

I certify that this copy of the Minutes is a true and correct record of the meeting held on 8 April 2008

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 8 APRIL 2008
COMMENCING AT 4.00PM**

There are no attachments to this copy of the Council Minutes. To view attachments, please contact the Shire office or email Judy Hurst on ceosecretary@irwin.wa.gov.au

<u>PRESENT:</u>	President	Cr R K Parsons (Shire President)
	Councillors	Cr R J Gillam (Deputy President) (arrived 4.01pm) Cr G C Bass Cr S C Chandler Cr K J Hepworth Cr R T McClurg Cr R W Roberts Cr L W Wheeler
	Staff	Mr B E Jones – Chief Executive Officer Mr G M Peddie – Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
<u>GALLERY:</u>		Ms Jenny Jagoe
<u>APOLOGIES:</u>		Cr G L Dean-Gundill
<u>LEAVE OF ABSENCE:</u>		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr Robyn Parsons declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings. A special welcome was extended to Council's new CEO, Mr Brian Jones with the hope that both he and his family enjoy their time in Dongara.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

With the exception of Cr Rob Gillam, who entered the Chambers at 4.01pm, and Cr Gail Dean-Gundill who had given prior notice that she would be unable to attend, all Councillors were present.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

4.1 Ms Tracey Rangi – Dongara Denison Surf Lifesaving Club (SLSC):

Ms Rangi advised Council that the SLSC had completed patrolling for the year and provided Council with an update on the club's activities since the last report.

4.2 Ms Stacy Rogers:

Ms Rogers sought Council's support for the provision of pedestrian access from Brennand Road to Pickering Drive along the western side of the Racecourse so that children from the area can obtain shorter access to the school. The Race Club caretaker is no longer residing at the Dongara Racecourse and children are therefore not permitted to cut through the area. Ms Rogers suggested that because of the recent land development the track for pedestrian access would not have to be very long.

The Shire President advised that staff would investigate the matter and whether land was available to enable a track to be constructed.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 MARCH 2008

A copy of the Minutes of the Ordinary Council Meeting held on 25 March 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr McClurg, seconded Cr Bass

That, subject to the following amendments, the Minutes of the Ordinary Council Meeting, held on 25 March 2008, be confirmed as a true and accurate recording of that meeting.

- ***Page 1404 (Item CLR.23 – Homeowners & Bank Protection Bill)
Voting Details to be noted as “Motion Lost”***
- ***Page 1513 (Item TP.419 – Proposed Scheme Amendment: Lots 35 & 39 (No 30262) Brand Highway, Dongara)
Voting Details to be noted as “Carried 8/0”***

CARRIED
8/0

VOTING DETAILS:

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 Midwest Development Commission:

The CEO informed Council that the Shire President, Cr Parsons has been appointed by the Government as the Chairperson of the Midwest Development Commission until 2009.

8.2 Systemic Sustainability Study (SSS) Report:

The Shire President advised Council that she recently attended a Northern Country Zones SSS Information Forum in Geraldton to discuss the Systemic Sustainability Study (SSS) Report and its implications for local government.

8.3 BROC Memorandum of Understanding:

The Shire President advised that both she and the Acting CEO recently attended a meeting of BROC representatives, MWDC and Shane Hill MP to discuss the preparation of a BROC Memorandum of Understanding. The purpose of the MOU is to provide a formal document setting out the major issues for the region and local government, which can be used by BROC and State Government as a long-term infrastructure development plan.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

10. REPORTS

DCS.290: REVIEW OF CODE OF CONDUCT
LOCATION: -
PROPONENT: -
REPORTING OFFICER: GEOFF PEDDIE – DIRECTOR, CORPORATE SERVICES
DATE OF REPORT: 1 APRIL 2008
FILE REFERENCE: REFER POLICY A20 – SOI POLICY MANUAL
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

The Shire of Irwin Code of Conduct is contained within its Policy Manual as Policy A20. The Code of Conduct was last reviewed in 2005.

COMMENT:

- **General:**

The Code of Conduct provides elected members and staff in local government with consistent guidelines for an acceptable standard of professional conduct.

Council has previously adopted the model Code of Conduct prepared by the WA Local Government Association subject to minor alterations and is presented for review by Council. WALGA has forwarded an updated version of the Model Code of Conduct, which has been amended to reflect recent amendments to the Local Government Act 1995 and Regulations. Council is advised that the requirement to review the Code of Conduct within twelve months after each ordinary election (S 5.103 (2) of the Local Government Act) has been repealed.

Attached for Council's consideration is current Policy A20 – Shire of Irwin Code of Conduct updated with additions and deletions shown in the new Model Code of Conduct.

