that plant and equipment used in the contract remains serviceable.

<u>Council Role</u> - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

78/12 MOVED - Cr. B Murfit SECONDED - Cr. L Davies

THAT Council advise Cleanaway that it has agreed to enact Clause 6.2 of the Contract for the Supply of Waste Containers, Kerbside Collection and Transport of Waste Material to Designated Landfill Sites, with the revised expiry date for the Contract being the 30th of June 2013.

CARRIED 9/0

11.3.2 <u>Title: Kerbside Recycling Collection and Processing Contract</u> Extension – Perth Waste

Reporting Department: Engineering Services Directorate

Reporting Officer: Mr Tim Batt – Manager Environment & Emergency

Legislation: Local Government Act 1995

File Number: LE 0400044

Background

Council is currently under contract with Perth Waste (formally trading as Koast Corporation) for the provision of Recycling containers and the collection and

processing of recyclables from the containers (Kerbside Recycling Collection Contract). The Contract was due to expire on the 30th of June 2012.

Preparation for the new contracts commenced in March 2011 with WALGA being engaged to assist in the preparation and development of a Preferred Tenders Panel. Due to several factors beyond Council's control, the development of the panel and contract has been delayed.

In order to provide sufficient lead-in time for the new contract, a request to extend the existing Kerbside Waste Collection contract has been submitted to Koast Corporation (Perth Waste).

Legal Implications

Clause 6.2 Extension of Contract -

The Principal may, at its option, and subject to the agreement of the Contractor, extend the operation of the Contract beyond the Contract Term.

Strategic Plan - None.

Environment - None.

<u>Precedents</u> - None.

Budget Implications

Standard CPI rises will be applied for the provision of the services from the 1st of July 2012. Perth Waste have applied for the standard CPI increase, which is effective from July 2012.

Budget – Whole of Life Cost

The extension of the Contract is for twelve months only. After this date the new contract will take effect and new pricing may apply.

Council Policy Compliance - None.

Officer Comment

Council has received confirmation from Mr Kim Gorey, Managing Director, Perth Waste, that the Contractor accepts the extension to the Contract.

With the ongoing assistance of WALGA, the preferred tenders panel and new Contracts are being progressed. It is expected that a new contract will be awarded in August 2012. This will enable the successful applicant approximately nine months to prepare for a July 2013 start date.

It is recommended that Council accept the extension to the Contract. Similar requests have been made by other Councils that have similar contracts with the contractor. Staff believe that there is no significant disadvantage to Council in

requesting the extension to the contract. The contractor has advised that plant and equipment used in the contract remains serviceable.

<u>Council Role</u> - Executive/Strategic

<u>Voting Requirements</u> - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

79/12 MOVED - Cr. P Bass SECONDED - Cr. P Robinson

THAT Council advise Perth Waste that it has agreed to enact Clause 6.2 of the Contract for the Supply of Waste Containers, Kerbside Collection and Transport of Waste Material to Designated Landfill Sites, with the expiry date for the Contract being the 30th of June 2013.

CARRIED 9/0

11.4 DIRECTOR DEVELOPMENT SERVICES REPORT

11.4.1 <u>Title: KidSport Program</u>

Reporting Department: Development Services Directorate

Reporting Officer: Mr Robert Quinn – Director Development

Services

Legislation: Local Government Act 1995

File Number: GRO20041

Background

The Shire has been asked by the Department of Sport and Recreation(DSR) to partake in a program aimed at enabling children from disadvantaged backgrounds the ability to participate in sporting activities.

The Shires responsibility will be to administer the funds and deal with applicants.

The program will run for a period of three years and the DSR will provide a one off payment of up to \$10,000 to assist with the Shires administration costs.

<u>Legal Implications</u> - None.

<u>Strategic Plan</u> - None.

Environment - None.

<u>Precedents</u> - None

Budget Implications - None.

<u>Budget – Whole of Life Cost</u> - None.

<u>Council Policy Compliance</u> - None.

The request from the DSR may not be compliant with Policy C.1.17 (Appendix ORD: 11.4.1).

The Policy was developed as a means of protecting the Shire from considerable administration burdens and additional functions being imposed by State and Federal Government agencies.

Until an analysis of the system and processes involved in the program, a firm decision on the cost to the Shire to administer this program cannot be made.

Officer Comment

The KidSport program is a grant funding process run by the DSR which is initially planned begin and run until June 2012 and then for another three years ending in 30 June 2015. There will be the formal grant acquittal process required at the end of the program. This acquittal process will need to be undertaken by the Shire.

The KidSport administration process which the Shire will be responsible for is as follows:

- 1. Parent/guardian or referral agent (includes school) or clubs will submit the KidSport Application Voucher to the administering local government/town/ shire that they reside in for validation.
- 2. Voucher must include a photocopy of the applicants Healthcare Card or Pensioner Concession Card unless the voucher has been validated by a recognised referral agent.
- 3. The local government accepts the voucher or rejects the voucher as applicable. If the voucher is rejected the local government will advise the parent/guardian or the referral agent.
- 4. Local government completes all information required on the KidSport register. This information is required to be entered into a secure DSR website.
- 5. The voucher is returned to either the parent/guardian or the referral agent as requested.
- 6. The voucher is presented by the parent/guardian to the club when 'registering' the applicant.

- 7. The club invoices the local government for the total value of the vouchers. When and how often, is to be determined between each local government.
- 8. Local government forwards the club fees directly to the club only. No fees will be paid to applicants, parents/guardians or referral agents.

Note: The proposed procedure requires Council to pay the invoices from Council's resources and recoup these payments from DSR. There is no indication of a reimbursement turn-around time.

In regard to Shire administration cost this would involve the processing/validating of the vouchers, photocopying, data entry, payment of funds to clubs, grant acquittal and meeting key results. Key results would be agreed upon in the grant agreement, and are unknown until an agreement is executed.

Correspondence from the DSR advises that an amount of \$10,000 would be given to the Shire in the first year of the program to offset administration costs for the three years of the program. The DSR advice suggests that the Shire has 542 health care card holders and 2500 children which equates to approximately 200 vouchers. This would be given to the Shire at the beginning of the grant process in July 2012. It is unknown how the amount of \$10,000 is calculated on 200 vouchers and whether the 200 vouchers are for the three year period.

Whilst the intent of the program is supported, the involvement of the Shire of Dardanup is questioned. It is illogical that the Shire of Dardanup becomes the accounting and distribution agency for the DSR.

If the DSR wish to distribute funds to sporting groups to enable disadvantaged children to be involved in sport, then it would be logical that the funds be distributed directly to them, not via a third party (Shire of Dardanup).

Also, Council needs to consider what will happen when the three year period ends. Would there be an expectation that Local Governments are to continue with the program even if state government were no longer contributing.

Correspondence from DSR indicates that a one off payment of up to \$10,000 for managing the scheme over the three years will be made. This equates to only \$3,333 pa.

DSR advise that 2,500 children within the shire may be eligible. DSR go on to advise that of the 2,500 eligible children, they assess only 200 vouchers (annually) will be taken up by shire residents. No modelling has been supplied by DSR that enables assessment.

The calculation of the administrative assistance by DSR appears only to have been based on the 200 vouchers annually (600 over three years). There seems to be no mechanism or formula that forms the basis of the funding of administration costs to the actual numbers processed.

If the take up of the vouchers and corresponding administration of the scheme exceeds DSR assessment, it appears that no additional administration funding is available.

It is the opinion of staff that the administrative process as advised by DSR is cumbersome and designed principally to minimise the role DSR plays in administering its own scheme. There appears to be no practical reason why DSR cannot manage the scheme in its own right and deal directly with clubs.

Based on information provided by DSR, staff assess the cost to Council of administering the scheme at approximately \$20 - \$25 per voucher. Specific processing time cannot be fully assessed as Council has only been advised of the conceptual online of the administrative process.

Should Council resolve to undertake the role of an agent for the KidSport scheme, officers recommend that Council resolves not to accept the DSR model of funding, being a one off payment at the start of the scheme. Instead officers recommend Council determine a \$ / voucher to cover administration costs and for those costs to be reimbursed by DSR annually upon actual voucher numbers.

<u>Council Role</u> - Executive/Strategic

<u>Voting Requirements</u> - Simple Majority

OFFICER RECOMMENDED RESOLUTION

THAT Council advise the Department of Sports and Recreation the following:

- 1. That the Shire of Dardanup supports the intent of the KidSport program.
- 2. The Shire of Dardanup will investigate administration costs involved in the KidSport program before a decision is made on the whether the Shire of Dardanup submits a grant application for funding of the KidSport Program.
- 3. There appears no practical reason why the Department of Sport and Recreation is unable to administer the program in its own right from its Bunbury Office.

Discussion:

Cr. D Harris moved a resolution for the Shire to immediately accept the administration of the KidSport Program under the terms set out by the Department of Sport and Recreation.

Cr. D Harris noted that our neighbouring shires were all participating in the program except for two, being the Shire of Dardanup and one other. I think it is very important for our community.

Cr. P Robinson - I can understand the officer report that says the shire staff will pick up more work, but our Council should be seen to support this type of endeavour, particular as other shires are participating.

Cr. C N Boyce - I don't have an issue with KidSport program, I am wondering why don't Department of Sport & Recreation do not pick this up themselves. This is cost shifting. In two months we are doing our budget and all of those things will add to our budget costs. I am interested to know why State Government are disseminating funds through local government without giving assistance to cover it.

Cr. J Lee – I agree while we have no issue with supporting KidSport. This looks like the thin end of wedge. Is there any way we can wait for some response from the Department of Sport & Recreation? If we have asked and they haven't answered we should wait for the Department of Sport & Recreation to clarify.

Chief Executive Officer, Mr Mark Chester advised that the letter from Mr Jones of the Department of Sport & Recreation admits that they acknowledge that there will not be full compensation for the fund. If we wait for an answer that is different from those comments, it could take some time.

Cr. J Lee clarified that what we are voting on is whether Council commits the Shire to funding KidSport regardless of the cost is. We will be carrying the costs.

Cr. L D Harris if we read the document clearly, the \$200 per child is funded by the Government, the administration is \$5,000 per local government over three year program. Mr Jones suggested that there is \$10K paid to the Shire that somewhere in June 2012 there will be a review after initial exposure.

Chief Executive Officer, Mr Mark Chester advised that the advice is that \$10K will be over three years.

Director Development Services, Mr Robert Quinn advises if Council commits to this, it is committed for three years. Its starts in June 2012 but the grant process is from 2012 to 2015.

COUNCIL RESOLUTION

80/12 MOVED - Cr. L D Harris SECONDED - Cr. B G Day

THAT the Shire of Dardanup immediately accepts the administration of the KidSport Program under the terms set out by the Department of Sport and Recreation.