- **Financial Implications:** Nil
- **Policy Implications:** Policy A20 – Code of Conduct
- **Statutory Implications:** Section 5.103 Local Government Act 1995

STAFF RECOMMENDATION:

That Council adopts the proposed Shire of Irwin Code of Conduct subject to any amendments that it considers necessary.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Chandler

That Council adopts the amended Shire of Irwin Code of Conduct as circulated.

CARRIED
8/0

VOTING DETAILS:

ATTACHMENT: DCS.290

**MODEL CODE OF CONDUCT
FOR COUNCIL MEMBERS, COMMITTEE MEMBERS & STAFF**

Western Australian Local Government Association
February 2008

PREAMBLE

The Model Code of Conduct provides Council Members, Committee members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Model Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in :-

- a) Better decision-making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinized in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES

1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in S2.10 of the Local Government Act 1995 follows:

"A Councillor –

- a) Represents the interests of electors, ratepayers and residents of the district;*
- b) Provides leadership and guidance to the community in the district;*
- c) Facilitates communication between the community and the council*
- d) Participates in the local government's decision-making processes at council and committee meetings; and*
- (e) Performs such other functions as are given to a Councillor by this Act or any other written law".*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;

- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organizations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in S5.41 of the Local Government Act 1995:-

"The CEO's functions are to –

- advise the council in relation to the functions of a local government under this Act and other written laws;*
- ensure that advice and information is available to the council so that informed decisions can be made;*
- cause council decisions to be implemented;*
- manage the day-to-day operations of the local government;*
- liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- speak on behalf of the local government if the mayor or president agrees;*
- be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S5.37(2) in relation to senior employees);*
- ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO".*

1.3 Role of Council

The Role of the Council is in accordance with S2.7 of the Local Government Act 1995:-

"(1) The council –

- directs and controls the local government's affairs; and*
 - is responsible for the performance of the local government's functions.*
- (2) Without limiting subsection (1), the council is to –*
- oversee the allocation of the local government's finances and resources; and*
 - determine the local government's policies".*

1.4 Relationships between Council Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following :

- accept that their role is a leadership, not a management or administrative one;

- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfillment of their professional duties.
- b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognized that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition:

In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 –

“interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest:
 - i) in a written notice given to the CEO before the meeting; or

- ii) at the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter –
 - i) in a written notice given to the CEO before the meeting; or
 - ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in S5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if –
 - i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then –
 - i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- f) If –
 - i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - ii) a disclosure is made as described in item (d) (ii) at a meeting or
 - iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organization.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and staff will not take advantage of their position to improperly influence other Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts

Definitions :

In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -

“activity involving a local government discretion” means an activity -

- (a) that cannot be undertaken without an authorisation from the local government; or*
- (b) by way of a commercial dealing with the local government;*

“gift” has the meaning given to that term in S 5.82(4) except that it does not include -

- (a) a gift from a relative as defined in S 5.74(1); or*
- (b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

“notifiable gift”, in relation to a person who is an employee, means -

- (a) a gift worth between \$50 and \$300; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

“prohibited gift”, in relation to a person who is an employee, means -

- (a) a gift worth \$300 or more; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*

- a) A person who is an employee is to refrain from accepting a prohibited gift from a person who –
 - i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b) A person who is an employee and who accepts a notifiable gift from a person who –
 - i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,notify the CEO, in accordance with item c) and within 10 days of accepting the gift, of the acceptance.
- c) The notification of the acceptance of a notifiable gift must be in writing and include –
 - (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,

of each other gift accepted within the 6 month period.

(d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).

(e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).

(f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

a) Council Members, Committee Members and staff will:

- i) act, and be seen to act, properly and in accordance with the requirements of the law and terms of this Code;
- ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- iii) act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
- iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- v) always act in accordance with their obligation of fidelity to the Local Government.

b) Council Members will represent and promote the interests of the Local Government, while recognizing their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively,

and that their standard of work reflects favourably both on them and on the Local Government.

- b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.4 Compliance with Lawful Orders

- a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

- a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly:

- i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
- ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

- b) Communication and Public Relations

i) All aspects of communication by staff (including verbal, written or personal) involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, members should acknowledge that:

- As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;

- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role, Council Members are often asked to represent the Council on external organizations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organization.

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and staff will:

- a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorized to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and staff will only claim or accept traveling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

5.3 Access to Information

- a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

STAFF RECOMMENDATION:

That Council considers the implications for the Shire of Irwin, and the Local Government sector, of the Sustainability Study (SSS) Report – *The Journey: Sustainability into the Future* and provides any comments for submission to the WA Local Government Association.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Wheeler

That, given the extended deadline provided for comment, the Systemic Sustainability Study (SSS) Report be referred to the Council Meeting of 27 May 2008 for consideration and comment.

CARRIED
8/0

VOTING DETAILS:

Cr Rob Gillam declared a financial interest in the following item, being a supplier of gravel, and departed the Chambers at 4.30pm.

DCS.292: PAYMENT OF GRAVEL ROYALTIES
LOCATION: -
PROPONENT: -
REPORTING OFFICER: GEOFF PEDDIE – DIRECTOR, CORPORATE SERVICES
DATE OF REPORT: 1 APRIL 2008
FILE REFERENCES: EG.2
REFER POLICY E2 – SOI POLICY MANUAL

VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

At the last meeting of Council, the Works Supervisor suggested in his report that it was becoming increasingly difficult to obtain agreement from landowners to purchase gravel from their property at the current gravel royalty rate paid by Council. Council agreed to review the policy at the next meeting.

COMMENT:

• **General**

Council has paid a rate of \$1.50 per cubic metre for the purchase of gravel since the last review in 2004. The Works Supervisor has suggested that he has found it increasingly difficult to purchase gravel at that rate and requested that Council consider increasing the rate. He has also suggested that private contractors in the area are paying \$2.00 and up to \$2.25 for gravel, which adds to the difficulty of receiving agreement from landholders.

• **Financial Implications**

The 2007/08 budget has been prepared using the existing rate of \$1.50. It is estimated that increasing the rate immediately would be minimal as the larger construction projects for the financial year have been completed.

• **Policy Implications**

The current policy of Council is as follows:

PAYMENT OF GRAVEL ROYALTIES		POLICY E2
Purpose	To secure sufficient quantities of gravel in strategic locations to ensure the cost efficient construction and maintenance of roads in the Shire of Irwin.	
Policy	The Shire of Irwin will enter into an agreement with landholders for the supply of gravel from their property subject to the following conditions: 1. Royalties to be paid at a rate of \$1.50/m ³ of gravel removed from the pit.	

	<ol style="list-style-type: none">2. Gravel pits to be maintained in a safe and orderly condition at all times.3. Top soil to be stockpiled and spread over the excavation site on an ongoing basis.4. Excavation not to encroach closer than 10 metres from any fence line.5. Any damage to fences, gates, access roads and other improvements attributable to the Shire, to be repaired at the expense of the Shire.6. The agreement to remain in force for up to three years.7. The Shire of Irwin to have exclusive use of the gravel pit, winning of gravel by others (excluding the owner) subject to permission being granted by the Shire.8. Agreement may be terminated on sale of property.
<p><i>Date of Adoption – 28 September 2004</i></p>	

• **Statutory Implications:**

STAFF RECOMMENDATION:

That Council increases the gravel royalty paid to land holders and amend Policy E2 at Item 1 to read "Royalties to be paid at a rate of \$2.00/m³ of gravel removed from the pit".

COUNCIL MOTION:

Moved Cr Roberts, seconded Cr Chandler

That Council increases the gravel royalty paid to land holders and amend Policy E2 at Item 1 to read "Royalties to be paid at a rate of \$2.00/m³ of gravel removed from the pit".

CARRIED
7/0

VOTING DETAILS:

Cr Rob Gillam returned to the Chambers at 4.34pm.

F.342: ACCOUNTS FOR PAYMENT
LOCATION: -
PROPONENT: -
REPORTING OFFICER: JODIE O'KEEFFE – FINANCE OFFICER
DATE OF REPORT: 2 APRIL 2008
FILE REFERENCE: MINUTE BOOK
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

A cheque list is attached showing all payments made during the month of March 2008.

COMMENT:

- **General:**

During the interim audit, Haines Norton advised that because Council staff have delegated authority to sign and authorise payments, Council's previous practice of presenting a list of payments made for Council's authorisation is not required. There is a requirement, however, that a list of payments made during each calendar month be presented to Council for information. Due to the fact that the payment has already been authorised, there is a requirement to include the date the payment was made.

Councillors may note that some payments on the March list of cheques have already been presented to Council at the meeting of 25 March 2008. This should only occur at this meeting as the new procedure is implemented.

- **Financial Implications:**

- **Policy Implications:**

- **Strategic Implications:**

STAFF RECOMMENDATION:

That the Accounts for Payment, represented by Municipal Cheque Numbers 26939-26960, EFT Payment Numbers 7152-7223 totalling \$1,142,223.02, Trust Payment Cheque Numbers 2054-2057 totalling \$4,350.00 and Police Licensing Payment Numbers PL 040308–PL260308 totalling \$66,317.40, be received.