CARRIED 8/1

11.4.2 <u>Title: State Administrative Tribunal (DR 487/2011) - Proposed</u>
Subdivision Lots 9502 and 9501,(WAPC #14999) Peninsula Lakes

<u>Drive, Eaton (Parkridge Group Pty Ltd)</u>

Reporting Department: Development Services Directorate

Reporting Officer: Mr Robert Quinn – Director Development

Services

Legislation: Planning and Development Act 2005

File Number: A9760/ PL 144999/LE030018

Background -

Council at its meeting on the 8 March 2012 resolved [55/12] the following:

"THAT Council advise Parkridge Group Pty Ltd that:

- 1. Council support and wish to explore the possibility of building a senior AFL oval on Lot 9503 via the proposed Development Services Committee.
- 2. Council accept the invitation to be involved in the planning for the balance of Lots 9501 and 9502 via the proposed Development Services Committee."

On the 12 December 2011 the West Australian Planning Commission (WAPC) conditionally approved a subdivision for a of portion of lot 9502 and the whole of 9501 (Appendix ORD: 11.4.2A). Parkridge Group Pty Ltd made an application for review of the WAPC decision to the State Administrative Tribunal (SAT) and a direction hearing was held on the 18 January 2012. The review requested the removal or rewording of conditions 15, 16 and 17.

As a result of the direction hearing, mediation was scheduled on the 29 February 2012 between the WAPC, Shire of Dardanup and representatives from the Parkridge Group Pty Ltd. As a result of this mediation it was agreed that Parkridge Group Pty Ltd would put a proposal to the Shire and the WAPC by 13 March 2012 regarding the development of lots 9502 and 9501. The issue of the development of the floodway on lot 9503 was also discussed.

Correspondence was received from Parkridge Group Pty Ltd on the 13 March 2012 regarding the review (Appendix ORD: 11.4.2B).

Legal Implications - None

<u>Strategic Plan</u> - None

Environment - None

<u>Precedents</u> - None

Budget Implications - None

Budget – Whole of Life Cost – None.

Council Policy Compliance - None.

Officer Comment

Parkridge Group Pty Ltd in an email dated 13 March 2012 requested that Council determine a position on the following:

"I believe it would be helpful if by the 26 March, Council could have determined their position with this matter and to that I effect I take this opportunity to put forward the following suggestion.

A committee has been formed to work in association with Parkridge Group Pty to identify and undertake the process required to obtain approval to develop the flood way and the identified high ground for purpose of community playing fields and amenities and by working in association with Parkridge to determine as to whether the current land holding be developed in accordance with current zoning or whether a rezoning of the land is more appropriate.

I also believe it will be of great assistance if it can also be stated that the Committee and Parkridge, will, in the first instance, set a time table or target dates by which matters must be finalized, resolved or approved."

In regard to this request Council has agreed to form a committee to explore the development of lot 9503. The second issue regarding timeframes for development can only be addressed when the land tenure is resolved. Until the land is in the ownership of the Crown it is unlikely that any timeframes can be discussed. The zoning of the land would need to be investigated further.

Parkridge Pty Ltd have suggested that the transfer and ownership of the land may be resolved by July/August 2012. However, it believed this is arbitration for the value of the land only, not purchase of the land.

It is considered that the above request by Parkridge Group Pty Ltd has been satisfactorily met as far as possible.

The development of lot 9503 is related to the review however, given that the development of lot 9503 is not imminent, it cannot be used to unduly influence the decision on the development of lot 9501 and 9502.

The primary issue of Council's position on the conditions being appealed needs to be addressed as these are the issue being considered by the review:

| CONDITION No. | CONDITION | APPLICANT COMMENT | OFFICER COMMENT |
|---------------|--------------------------------------|----------------------|-------------------|
| 15 | The proposed reserve | | |
| | 7744m ² and lots 113 -118 | agreed to meet this | condition should |
| | being removed from the plan | condition. | read as lots 110- |
| | and amalgamated into the | | 118. |
| | balance of title (lot 9502). | | |

| Condition No. | CONDITION | APPLICANT COMMENT | OFFICER COMMENT |
|---------------|---|--|--|
| 16 | The proposed reserve(s) being 1636m2 in area shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Drainage" and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without any payment of compensation by the Crown. | The applicant has not agreed to remove this condition. They believe that approximately 1400m² could be used for POS. | The extent of the area of the 1636m² which will be used for drainage cannot be accurately calculated until the area is constructed. In any case the location, shape of the area needs to be considered as to its actual use as POS. It is the officer's opinion that given the proposed POS's function location and area that no POS credit be given for this proposed POS. |
| 17 | An area(s) of land at least 10% of the subject lot (Lot 9502), in a position to be agreed with the WAPC, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. | unfair and has no planning purpose, unreasonable and unenforceable. Approval by a third party required. | Officers agree with condition as this condition will prevent ad-hoc piecemeal provision of POS in lot 9502. The provision of a single area of land approximately 3.3ha will allow for the development of a local sporting area in the estate. It is considered reasonable to have an area of POS which would provide for active sports which is not impeded by drainage infrastructure. No third party approval required. |

| Condition No. | CONDITION | APPLICANT COMMENT | OFFICER COMMENT |
|---------------|-----------|----------------------|---|
| | | | Parkridge Group states that they do have ability to comply with condition. |
| | | | It is the officer's opinion that the condition is fair, enforceable and reasonable. |

Shire officer's operating under delegated authority recommended that conditions 15-17 be placed on the approval through the subdivision referral process.

There may be a possibility to co-locate some POS on both lots 9502 and 9503, however, given that the land tenure issue of lot 9503 is not resolved this has no material impact on this mediation. Also, the applicant has the ability to develop lot 9501 as the POS liability has been met through a cash-in-lieu payment previously. Therefore, the argument that subdivision is being held up by this review process is not valid.

It is the officer's opinion that conditions 15-17 of WAPC Approval No. 144999 should remain on WAPC Approval No. 144999. Also it needs to be recognised that this is a mediation hearing and not binding. A decision may be reached at a mediation hearing, however, the applicant does have the right to have the matter determined at a full hearing.

<u>Council Role</u> - Advocacy

Voting Requirements - Simple

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

81/12 MOVED - Cr. C N Boyce SECONDED - Cr. P Robinson

THAT Council advise:

- 1. Parkridge Group Pty Ltd and the State Administrative Tribunal the following in regard to Application for Review (DR487/2011):
 - i) Council supports condition 15 of WAPC Approval No. 144999 and recommends it be remain on the WAPC Approval No. 144999 subject to "113" be deleted and replaced by "110".

- ii) Council supports condition 16 of WAPC Approval No. 144999 and recommends it be remain on the WAPC Approval No. 144999.
- iii) Council supports condition 17 of WAPC Approval No. 144999 and recommends it be remain on the WAPC Approval No. 144999.
- 2. The State Administrative Tribunal in regard to Application for Review (DR487/2011), Council on the 8 March 2012 resolved the following:
 - i) Council support and wish to explore the possibility of building a senior AFL oval on Lot 9503 via the proposed Development Services Committee.
 - ii) Council accept the invitation to be involved in the planning for the balance of Lots 9501 and 9502 via the proposed Development Services Committee.

CARRIED 9/0

11.5 PLANNING OFFICER REPORT

11.5.1 <u>Title: Application for Planning Consent – Cellar Door Sales & Restaurant – Lot 802 Pile Road, Ferguson – Northlight Building Design on behalf of P & M Giumelli</u>

Reporting Department: Development Services Directorate
Reporting Officer: Mr Jake Whistler - Planning Officer

Legislation: Local Government Act 1995

File Number: A9983

Discussion:

Cr. J E Gardiner advised that having declared an Interest in the next item, he would be leaving the room. As the Deputy Shire President, Cr. M T Bennett was not in attendance, there was a need to elect a Chairperson for the meeting for the period he was out of the room.

Cr. C N Boyce nominated Cr. B G Day.

COUNCIL RESOLUTION

82/12 MOVED - Cr. C N Boyce SECONDED - Cr. J Lee

THAT Cr. B G Day be elected as Chairperson of the meeting during the Shire President's absence from the room.

CARRIED 9/0

DECLARATION OF INTEREST

Cr. J E Gardiner declared a Proximity Interest in this item as he is a neighbour to the property.

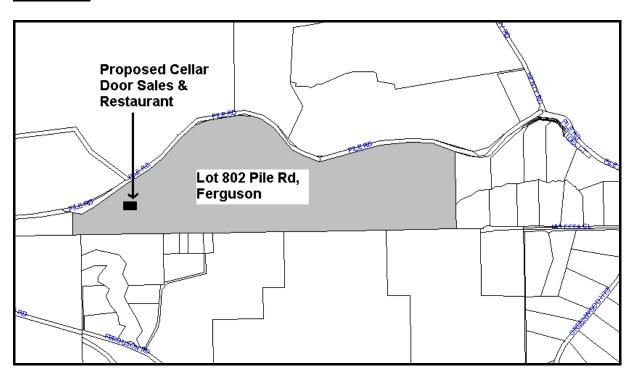
Cr. J E Gardiner left the room [5.47pm].

Note: Community Development Officer, Miss Zoey McMillan and Director Corporate

Services, Mr Stuart Eaton left the room [5.47pm].

Note: Cr. B G Day assumed the role of Chairperson.

Site Plan -



Background

| Location: | Lot 802 Pile Road, Ferguson |
|---------------------------|-----------------------------|
| Town Planning Scheme No.: | 3 |
| Zoning: | General Farming |
| Area: | Approx. 50 ha |
| Slope: | Undulating |
| Improvements: | Dwelling, Outbuildings |
| Previous Approvals: | Cellar Door Sales |

An Application for Planning Consent has been received for the development of a 'Cellar Door Sales' and a 'Restaurant' at Lot 802 Pile Road, Ferguson (Appendix ORD: 11.5.1).

A previous Planning Approval was granted for Lot 802 Pile Road, Ferguson to operate a 'Cellar Door Sales' in January 1998. The building at which the existing 'Cellar Door Sales' operates out of (45m² outbuilding) is proposed to be retired and used for residential purposes.

As the use class 'Restaurant' is listed as an 'Advertised use' under the Shire of Dardanup Town Planning Scheme No. 3, Shire officers advertised the application as per clause 7.2.2 of Town Planning Scheme No. 3. No submissions were received. Shire officers do not have delegated authority to approve a 'Restaurant' and therefore the application is presented for Council's determination.

Legal Implications - None.

Strategic Plan - None.

Environment - None.

<u>Precedents</u> -

An example of this type of development is Ferguson Farm Stay on Henty Road.

Budget Implications - None.

<u>Budget – Whole of Life Cost</u> - None.

Council Policy Compliance - None.

Officer Comment

The application for a 'Cellar Door Sales' and 'Restaurant' at Lot 802 Pile Road, Ferguson proposes to construct a new building of approximately 162m² in area, which will be used for cellar door sales and restaurant.

Carparking associated with the proposed 'Cellar Door Sales' and 'Restaurant' has been included in the application. Carparking is proposed to be fully internal to

accommodate 10 to 15 vehicles with copious area for overflow carparking. A bus parking bay has also been proposed.

The existing access currently used for the existing 'Cellar Door Sales' and residence will be utilised for the proposed 'Cellar Door Sales' and 'Restaurant'. No additional access ways or crossovers have been proposed.

The proposed building is designed to house patrons internally and externally via paved verandas for outdoor dining and seating.

The nearest dwelling to the proposed 'Cellar Door Sales' and 'Restaurant' is approximately 350m direct. Shire officers believe that potential noise impacts will be negligible.

The application was advertised in accordance with clause 7.2.2 of the Shire of Dardanup Town Planning Scheme No. 3 with no submissions received.

Given that no objections were received and the potential impacts foreseen by Shire officers are considered negligible, it is recommended that Council approve the application for 'Cellar Doors Sales' and 'Restaurant' at Lot 802 Pile Road, Ferguson subject to appropriate conditions;

<u>Council Role</u> - Quasi-Judicial.

<u>Voting Requirements</u> - Simple Majority.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

83/12 MOVED - Cr. L D Harris SECONDED - Cr. P Robinson

THAT Council approve the application for 'Cellar Doors Sales' and 'Restaurant' at Lot 802 Pile Road, Ferguson subject to the following conditions:

- a) All development being generally in accordance with the approved development plans which form part of this Development Approval.
- b) The development approved is to be substantially commenced within 2 years, or such other period as is specified in the approval, after the date of the determination. The approval lapses if the development has not substantially commenced before the expiration of the period (2 years).
- c) The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

- d) Existing accessway aprons onto Pile Road shall be constructed and sealed to the specifications of the Shire of Dardanup prior to occupation/ use of the hereby approved 'Cellar Door Sales' and 'Restaurant'.
- e) No events or activities shall be undertaken which incorporate the playing of live music outside the approved building unless an application is submitted and approved by Council.

Advice notes:

- i) A 'maximum occupancy' shall be applied for with the Shire, once construction of the hereby approved development is complete.
- ii) The Shire's Health Department advise the following;
 - A grease trap of suitable size will be required;
 - The proposed kitchen needs to comply with the requirements of the Food Standards Code and the Food Act;
 - Septic systems will need to comply with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974; and
 - The approved premise is to comply with the Environmental Protection (Noise) Regulations. The proponent is legally responsible for ensuring noise does not reach neighbouring residences.
- iii) Please be aware this is not a building permit. A building permit must be obtained before any construction commences.

CARRIED 8/0

Note: Director Corporate Services, Mr Stuart Eaton and Shire President, Cr. J E Gardiner returned to the room [5.49pm].

Cr. J E Gardiner resumed the Chair.

11.5.2 <u>Title: Revocation of Policy P5.6 – 'Fencing and Development Standards Within the Landscape Buffer Abutting the Australind Bypass, Eaton'</u>

Reporting Department: Development Services Directorate
Reporting Officer: Mr Jake Whistler - Planning Officer

Legislation: Local Government Act 1995, Planning and

Development Act 2005 & Town Planning Scheme

No. 3

File Number: CO13 0003

Background -

The purpose of this item, is to resolve a contradiction between a Local Planning Policy and the Shire of Dardanup Town Planning Scheme No. 3

At the meeting of 11 April 2001, Council resolved to adopt the following Local Planning Policy P5.6 – 'Fencing and Development Standards within the Landscape Buffer Abutting the Australind Bypass, Eaton.

| DEPARTMENT | PLANNING |
|--------------------|---|
| POLICY REFERENCE | P 5.6 |
| DESCRIPTION | FENCING AND DEVELOPMENT STANDARDS WITHIN THE LANDSCAPE BUFFER ABUTTING THE AUSTRALIND BYPASS, EATON |
| COUNCIL RESOLUTION | 131/01 |
| DATE | 11/04/2001 |

PREAMBLE: : Section 3.18.1 of Town Planning Scheme No. 3 states:

"A landscape buffer of 20 metres average width shall be provided on private land adjoining the Australind Bypass Road... The exact nature of this buffer will be determined on-site at the detailed subdivision stage as endorsed by Council. The purpose of the buffer is to protect existing flora and maintain an uncluttered vista along Australind Bypass Road and Hands Avenue. Within this buffer area:

- i) No buildings or structures whatsoever are to be erected.
- ii) All existing trees are to be retained and protected unless otherwise determined by Council.
- iii) Fencing shall be open farm-type fencing or otherwise as approved by Council.
- iv) Additional tree planting is permitted without Council approval."

Further to the above, Council appreciates that residents of the lots fronting the Australind Bypass may experience higher levels of traffic

noise and may wish to have greater privacy than afforded by open rural fencing. Council also acknowledges that the buffer effectively reduces the amount of building area available within these lots.

OBJECTIVE

- To clarify the development standards set out in clause 3.18.1 of the Scheme.
- To establish a standard alternative fencing material on those lots abutting the Australind Bypass.
- To allow for low impact development within the buffer that will not be visible from Australind Bypass.

POLICY

This Policy is in addition to Section 3.18.1 of the Town Planning Scheme and applies to the following properties abutting the Australind Bypass in Eaton:

- Lots 344 to 347 Galen Close inclusive
- Lots 355 to 357 Calico Court inclusive
- Lots 359 to 376 Millard Street inclusive
- Lots 112 to 114 Butcherbird Court inclusive
- Lots 103 to 105 Dove Court inclusive
- Lots 88 to 98 Blue Wren Drive inclusive

Fencing

Council may issue approval for alternative fencing to that required by clause 3.18.1 of the Scheme or development within the Landscape Buffer subject to any known drainage problem being comprehensively resolved, and the following criteria being satisfied:

- Persons wishing to erect an alternative type fence within the Landscape Buffer must apply in writing to Council with a plan showing the location of the fence and details of the height and materials. Council encourages adjacent landowners to liaise with each other to achieve co-ordinated development and possibly cost savings.
- 2) Rear boundary fencing must be 1.8 metres high and constructed of Colorbond® Steel "Rivergum or Willow" (green) colour on the alignment of the rear boundary. Should owners wish to "snake proof" the bottom of the fence, barriers may be erected only on the inside of the fence on their property. If any retaining is required, a limestone wall shall be constructed under the subject fence. A Building Licence and certification from a qualified engineer may also be required for a retaining wall. All costs to be borne by owners.
- 3) Internal dividing fences shall be a maximum of 1.8 metres high and the abutting neighbour must agree on the design and materials in accordance with the Dividing Fences Act.
- 4) The removal of vegetation will be limited to that required to establish the fence lines or in accordance with Clause 5b.

5) Removal of the existing rural type fence shall be at the owner's cost. Should the abutting property owner choose not to erect a solid fence at the same time, the rural type fence shall be retensioned at the lot corners.

Other Development

- 6) Subject to solid fencing being constructed as outlined in points 2 and 3 above, development may be approved within the Landscape Buffer subject to:
 - i) No building(s) above 1.8 metres high shall be constructed within 20 metres of the rear boundary (where the landscape buffer is currently more than 20 metres) unless otherwise determined by Council.
 - ii) No loss of vegetation 1.8 metres or higher is permitted unless otherwise determined by Council.
- 7) Approval for development below 1.8 metres high where no loss of vegetation greater than 1.8 metres high (Eg. Swimming pools) shall be permitted. A Building Licence is also required from Council, apart from an outbuilding less than 9m² in floor area.
- 8) All building works, removal of any vegetation and License fees shall be at the owner's cost.
- 9) It is each property owner's responsibility to comply with the requirements of the Dividing Fence Act and any restrictive covenants on their property. Council shall not assess or enforce any restrictive covenants. A licensed land surveyor may need to be engaged at the owner's cost to establish the lot boundaries prior to any new fencing being erected or development commencing.

PROCESS

- a) Landowners wishing to develop a shed/outbuilding or similar development within the buffer area adjacent to Australind Bypass are required to submit an Application for Council Planning Consent to Commence Development together with appropriate plans, details and application fee.
- b) Council may grant its consent to development within the buffer area having due regard to the criteria set out in this policy and any other relevant criteria of the Shire of Dardanup Town Planning Scheme No. 3.

HEAD OF POWER : Shire of Dardanup Town Planning Scheme No. 3DATE REVIEWED : Ordinary Meeting of Council held – 08/02/2007

Prior to the adoption of the above Local Planning Policy P5.6, an amendment (January 1992) was made to the Shire of Dardanup Town Planning Scheme No. 3.(TPS3). The amendment was the inclusion of Clause 3.18 into the Scheme which states;

'3.18 Landscape Buffer

- 3.18.1 A landscape buffer of 20 metres average width shall be provided on private land adjoining the Australiad Bypass Road, for the extent of Eaton Super Lots 3, 6 part 41 and 19. The exact nature of this buffer will be determined on site at the detailed subdivision stage as endorsed by Council. The purpose of the Buffer is to protect existing flora and maintain an uncluttered vista along the Australiad Bypass Road and Hands Avenue. Within this buffer area:
 - *i)* No buildings or structures whatsoever are to be erected.
 - ii) All existing trees are to be retained and protected unless otherwise determined by Council.
 - iii) Fencing shall be open farm-type fencing or as otherwise approved by Council.
 - iv) Additional tree planting is permitted without Council approval.'

<u>Legal Implications</u> - None.

<u>Strategic Plan</u> - None.

Environment - None.

<u>Precedents</u> -

Council still has the power to use Clause 7.6 of the Town Planning Scheme No. 3 at council's discretion to approve structures in the landscape buffer.

Budget Implications - None.

<u>Budget – Whole of Life Cost</u> - None.

Council Policy Compliance - None.

Officer Comment -

In recent months, enquiries and applications have been made by landowners affected by the landscape buffer, for the development of structures/ buildings within the designated landscape buffer. It has been these enquiries and applications that have alerted Shire officers to the contradiction between the Local Planning Policy P5.6 and the TPS3 Clause 3.18, despite the intent of the Policy to work in conjunction with the Scheme.

The contradiction between the policy and the Scheme is the development of buildings/ structures within the landscape buffer.

The Local Planning Policy P5.6 states that;

'i) No Building(s) above 1.8 metres high shall be constructed within 20 metres of the rear boundary (where the landscape buffer is currently more than 20 metres) unless otherwise determined by Council.' This clause allows buildings less than 1.8 metres high to be constructed in the landscape buffer, without Council approval.

Whereas Clause 3.18.1 of TPS3 states:

'Within this buffer area:

(i) No buildings or structures whatsoever are to be erected.'

Clause 3.18 of TPS3 has a higher legal standing than Local Planning Policy P5.6, rendering the provisions of the Policy regarding structure/buildings within the landscape buffer, redundant.

The proposal to revoke Local Planning Policy P5.6 would leave Clause 3.18 of TPS3 solely in control of the activities within the landscape buffer. It will provide clarity and a simplistic approach to the control of permissible activities within the landscape buffer.

If Council resolve to revoke Local Planning Policy P5.6, the provisions of Clause 3.18 of TPS3 will provide that no structures/ buildings whatsoever shall be erected within the landscape buffer and that the clearing/ planting of trees and the erection of fencing within the landscape buffer will all be subject to Council approval.

It is therefore recommended that Council resolve to revoke Local Planning Policy P5.6 'Fencing and Development Standards within the Landscape Buffer Abutting the Australind Bypass' and advertise the revocation of Policy P5.6 as per Clause 8.4(b) of the Shire of Dardanup Town Planning Scheme No.3.

<u>Council Role</u> - Legislative

Voting Requirements - Simple Majority.

Note: Community Development Officer, Miss Zoey McMillan returned to the room [5.49pm].

Discussion:

Cr. L D Harris asked if the relative agencies would be notified.

Director Development Services, Mr Robert Quinn advised that the agencies are not normally advised individually as public advertisement is place.

Chief Executive Officer, Mr Mark Chester advised that Council staff will notify the relative agencies.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

84/12 MOVED - Cr. P Robinson SECONDED - Cr. P Bass

THAT Council:

- 1. Revoke Local Planning Policy P5.6 'Fencing and Development Standards within the Landscape Buffer Abutting the Australind Bypass'.
- 2. Advertise the revocation of Policy P5.6 as per Clause 8.4(b) of the Shire of Dardanup Town Planning Scheme No.3.

CARRIED 9/0

11.6 DEVELOPMENT SERVICES REPORTS

11.6.1 Title: Request for Event Fee Review and Waiver

Reporting Department: Development Services Directorate

Reporting Officer: Miss Zoey McMillan - Community Development

Officer

Legislation: Local Government Act 1995

File Number: HE010003

Background

The Shire has received correspondence from the Bunbury Runners Association (the Association) with regards to the Shires events \$200 application fee. (Appendix ORD: 11.6.1).

The Association has requested the Shire review its Events Application Fees.

The Association has requested that the Shire waive an event application fee for a fun run, which is being organised by the Bunbury Runners Association, which is to be held at the Eaton Foreshore. All proceeds raised from the event will be donated to Beyondblue.

Beyondblue is an independent, not-for-profit organisation working to increase awareness of depression anxiety and related disorders throughout Australia. Beyondblue works with health services, schools, workplaces, universities, media and

community organisations, as well as people living with these disorders, to bring together their expertise.

Legal Implications - None.

Strategic Plan - None.

Environment - None.

<u>Precedents</u> - None.

Budget Implications

The 2011/2012 budget would have allocated income from fees and charges. Any waiver of fees would reduce Shire income.

Budget – Whole of Life Cost - None.

<u>Council Policy Compliance</u> - None.

Officer Comment

The Shires events application fees are:

| Group | Fee |
|---|----------|
| Shire of Dardanup Community Group | \$0.00 |
| Community Group outside Shire of Dardanup | \$200.00 |
| Private Enterprise Event <100 people | \$100.00 |
| Private Enterprise Event <500 people | \$250.00 |
| Private Enterprise Event >500 people | \$500.00 |

Shire officers do not have discretion to waive the fee. Waiving of this fee sets a precedent for future event applications.

If Council wishes to waive this, or future fees then it is recommended that a policy with criteria be adopted. It is not considered prudent to deal with infrequent requests for waivers without set criteria.

It should also be noted that regardless of when an application is made costs are incurred by the Shire as the fee charged generally does not recover costs incurred in officer time.

The event application could be considered as an in kind gesture to support the event. To waive this fee would effectively be a donation to the Beyondblue Foundation.

<u>Council Role</u> - Executive/Strategic.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council advise the Bunbury Runners Association and Danielle Goldspink that the \$200 Shire of Dardanup Event Application Fee will not be waivered.

Discussion:

Shire President, Cr. J E Gardiner reminded Councillors of the statements made by Mr Allan Whitfield during public question time.

Cr. D Harris advised that a change to the policy at this time would require further investigation. Cr. D Harris moved the resolution with an additional two parts to the resolution. Part 2 to donate the event fee to the Bunbury Runners club so that it can be given to the Beyondblue foundation. Part 3 to request the policy on fees and charges to be reviewed at the budget meeting.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

85/12 MOVED - Cr. L D Harris SECONDED - Cr. B G Day

THAT Council

- 1. Advise the Bunbury Runners Association and Danielle Goldspink that the \$200 Shire of Dardanup Event Application Fee will not be waived.
- 2. Donate the event fee back to the Bunbury Runners Club so that it can be given to the Beyondblue Foundation.
- 3. Request the policy on fees and charges be reviewed at the 2012/13 budget.

CARRIED 9/0

11.7 DIRECTOR CORPORATE SERVICES REPORT

11.7.1 <u>Title: Monthly Statement of Financial Activity</u>

Reporting Department: Corporate Services Directorate

Reporting Officer: Mrs Natalie Hopkins - Senior Financial

Accounting Officer

Legislation: Local Government (Financial Management)

Regulations 1996

File Number: FI09 0001

Background -

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare a Monthly Statement of Financial Activity.

<u>Legal Implications</u> - None.

Strategic Plan - None.

Environment - None.

<u>Precedents</u> - None.

Budget Implications -

Note 8 of the Statement of Financial Activity details material variances from the Adopted Budget.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment -

Statement of Financial Activity:

The Statement of Financial Activity is attached after the officer recommendation. The first Statement of Financial Activity report outlines the results from operating activities. It shows revenue and expenditure by statutory program, comparing actual results for the period with the annual adopted budget, the amended budget and the year to date budget.

The second financial report displays capital and infrastructure expenditure and also reconciles the statement of financial activity to the statement of net current assets, taking into account; the proceeds from sale of assets, reserve and loan funds used, depreciation applied, capital and infrastructure expenditure, transfers to reserves and loan repayments.

The statement of net current assets provides information on the accounts that make up current asset and current liabilities. The current and quick ratios are liquidity ratios. The current and quick ratios determine the shires ability to meet obligations with readily convertible funds.

Additional reports that have been included in the statement of financial activity are an acquisition of assets report, trust fund and reserve fund reports, and a statement of investments. A variance report that describes material differences between the adopted budget and the amended budget is also attached.

Key Financial Performance Areas:

Cash & Investments

As at reporting date, Councils Municipal Bank fund has a reconciled balance of \$1,479,351. In addition to cash at bank, Council has \$2,250,000 invested in capital guaranteed term deposits.

The Reserve Fund has a reconciled balance of \$3,605,610. Council has an additional \$7,000,000 invested in capital guarantees term deposits.

Total interest earnings brought to account on the Municipal & Reserve Funds as at reporting date are:

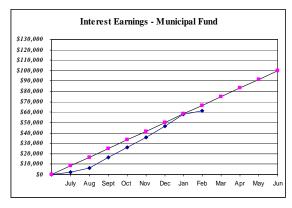
Municipal Fund: \$ 61,357 Municipal Fund Investment Interest: \$ 43,439

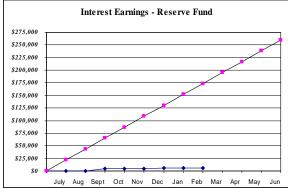
Interest earnings on the Municipal Fund is credited to the account monthly. As at reporting date interest earnings for the Municipal Fund is \$61,357 against an adopted budget of \$100,000 for 2011/12 financial year. Interest calculated on term deposits (investments) as at reporting date is \$43,439. This interest will be credited to the Municipal bank account on surrender of the term deposits.

Reserve Fund: \$ 6,050 Reserve Fund Investment Interest: \$ 45,941

Reserve Fund interest is credited to the bank account quarterly. As at reporting date interest earnings for the Reserve Fund is \$6,050 against an adopted budget of \$260,000 for 2011/12 financial year. Interest calculated on Reserve Fund term deposits as at reporting date is \$45,941. Investment interest is credited to the Reserve Fund account on surrender of term deposits.

There are no indications that the budgeted forecast for interest revenue will not be achieved.

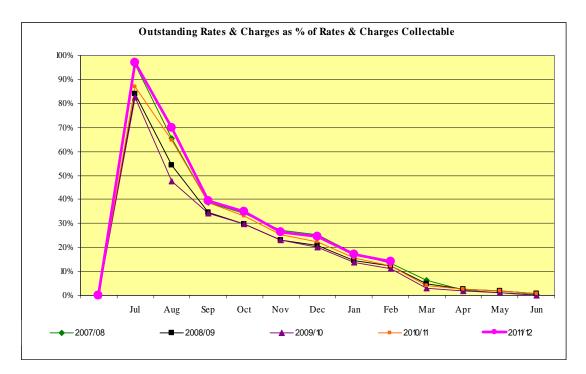




Rates & Charges Outstanding

As at reporting date, total Outstanding Rates & Charges is \$1,239,037. This equals 14.3% of rates & charges collectable. The adopted budget for 2011/12 interim rates is \$100,000. As at reporting date, interim rates levied are \$76,053.

It is the objective of management to achieve less than 4% of rates and charges outstanding as at 30 June. There are no indications that this will not be achieved.



Salaries and Wages

Total Gross Salaries and Wages at reporting date is \$3,422,428 against a YTD budget of \$3,286,016. The adopted budget provision for 2011/12 Gross Salaries and Wages is \$4,929,033.

As a result of the recent staff restructure, total gross salaries and wages have been amended from \$4,929,033 to \$5,085,463, an increase of \$156,430. This is largely

due to the recent organisational restructure. The additional expense associated with the restructure is funded by a transfer from the Employee Entitlements Reserve (\$96,678) together with savings from swimming pool inspections (\$29,590). Inspections were conducted in-house rather than by contractor.

Grant Projects

Council has received the following grant funds from the 2010/11 (Year 2) Royalties for Regions Grant Projects.

| ROYALTIES FOR REGIONS – YEAR 2 FUNDING (2010/11) 2011/12 Budgeted Expenditure | GRANT \$ | PROJECT STATUS |
|---|-------------|-------------------|
| R4R – RPM Room ERC - J11801 | 183,900 | Commenced |
| R4R - Mungalup Road - Construct Sealed Road (part funded by R4R) - J12724 | 22,000 | Not yet commenced |
| R4R – Doolan Street (Road Renewal Program) - J12297 | 10,560 | Commenced |
| R4R - Eagle Crescent (RRP) - J12298 | 43,278 | Commenced |
| R4R – Foster Street (RRP) - J12299 | 27,632 | Commenced |
| R4R - Cudliss Street (RRP) - J12350 | 53,196 | Commenced |
| R4R - Hands Avenue (RRP) - J12351 | 47,384 | Commenced |
| R4R - Watson Street (RRP) - J12352 | 62,499 | Commenced |
| R4R - Camfield Street (RRP) - J12353 | 29,718 | Commenced |
| R4R - Bryant Street (RRP) - J12354 | 23,448 | Commenced |
| R4R - Leake Street (RRP) - J12355 | 29,100 | Commenced |
| R4R - Elaap Street (RRP) - J12356 | 31,625 | Commenced |
| R4R - WSUD Cudliss/Watson Street (RRP) - J123257 | 26,223 | Commenced |
| R4R - Tyrrell Road (RRP) - J12294 | 55,698 | Completed 2010/11 |
| R4R – Twomey Road (RRP) - J12295 | 35,127 | Completed 2010/11 |
| R4R - Giumelli Road (RRP) - J12296 | 24,512 | Completed 2010/11 |
| | | |
| TOTAL | 705,900 | |

Budget Variances

Note 8 of the Statement of Financial Activity details material variances between the adopted and amended budget. The surplus carried forward is verified at \$36,332 against a budgeted forecast of \$104,655. The shortfall is attributed to prefunded road work expenditure of \$115,337 incurred in 2010/11 that has been reimbursed by Royalties for Regions grants in 2011/12.

After the recent budget review of Council's 2011/12 Annual Budget, an end of year surplus of \$378,562 is forecast

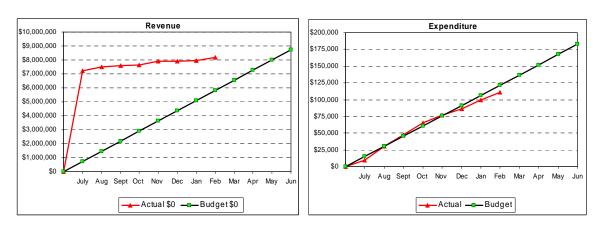
Forecast 2012/13 Rates Increase

The following table reports the forecast accumulative effect of budget related matters on next year's rates increase.

| Details | \$ Rates % |
|---|---------------|
| 2012/13 Forecast Rates Increase (per 4 year Budget) | 4.23% |
| | |
| TOTAL | 4.23% |

General Comments

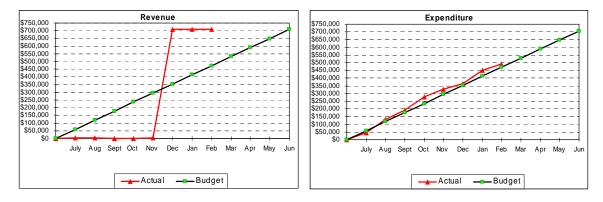
General Purpose Funding



The spike for July revenue is indicative of the General Rates and Specified Area Rates raised for 2011/12 financial year. Interim Rates of \$76,053 have been raised against an adopted budget of \$100,000 for the 2011/12 financial year.

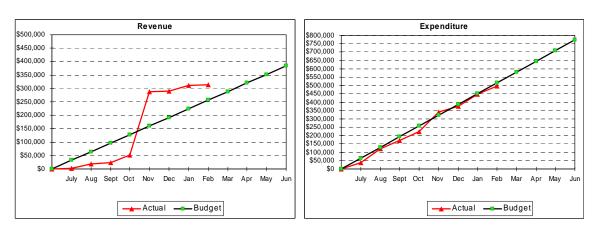
LGGC Financial Assistance & Local Roads grant revenue has been reduced from an original budget of \$1,120,000 to a revised budget of \$898,073. The budget variation is a result of an advance pre-paid instalment of \$303,975 paid in 2010/11 financial year, which has reduced the original budget allocation. These prepaid funds were held in Council's Reserve account had have now been transferred back into the budget. The net effect is that Council received additional funding of \$82,048 for the 2011/12 LGGC grants.

Governance



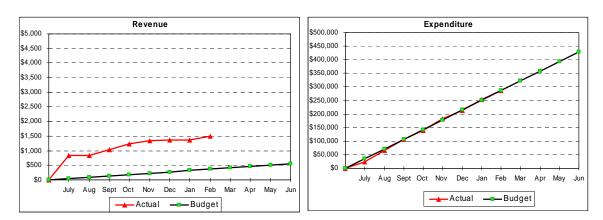
Council has received budgeted income of \$705,900 from the Royalties for Regions grants funds (Year 2 funding 2010/11). Of these funds, \$115,337 was expended in 2010/11, resulting in a budget allocation of \$590,563 for 2011/12 financial year.

Law, Order & Public Safety



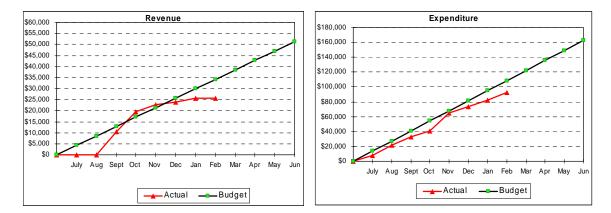
There are no forecast material variances from the adopted budget.

Health



There are no forecast material variances from the adopted budget.

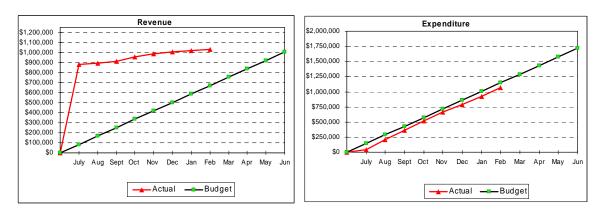
Education & Welfare



Council's Youth Services grant revenue budget has been amended from original forecast of \$14,248 to \$26,248, of which \$10,000 was received from BHP/Worsley for the upgrade of the Eaton Youth Centre Toilet Facilities. These are offset by project expenditure.

Council has amended the adopted budget revenue of \$14,000 to \$27,272 for the Eaton Senior Citizens verandah upgrade as a result of additional external funding.

Community Amenities

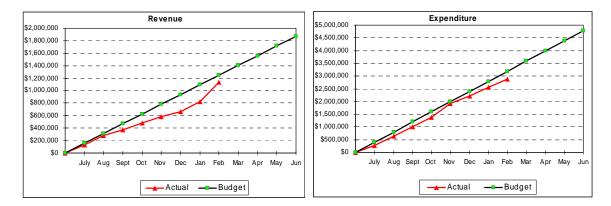


The spike in revenue relates to the Waste Collection levy which is raised though the rates, and reported in this area. After recent budget consideration, the waste levy raised with rates has been revised to \$870,329. This is amended from original budget estimate of \$848,767 and can be attributed to interim rating.

The Banksia Road Refuse Site budget has been amended from \$379,596 to \$420,000. The increase is attributable to \$22,025 in wages and overheads together with a forecast increase of \$18,379 in goods and services. The forecast expenditure increase is offset by additional forecast revenue of \$41,000.

Town planning fees are forecast to exceed the budget estimate of \$75,000 by an additional \$25,000.

Recreation & Culture



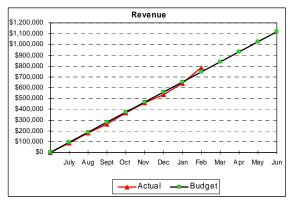
Council has sold Lot 502 & 503 Council Drive, which has resulted in an adjustment sale of asset account, from original budget \$300,000 to an amended budget of \$822,600. The proceeds, net of sale costs, have been transferred into the Reserve Fund in accordance with Council resolution 145/11.

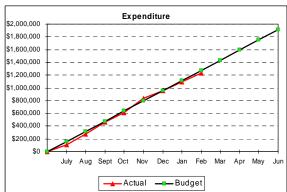
The Parks & Gardens maintenance budget has been amended from \$2,007,432 to \$1,838,839. The decrease in maintenance expenditure can be attributed to reallocation of wages to the Eaton Oval upgrade project.

Parks & Gardens grant revenue has increased from \$643,000 to \$715,556. Additional revenue has been recognised as follows;

- \$38,340 for Recreational Boating Facilities Scheme from Department of Transport;
- \$10,893 for the 2nd& final claim for Glenhuon Reserve Master Plan from Dept Sport & Recreation;
- \$23,323 community grant for Collie River Bank Stabilisation Project from Dept Environment & Conservation. This grant has enabled the Collie River Banks project to increase from an adopted budget of \$8,000 to \$31,323.

Eaton Recreation Centre

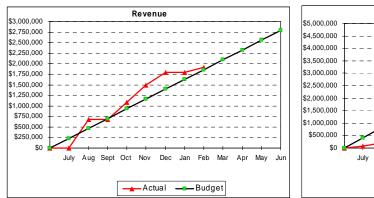


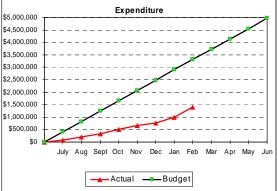


Revenue forecasts are expected to exceed budget estimates by \$63,475. Operating revenue, including memberships, sales and admissions has been amended from an original budget of \$1,116,525 to \$1,180,000.

The forecast net subsidised cost of the centre for 2011/12 will reduce from the original budget estimate of \$218,436 to \$158,151.

Transport

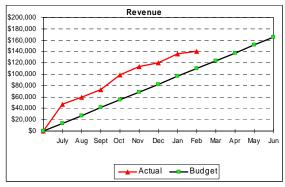


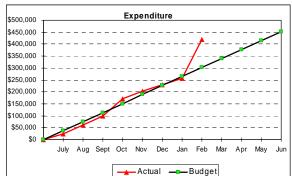


On completion of the 2011/12 Annual Budget review, it is forecast that the road maintenance and construction program will decrease in expenditure of \$34,126 from the adopted budget of \$3,934,443. The net cost to Council has been revised from the original budget of \$822,679 to \$788,553.

In addition to the works program, the budget has been revised to include \$643,417 for Bridge Renewals (Ironstone Road Bridge 4861 and Crampton Road Bridge 3674A) These will be funded by Local Government Financial Assistance grant of \$428,945, and Main Roads \$214,472. It is likely these projects will be undertaken by Main Roads.

Economic Services



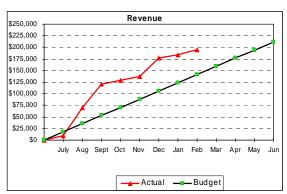


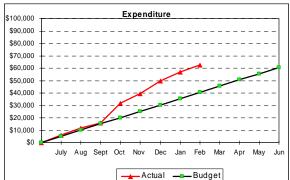
As at reporting date building licence revenue received is \$100,798 against a YTD budget forecast of \$95,880. The total budget building licence revenue for 2011/12 is \$120,000.

The spike in expenditure primarily relates to the payment of wages as a result of the staff restructure.

There are no forecast material variances from the adopted budget.

Other Property & Services





Budget forecasts have been made reflecting Council's resolution 318/11 on 26th October 2011 adopting new vehicle change over periods.

Engineering Services fees and charges have been revised from \$100 to \$14,830 as a consequence of adopting a revised verge/footpath inspection fee policy for builders.

There are no forecast material variances from the adopted budget.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

86/12 MOVED - Cr. P Bass SECONDED - Cr. L Davies

THAT the Monthly Statement of Financial Activity for the period ended 29th February 2012 be adopted.

CARRIED 9/0

11.8 SCHEDULE OF PAID ACCOUNTS

11.8.1 Title: Schedule of Paid Accounts as at 22nd March 2012

Directorate: Corporate Services Directorate

Reporting Officer: Mrs Teresa Morley – Accounts Payable Officer
Legislation: Local Government Act 1995 (Financial

Regulations)

File Number: None.

Council Role - Executive/Strategic

<u>Voting Requirements</u> - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

87/12 MOVED - Cr. P Bass SECONDED - Cr. L Davies

THAT Council receive the Schedule of Paid Accounts report as follows:

| PAYMENT | DATE | NAME | Invoice Description | FUND | AMOUNT |
|---------|------------|--|--|------|----------|
| EFT1410 | 02/03/2012 | Aaron Edwards | ERC UMPIRE 29 FEB 2012 | MUNI | 55.50 |
| EFT1411 | 02/03/2012 | All Aussie Truck and Bobcat Services | Drainage and Preparations. Works on Parkridge Foreshore | MUNI | 7,084.00 |
| EFT1412 | 02/03/2012 | Alleasing | Lease of MPC2000 photocopier - Dardanup shire office | MUNI | 77.86 |
| EFT1413 | 02/03/2012 | Alyce Townsend | ERC UMPIRE 28 FEB 2012 | MUNI | 48.00 |
| EFT1414 | 02/03/2012 | Amity Signs and Industrial Products | Signs Recycling and Transfer Station as per quote | MUNI | 772.20 |
| EFT1415 | 02/03/2012 | Ausrecord | 2D FOOLSCAP FILE / LIGHT BLUE | MUNI | 281.77 |
| EFT1416 | 02/03/2012 | Badgers Embroidery | Staff Badges | MUNI | 22.00 |
| EFT1417 | 02/03/2012 | Battery All Types | DA-8222 - Maintenance Free Vehicle Battery | MUNI | 129.00 |
| EFT1418 | 02/03/2012 | Ben Jordan | Reimbursement of accomm and meals expenses - WAFI Conference | MUNI | 111.14 |
| EFT1419 | 02/03/2012 | Big W (Division of Woolworths Limited) | Youth Group replacement equipment and games | MUNI | 484.33 |
| EFT1420 | 02/03/2012 | Blackwoods Atkins | 20 Tins Road Marking Paint | MUNI | 105.36 |
| EFT1421 | 02/03/2012 | Bryce Thompson | ERC UMPIRE 29 FEB 2012 | MUNI | 92.50 |
| EFT1422 | 02/03/2012 | Bullivants Pty Limited - Sling Rig. | Dust masks+ wipes | MUNI | 157.15 |
| EFT1423 | 02/03/2012 | Bunbury Mower Service | Edger parts | MUNI | 823.50 |
| EFT1424 | 02/03/2012 | Bunbury Towing | Tow & Impound - Black Holden Commodore Ute | MUNI | 145.20 |
| EFT1425 | 02/03/2012 | CPS Wear Parts | 20 Scarifier tips | MUNI | 236.72 |
| EFT1426 | 02/03/2012 | Caitlin Sieradzki | ERC UMPIRE 29 FEB 2012 | MUNI | 80.00 |

| PAYMENT | DATE | Name | Invoice Description | FUND | AMOUNT |
|---------|------------|--------------------------------------|---|------|----------|
| EFT1427 | 02/03/2012 | Centrecare Corporate | Consultation Centrecare | MUNI | 165.00 |
| EFT1428 | 02/03/2012 | Christine Worsfold | ERC UMPIRE 28 FEB 2012 | MUNI | 48.00 |
| EFT1429 | 02/03/2012 | Corporate Express Australia Limited | Stationery | MUNI | 409.38 |
| EFT1430 | 02/03/2012 | Courier Australia | Courier charges | MUNI | 34.59 |
| EFT1431 | 02/03/2012 | Craig Depilato | ERC UMPIRE 29 FEB 2012 | MUNI | 37.00 |
| EFT1432 | 02/03/2012 | Craven Foods | Cafe Items | MUNI | 259.57 |
| EFT1433 | 02/03/2012 | Dardanup Garage and Service Station | Replace clutch | MUNI | 6,384.57 |
| EFT1434 | 02/03/2012 | Dardanup General Store | 4 x Packs of Survey Pegs | MUNI | 1,867.20 |
| EFT1435 | 02/03/2012 | Dardanup Removals | Transport Table from Eaton Office to Dardanup Office | MUNI | 220.00 |
| EFT1436 | 02/03/2012 | Dardanup Sporting and Community Club | Community Grants - Construction of a community storage facilities | MUNI | 5,000.00 |
| EFT1437 | 02/03/2012 | David Leathard | National Youth Week Art Project | MUNI | 600.00 |
| EFT1438 | 02/03/2012 | Donna Bastow | ERC UMPIRE 29 FEB 2012 | MUNI | 111.00 |
| EFT1439 | 02/03/2012 | Donna Tapine | ERC UMPIRE 01 MARCH 2012 | MUNI | 120.00 |
| EFT1440 | 02/03/2012 | Double Barrel Nutrition | Whey Concentrate 6kg | MUNI | 740.00 |
| EFT1441 | 02/03/2012 | Eaton Community Pharmacy | Re-sale items | MUNI | 680.24 |
| EFT1442 | 02/03/2012 | Eaton Home Hardware & Garden | 4I white wood prima paint | MUNI | 83.50 |
| EFT1443 | 02/03/2012 | Esme Brown | ERC UMPIRE 28 FEB 2012 | MUNI | 16.00 |

| PAYMENT | DATE | Name | Invoice Description | FUND | AMOUNT |
|---------|------------|-------------------------------------|---|------|-----------|
| EFT1444 | 02/03/2012 | Esri Australia | ARCGIS Annual Maintenance 1/5/2012 - 30/4/2013 as per Quote | MUNI | 2,123.00 |
| EFT1445 | 02/03/2012 | FESA | 2011/12 ESL 3rd Qtr Fire & Emergency Services Authority | MUNI | 97,344.23 |
| EFT1446 | 02/03/2012 | Fill A Bins | Skip bin hire - Hunter Circle, Millbridge | MUNI | 770.00 |
| EFT1447 | 02/03/2012 | Fulton Hogan Industries Pty Limited | TOWN/RURAL - Premix and catmul for road patching | MUNI | 2,205.44 |
| EFT1448 | 02/03/2012 | Harvey Norman | Xbox consol and games funded from donations | MUNI | 767.00 |
| EFT1449 | 02/03/2012 | Hays Tree Lopping | Wellington Mill Rd. 3 trees removed for roadwork's | MUNI | 2,090.00 |
| EFT1450 | 02/03/2012 | Holcim (Australia) Pty Limited | 7mm Aggregate delivered to gravel pit. | MUNI | 5,420.68 |
| EFT1452 | 02/03/2012 | Hynes Contracting | Stump Removal & Driveway Repair | MUNI | 150.00 |
| EFT1453 | 02/03/2012 | IGA Distribution (WA) Pty Limited | Cafe Stock | MUNI | 1,485.17 |
| EFT1454 | 02/03/2012 | JR & A Hersey Pty Limited | Cleaning Equipment, Insect Repellent, And Safety Equipment. | MUNI | 812.18 |
| EFT1455 | 02/03/2012 | Kaitlin O'Dea | Umpire 28 Feb 2012 | MUNI | 32.00 |
| EFT1456 | 02/03/2012 | Kylie Glancy | Umpire 01 March 2012 | MUNI | 15.00 |
| EFT1457 | 02/03/2012 | Landgate | Rating Valuations : Schedule Number G2012/2 21/01/2012 - | MUNI | 156.92 |
| EFT1458 | 02/03/2012 | Les Mills Australia | CD/DVD Kits Workshop Training | MUNI | 337.25 |
| EFT1459 | 02/03/2012 | Local Government Managers Australia | 2012 - Lgma Professional Development Conference | MUNI | 120.00 |
| EFT1460 | 02/03/2012 | Malatesta Road Paving & Hotmix | Apply Aggregate. | MUNI | 19,608.46 |
| EFT1461 | 02/03/2012 | Michael Gliddon | Erc Umpire 29 Feb 2012 | MUNI | 92.50 |

| PAYMENT | DATE | NAME | Invoice Description | FUND | AMOUNT |
|---------|------------|------------------------------------|---|------|----------|
| EFT1462 | 02/03/2012 | Nathan Stacey | Erc Umpire 29 Feb 2012 | MUNI | 16.00 |
| EFT1463 | 02/03/2012 | Nicole Gray | Erc Umpire 01 March 2012 | MUNI | 30.00 |
| EFT1464 | 02/03/2012 | PFD Food Services Pty Limited | Items For Cafe | MUNI | 953.90 |
| EFT1465 | 02/03/2012 | PFI Cleaning Supplies | General Cleaning Products | MUNI | 1,047.09 |
| EFT1466 | 02/03/2012 | Peter Davis | Youth Empowerment Program - Street Savvy Self Defence | MUNI | 200.00 |
| EFT1467 | 02/03/2012 | QMANI PTY LTD | SMSQ, Group Manager Licence Charge | MUNI | 825.00 |
| EFT1468 | 02/03/2012 | Rebecca Bowron | Umpire 28 Feb 2012 | MUNI | 64.00 |
| EFT1469 | 02/03/2012 | Robert Dempster | Umpire 29 Feb 2012 | MUNI | 92.50 |
| EFT1470 | 02/03/2012 | Rural Press Regional Media WA | Advert In The Mail 18th Jan 2012 | MUNI | 910.00 |
| EFT1471 | 02/03/2012 | SOS Office Equipment | Meter Reading - Dardanup And Eaton Office | MUNI | 2,046.41 |
| EFT1472 | 02/03/2012 | Schweppes Australia Pty Limited | Re-Sale Drinks | MUNI | 916.98 |
| EFT1473 | 02/03/2012 | Shire of Dardanup | Employee Deductions | MUNI | 160.00 |
| EFT1474 | 02/03/2012 | Shire of Dardanup | Employee Payroll Deduction | MUNI | 1,000.00 |
| EFT1475 | 02/03/2012 | South West Institute of Technology | Semester 1 Fees For Tyson Farrell In Certificate III In Parks & Gardens | MUNI | 268.70 |
| EFT1476 | 02/03/2012 | South West Rubber Stamps | 'Compliant At Time Of Inspection' Stamps | MUNI | 66.80 |
| EFT1477 | 02/03/2012 | Southern Lock & Security | Service Safe - Not Locking | MUNI | 95.00 |
| EFT1478 | 02/03/2012 | Spotlight Pty Limited | Consultation - World Cafe Supplies | MUNI | 87.63 |

| PAYMENT | DATE | NAME | Invoice Description | FUND | AMOUNT |
|---------|------------|---|---|------|----------|
| EFT1479 | 02/03/2012 | St John Ambulance Australia (WA) Inc | Apply First Aid Training For James Bredice 8th & 9th March 2012 | MUNI | 175.00 |
| EFT1480 | 02/03/2012 | Staley Food and Packaging | 8oz Ripple Paper Cups 40cups In Box | MUNI | 62.70 |
| EFT1481 | 02/03/2012 | T & P Design | Wellington Mill Rd - Set Out And Peg Shoulders | MUNI | 5,016.00 |
| EFT1482 | 02/03/2012 | Therese Price | Umpire 28 Feb 2012 | MUNI | 64.00 |
| EFT1483 | 02/03/2012 | Thinkwater Bunbury | Irrigation Parts | MUNI | 357.20 |
| EFT1484 | 02/03/2012 | Total Eden Pty Limited | Irrigation Parts | MUNI | 437.84 |
| EFT1485 | 02/03/2012 | Transpacific Waste Management Pty Limited | Waste Disposal 16/02/2012 - 22/02/2012 | MUNI | 2,803.87 |
| EFT1486 | 02/03/2012 | Veen's Design Drafting Service | Account For Design Eaton Senior Citizens Centre | MUNI | 385.00 |
| EFT1487 | 02/03/2012 | VisiMax Safety Products | 2 White Br5f Bushbud Helmets With Badges | MUNI | 127.10 |
| EFT1488 | 02/03/2012 | WA Tower Service | Lease Of Tower Space For Wireless Connection. February 2012 | MUNI | 484.00 |
| EFT1489 | 02/03/2012 | WALGA | Advertising Of Manager Operations Position | MUNI | 1,630.95 |
| EFT1490 | 02/03/2012 | WheelieCleanBins.com.au Pty Limited | Cleaning Of Street And Reserve Bins. | MUNI | 252.00 |
| EFT1491 | 02/03/2012 | Woolworths Limited | Shopping For Staff Room In Shire Office | MUNI | 868.31 |
| EFT1492 | 02/03/2012 | Work Clobber | 3 X Pair Pants 3 X Work Shirts With Logo. Adam Herbert | MUNI | 294.98 |
| EFT1493 | 09/03/2012 | Aaron Edwards | Umpire 07/03/2012 | MUNI | 92.50 |
| EFT1494 | 09/03/2012 | Alyce Townsend | Umpire 06/03/2012 | MUNI | 64.00 |
| EFT1495 | 09/03/2012 | Arianna Capper | Umpire 08/03/2012 | MUNI | 15.00 |

| PAYMENT | DATE | Name | Invoice Description | FUND | AMOUNT |
|---------|------------|----------------------------|--|------|-----------|
| EFT1496 | 09/03/2012 | Australia Post. | Feb-12 | MUNI | 2,328.00 |
| EFT1497 | 09/03/2012 | Australian Taxation Office | las Return - February 2012 | MUNI | 85,184.00 |
| EFT1498 | 09/03/2012 | Bryce Thompson | Umpire 07/03/2012 | MUNI | 92.50 |
| EFT1499 | 09/03/2012 | Courier Australia | Courier Charges | MUNI | 28.11 |
| EFT1500 | 09/03/2012 | Craig Depilato | Umpire 07/03/2012 | MUNI | 55.50 |
| EFT1501 | 09/03/2012 | Dardanup General Store | Catering For The Last Council Meeting In Dardanup. | MUNI | 660.00 |
| EFT1502 | 09/03/2012 | Donna Bastow | Umpire 07/03/2012 | MUNI | 111.00 |
| EFT1503 | 09/03/2012 | Donna Tapine | Umpire 08/03/2012 | MUNI | 60.00 |
| EFT1504 | 09/03/2012 | Fleet Fitness | Service Fitness Equipment | MUNI | 146.65 |
| EFT1505 | 09/03/2012 | Horleys | Items Purchased For Re-Sale. Eaton Rec Centre | MUNI | 1,124.41 |
| EFT1506 | 09/03/2012 | Kaitlin O'Dea | Umpire 06/03/2012 | MUNI | 32.00 |
| EFT1507 | 09/03/2012 | Kylie Glancy | Umpire 08/03/2012 | MUNI | 30.00 |
| EFT1508 | 09/03/2012 | Michael Gliddon | Umpire 07/03/2012 | MUNI | 111.00 |
| EFT1509 | 09/03/2012 | Nathan Stacey | Umpire 07/03/2012 | MUNI | 16.00 |
| EFT1510 | 09/03/2012 | Nicole Gray | Umpire 08/03/2012 | MUNI | 45.00 |
| EFT1511 | 09/03/2012 | Noel Barnes | Art Project Materials | MUNI | 1,400.00 |
| EFT1512 | 09/03/2012 | Rebecca Bowron | Umpire 06/03/2012 | MUNI | 64.00 |

| PAYMENT | DATE | Name | Invoice Description | FUND | AMOUNT |
|---------|------------|--|---|------|----------|
| EFT1513 | 09/03/2012 | Robert Dempster | Umpire 07/03/2012 | MUNI | 74.00 |
| EFT1514 | 09/03/2012 | Suzette Sutton | Reimburse Train Ticket 28/02/2012, Lgia Payroll Interpretation Course | MUNI | 43.60 |
| EFT1515 | 09/03/2012 | Therese Price | Umpire 06/03/2012 | MUNI | 64.00 |
| 42630 | 02/03/2012 | Asgard Elements Super Fund | Superannuation Contributions | MUNI | 213.28 |
| 42631 | 02/03/2012 | Australian Institute of Building Surveyors | Conference Registration - Peter Jackson & Lynda Vandersteen | MUNI | 170.00 |
| 42632 | 02/03/2012 | Australian Super | Superannuation Contributions | MUNI | 143.89 |
| 42633 | 02/03/2012 | BT Super for Life | Superannuation Contributions | MUNI | 180.86 |
| 42634 | 02/03/2012 | Bunbury Windscreen Service | Replace Windscreen | MUNI | 275.00 |
| 42635 | 02/03/2012 | Child Support Agency | Employee Payroll Deduction | MUNI | 421.50 |
| 42636 | 02/03/2012 | Construction & Building Industry Super | Superannuation Contributions | MUNI | 471.08 |
| 42637 | 02/03/2012 | DEPARTMENT OF COMMERCE | Conference Registration - Robert Quinn | MUNI | 88.00 |
| 42638 | 02/03/2012 | Edith Cowan University - Joondalup | Accounting li - Acc2250, Natalie Hopkins | MUNI | 1,085.20 |
| 42639 | 02/03/2012 | Equipsuper | Superannuation Contributions | MUNI | 161.48 |
| 42640 | 02/03/2012 | Ferguson Community Hall Committee | Budget Allocation - Ferguson Hall Committee. Improvements To Hall | MUNI | 2,000.00 |
| 42641 | 02/03/2012 | Flexible Lifetime Superannuation Fund | Superannuation Contributions | MUNI | 137.07 |
| 42642 | 02/03/2012 | Health Insurance Fund of WA (HIF) | Payroll Deductions | MUNI | 180.10 |
| 42643 | 02/03/2012 | ING Master Fund | Superannuation Contributions | MUNI | 164.62 |

| PAYMENT | DATE | NAME | Invoice Description | FUND | AMOUNT |
|---------|------------|--|---|------|-----------|
| 42644 | 02/03/2012 | Pacific Magazines | Subscription For Home Beautiful Magazine | MUNI | 59.00 |
| 42645 | 02/03/2012 | REST Superannuation | Superannuation Contributions | MUNI | 167.11 |
| 42647 | 02/03/2012 | Shire of Dardanup | Payroll Deductions | MUNI | 813.00 |
| 42648 | 02/03/2012 | Shire of Dardanup | Employee Recoups - Gym Membership | MUNI | 270.00 |
| 42649 | 02/03/2012 | SkillPath Seminars | Registration - Seminar - E Edwards | MUNI | 199.00 |
| 42650 | 02/03/2012 | Super Directions Personal Super Plan | Superannuation Contributions | MUNI | 161.48 |
| 42651 | 02/03/2012 | Synergy | Electricity - Glenhuon Oval 13/12/11 - 15/02/2012 | MUNI | 1,897.15 |
| 42652 | 02/03/2012 | Telstra | Faxstream Library Internet Account | MUNI | 34.95 |
| 42653 | 02/03/2012 | Telstra Super Pty Limited | Superannuation Contributions | MUNI | 164.62 |
| 42654 | 02/03/2012 | Vincent-Rowe Family Super Fund | Superannuation Contributions | MUNI | 129.57 |
| 42655 | 02/03/2012 | WA Local Government Superannuation Plan | Superannuation Contributions | MUNI | 23,941.38 |
| 42656 | 02/03/2012 | Western Australian Treasury Corporation | Principal - Current Liability | MUNI | 12,934.64 |
| 42657 | 09/03/2012 | Australian Communications and Media Auth | Licence Renewal For 2-Way To 28/03/2013 | MUNI | 188.00 |
| 42658 | 09/03/2012 | Harvey Wholesalers | Coffee For Cafe | MUNI | 300.00 |
| 42659 | 09/03/2012 | Petty cash - PLEASE PAY CASH | Various Items Purchased | MUNI | 223.80 |
| 42660 | 09/03/2012 | Synergy | Electricity - Street Lights 25/01/2012 - 24/02/2012 | MUNI | 35,687.66 |
| 42661 | 09/03/2012 | Telstra | Telephone Fax For Eaton Office (Includes Charges Link To Library) | MUNI | 1,441.27 |

| PAYMENT | DATE | Name | Invoice Description | FUND | AMOUNT |
|---------------------|------------|---|--|-------|------------|
| 42662 | 09/03/2012 | Western Australian Treasury Corporation | Principal - Current Liability | MUNI | 44,317.61 |
| 42663 | 09/03/2012 | Western Power | Works Required Under Project No. SP034919. | MUNI | 14,606.00 |
| 301135 | 09/03/2012 | Jody Mattaboni | Reimbursement For Dardanup Hall Hire Bond - 25 Feb | TRUST | 1,000.00 |
| REPORT | TOTALS | TOTAL | CERTIFICATE OF Chief Executive Officer | | 418,820.66 |
| 42630 - 42 | 2663 | 143,228.32 | This Schedule of Accounts to be passed for payment, covering vouchers as above which was submitted to each member of | | |
| EFT 1410 - 151 | 15 | 274,592.34 | Council has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings and | | |
| TRUST 301135 - 3 | 301135 | 1,000.00 | the amounts shown are due for payment. | | |
| TOTAL | | 418,820.66 | | | |
| | | | | | |

MR MARK L CHESTER Chief Executive Officer

CARRIED 9/0

11.9 FLORA COMMITTEE MINUTES - 14/02/12

MINUTES OF THE SHIRE OF DARDANUP FRIENDS OF LOCAL RESERVE AREAS COMMITTEE MEETING HELD ON TUESDAY, 14 FEBRUARY 2012 AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 4.00PM.

Officer Comment

The minutes of the FLoRA Committee are attached (Appendix ORD: 11.9) for Council information only. There are no resolutions within the minutes that Council are required to endorse.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

88/12 MOVED - Cr. B G Day

SECONDED - Cr. P Bass

THAT Council receive the minutes of the Friends of Local Reserve Areas Committee held on the 14th February 2012.

CARRIED 9/0

11.10 EATON PRECINCT WORKING GROUP COMMITTEE MINUTES - 27/02/12

MINUTES OF THE SHIRE OF DARDANUP EATON PRECINCT WORKING GROUP COMMITTEE MEETING HELD ON MONDAY, 27TH FEBRUARY 2012, AT ADMINISTRATION CENTRE EATON – 1 COUNCIL DRIVE, EATON, COMMENCING AT 5.00PM.

Officer Comment

The minutes of the Eaton Precinct Working Group Committee are attached (Appendix ORD: 11.10) for Council information only. There are no resolutions within the minutes that Council are required to endorse.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

89/12 MOVED - Cr. P Bass

SECONDED - Cr. J Lee

THAT Council receive the minutes of the Eaton Precinct Working Group Committee held on the 27th February 2012.

CARRIED 9/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

90/12 MOVED - Cr. B Murfit SECONDED - Cr. B G Day

OFFICER RECOMMENDED RESOLUTION

THAT Council deal with:

- Urgent Works Eaton Oval / Foreshore Bore; and
- Purchase of Noise Meter

as Business of an Urgent Nature.

CARRIED 9/0

13.1 <u>Title: Urgent Works – Eaton Oval / Foreshore Bore</u>

Reporting Department: Engineering Services Directorate

Reporting Officer: Mr Luke Botica – Director Engineering Services

Legislation: Local Government Act 1995

File Number: LE13 2002

Background -

The Director of Engineering Services is seeking Council approval to replace the Eaton Oval / Foreshore bore (the "bore") as urgent and unbudgeted works.

During recent bore sampling and testing carried out for the Eaton Oval Project, it has become apparent that the iron content reading has increased dramatically since the

last testing carried out in 2009. The reading has surged from 22 mg/l to over 114 mg/l. The dramatic increase in iron content is attributed to a bore casing failure.

Investigation into the matter has revealed that the only solution to the problem is to install a new bore.

It should be noted that the bore had been previously re-sleeved 14 years ago and cannot be re-sleeved any further. Further to this, there is an old pump which dropped and jammed at 92 metres below the surface 14 years ago – this old pump cannot be removed and prevents access to the bore beyond this depth. It should be noted that the overall depth of the bore is 129 metres.

Legal Implications -

The bore is licensed with the Department of Water. An application has been submitted for approval for a new replacement bore. Discussions between Shire staff and Department staff indicate that there will be no objections to a new bore provided that the bore is comparable to the existing.

Strategic Plan

It was expected that the bore would not need replacement until 2018 and the Parks & Reserves Asset Management Plan has scheduled its renewal for the 2018-2019 financial year. Therefore, the failure of the bore is both unexpected and premature.

<u>Environment</u>

The Department of Water issues licences for bores and stipulates conditions for the extraction of groundwater. The current bore extracts water from the Leederville Aquifer and the new bore will do the same.

Precedents - None.

Budget Implications -

Shire staff have obtained a quotation from Total Eden who have the contract for the Eaton Oval including the installation of the filtration unit and reticulation system.

Due to the works being over the \$100,000 threshold, public tenders will need to be called in accordance with the Local Government (Functions and General) Regulations 1996.

The replacement of the bore will incur unbudgeted expenditure.

Budget - Whole of Life Cost -

It is expected that the new bore would last 40 years, after which time it would need replacement.

Council Policy Compliance - None

Officer Comment

The bore is a significant size and depth, and is used to irrigate the Eaton Oval and Foreshore.

The increase in iron content is well beyond the capability of any available filtration units. It is therefore necessary to replace the bore to bring the iron content back to a treatable range.

If Council approves the replacement of the bore, then tenders will be called as soon as possible. Shire staff have been advised that the earliest a driller (capable of drilling bore of such size) would be available is mid July 2012. Similarly, the new casing would need to be manufactured which would take approximately 12 weeks. If a contract was awarded by mid-April 2012, the new bore could be installed by late July 2012. This timeframe is still within the project timeline, and would mean that the reticulation system would be installed prior to the bore.

<u>Council Role</u> - Executive/Strategic

Voting Requirements - Absolute Majority

Discussion:

Director Engineering Services, Mr Luke Botica outlined the history of the bore and the requirements of the Department of Water.

Cr. L D Harris advised that he had extensive experience with bores and had made enquiries regarding the prices of the bore and installation times. Local suppliers may be better placed to assist than Perth contractors.

Shire President, Cr. J E Gardiner thanked Cr. D Harris for his input.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

91/12 MOVED - Cr. L D Harris SECONDED - Cr. B G Day

THAT Council:

- 1. Approve the replacement of the Eaton Oval Bore;
- 2. Approve unbudgeted expenditure to be drawn from the projected 2011-2012 Budget surplus; and
- 3. Provides delegated authority to the Chief Executive Officer to call tenders and award the contract for the works.

CARRIED 9/0 By Absolute Majority

13.2 Title: Purchase of Noise Meter – Unbudgeted Expenditure

Reporting Department: Executive

Reporting Officer: Mr Mark L Chester – Chief Executive Officer

Legislation: Local Government Act 1995

File Number: EH08 0001 - FI050001

Background -

The Shire of Dardanup has several businesses operating within the Shire that on occasions create noise that exceed the Noise Regulations. Council receives on a regular basis a number of complaints from residents about the level of noise emanating from these businesses.

This report is presented as a matter of urgency as the Shire has received further complaints associated with the load out of scrap metal from the scrap metal yard in Copplestone Road. This is an ongoing operation.

In addition Council is advised that the log load out from the property in Picton is scheduled for 7 to 14 days' time.

The complainant has been advised that the Shire will be unable to have any success with prosecution to change the operators practices because staff are unable to gather the required evidence to have a successful prosecution.

Legal Implications

Council has received advice from the Department of Environment and Conservation (DEC), Noise Regulation Branch that the Shire is not able to achieve a successful prosecution for contravention of the Environmental Protection Act without having a qualified officer record the offending noise with a suitable noise meter.

Council's Principal Environmental Officer is now an authorised officer, qualified to undertake noise monitoring.

Strategic Plan - None.

Environment - None.

<u>Precedents</u>

Council has borrowed a noise meter from the DEC and the City of Bunbury in the past, whilst the recorded information has been helpful to get some businesses to change their practices, the evidence has not been tested in a court.

Budget Implications

The cost of the noise meter is \$27,000.00 inclusive of GST, if approved by Council this will be unbudgeted expenditure. A vote by Absolute Majority is required.

Budget – Whole of Life Cost - None

<u>Council Policy Compliance</u> - None

Officer Comment

Principal Environmental Officer Comment

The Noise Regulation Branch is the key regulatory body (for noise) for the state of Western Australia. It is a small department of approximately 6 people with a limited amount of resources (i.e. noise meters).

In reference to issues that have arisen through noise complaints within the Shire in recent times the DEC have advised that the noise measures taken have not been accurate enough to achieve a successful prosecution in a court of law. More meticulous measurement and analysis is required by the DEC have indicated that equipment resources are of limited availability.

On occasions the Shire has been able to borrowing Noise Meters from DEC, this is no longer an option in the short to medium term for the following reasons:-

- 1. The DEC is currently not able to loan a noise meter to the Shire of Dardanup. The collection of noise meters (approx. 6 in total to cover the whole state) in the DEC's Noise Regulation Branch are currently in maintenance, currently in use (by DEC for large-scale noise issues), or on loan to other local governments.
- 2. The DEC could not provide a date as to when a meter might next be available.
- 3. The DEC Noise Regulation Branch is the only government branch in WA which is able to provide the calibre of equipment and expertise required by the Shire of Dardanup.

Chief Executive Officer Comment

The issue of noise complaints is on the increase and the Shire has not been able to support affected residents by securing the necessary evidence to secure a prosecution in a court of law. It is expected that a successful prosecution will have the desired affect to force businesses that contravene the noise regulations to change their work practices by changing the hours of operation and providing noise attenuation improvements to their operations.

Simply put, without the equipment to gather evidence that is acceptable to the court the Shire is frustrating residents that are having their lifestyle affected by businesses that are ignoring the noise regulations.

It is recommended that Council purchase a noise meter at a cost of \$27,000 as soon as possible using the current budget savings as reported at the last Ordinary meeting of Council.

The delivery time for a new noise meter is 3 to 4 weeks, so the next log load out will not be monitored, however, having the meter on hand will enable monitoring in the future.

<u>Council Role</u> - Executive/Strategic

<u>Voting Requirements</u> - Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

92/12 MOVED - Cr. B G Day SEC

SECONDED - Cr. B Murfit

THAT Council purchase a noise meter at a cost of \$27,000 inclusive of GST as soon as possible using the current budget savings as reported to the 8th March 2012 Ordinary meeting of Council.

CARRIED 9/0
By Absolute Majority

Note: Cr. C N Boyce left the room [6.12pm].

14 PUBLIC QUESTION TIME

None.

15 MATTERS BEHIND CLOSED DOORS

Chief Executive Officer Comment

It is recommended that the following item be heard behind closed doors.

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) (e) - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-
 - (a) all Council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
 - (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
 - (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

93/12 MOVED - Cr. P Bass

SECONDED - Cr. P Robinson

THAT in accordance with the Local Government Act 1995, S 5.23 (2) (e), Council go Behind Closed Doors [6.12pm] to discuss a matter that if disclosed, would reveal information that has a commercial value to a person.

CARRIED 8/0

Note: Community Development Officer - Miss Zoey McMillan, Director Corporate Services - Mr Stuart Eaton, Director Engineering Services - Mr Luke Botica and Senior Engineering Technical Officer - Operations - Mr Craig Browne, left the meeting [6.12pm]. 15.1 <u>Title: Behind Closed Doors - Joshua/Crooked Brook Fire Brigade Shed</u> Relocation

Reporting Department: Development Services Directorate
Reporting Officer: Mr Jake Whistler - Planning Officer

Legislation: Local Government Act 1995

File Number: CC010011

DECLARATION OF INTEREST

Cr. P Robinson declared an Impartiality Interest in this item and advised that he would consider the matter on its merits.

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 (2) (e) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council on CC010011.

Note: Cr. C N Boyce returned to the room [6.15pm].

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

94/12 MOVED - Cr. P Bass SECONDED - Cr. L D Harris

THAT Council:

- 1. Authorise unbudgeted expenditure as described in the Officer report [Confidential report under separate cover] for the acquisition of land for the Joshua/Crooked Brook Fire Brigade Shed.
- 2. Delegate authority to the Chief Executive Officer acquire a suitable site using funds from the Shire's Land Development Reserve for the acquisition of a portion of land for the construction of the Joshua/Crooked Brook Fire Brigade Shed.

CARRIED 9/0 By Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

95/12 MOVED - Cr. P Bass

SECONDED - Cr. B G Day

THAT Council return from behind closed doors [6.24pm].

CARRIED 9/0

Note: In accordance with Standing Order 12.7 (3) the Presiding Officer, unless the council decides otherwise, is to cause the motions passed by Council whilst behind closed doors to be read out. As there were no public present – the resolution was not required to be read aloud.

16 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Thursday 8th April 2012, commencing at 4.30pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 6.25pm.