COUNCIL MOTION:

Moved Cr Wheeler, seconded Cr McClurg

That the Accounts for Payment, represented by Municipal Cheque Numbers 26939-26960, EFT Payment Numbers 7152-7223 totalling \$1,142,223.02, Trust Payment Cheque Numbers 2054-2057 totalling \$4,350.00 and Police Licensing Payment Numbers PL 040308–PL260308 totalling \$66,317.40, be received.

CARRIED
8/0

VOTING DETAILS:

Cr Lance Wheeler declared an interest in the following items, TP.420 and TP.421, being an owner of tourist accommodation, and departed the Chambers at 4.43pm.

TP.420: DONGARA TOURIST PARK
LOCATION: 8 GEORGE STREET, PORT DENISON
PROPONENT: MR RON SAULSMAN
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 28 MARCH 2008
FILE REFERENCE: RR.1/6
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Mr Saulsman recently sent the attached letter to Council. In a subsequent phone conversation, Mr Saulsman requested that Council consider the matter and provide him with an indication of how Council would like the caravan park being developed and managed in the longer term.

COMMENT:

• **General**

There is a general trend for caravan parks in the Midwest area to favour permanent residents; this trend could have a negative effect on Dongara's Tourist Industry. It is therefore essential to find a feasible ratio between long term and short term sites for the caravan parks that are vested in the Shire of Irwin.

The Dongara Tourist Park is currently licensed by the Shire of Irwin for 46 short term sites and 15 camp sites. This number is limited by the number of ablution facilities available.

There may be land within the lease area that could be developed without impacting on the number of short term sites. It is recommended that Mr Saulsman make a formal development application and submit plans to provide Council with a clearer picture of how that development would occur and how it would affect tourism.

- **Financial Implications:** N/A.
- **Statutory Implications:** The Caravan Parks and Camping Grounds Act 1995.
- **Policy Implications:** N/A.
- **Strategic Implications:** Dongara's image as a popular tourist destination.

STAFF RECOMMENDATION:

That Council resolves to advise Mr Saulsman to submit a formal development application, including plans, to enable Council to make an informed decision on the matter.

COUNCIL MOTION:

Moved Cr Roberts, seconded Cr Hepworth

That Council advises the applicant that it is not prepared to support the provision of permanent accommodation at the Dongara Tourist Park.

MOTION LOST
3/4

VOTING DETAILS:

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Bass

That Council resolves to advise the applicant to submit a formal development application, including plans, to enable Council to make an informed decision on the matter, and further advise that Council is not supportive of the park being dominated by permanent residents.

CARRIED
4/3

VOTING DETAILS:

Council's Senior Administration Officer, Ms Danika Loomes, entered the Chambers at 5.00pm.

The Shire President wished Ms Loomes and her fiancé, Darren Chandler, best wishes for their forthcoming wedding in Mauritius on 17 April 2008 and presented a gift on behalf of Council.

After thanking Council, Ms Loomes departed the Chambers at 5.02pm.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Hepworth

That Cr Lance Wheeler be permitted to be present during discussion of the following item, however, that he be precluded from the voting process.

CARRIED
6/1

VOTING DETAILS:

Cr Lance Wheeler returned to the Chambers at 5.02pm.

TP.421: DONGARA DENISON BEACH HOLIDAY PARK
LOCATION: LOT 946, 250 OCEAN DRIVE, PORT DENISON
PROPONENT: PHOBOS NOMINEES T/A
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 28 MARCH 2008
FILE REFERENCE: RR.1/8
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

The above caravan park's Lessee is in the process of extending and upgrading the park. In an email to Council (please refer to the attachment) the managing director of Phobos Nominees T/A requests Council to consider:-

- Extending the boundary of lot 946 to include the area to the north, part of Reserve 41088;
- Extending the lease to a 30 year term; and
- Allowing 6 new chalets to be placed on lot 946 with the chalets extending by 0.5m outside the western lot boundary into Reserve 41088 (please refer to the attachment).

At the meeting held on 23 November 2004 Council resolved: *"That Council facilitate a gravel pad parking area at the northern end of the Dongara Denison Beach Caravan Park which would be graveled and fenced at the expense of Phobos Nominees, the area being approximately 1000m². The area is not to be utilized for overflow camping from the Dongara Denison Beach Caravan Park".* It is this area that the applicants would like to amalgamate into lot 946.

The caravan park's lease expires on the 2 March 2026. Other than an email no plans or a formal application were received.

COMMENT:

• **General**

Pursuant to Vesting Order 2747/60V2 Lot 946, Reserve 25826 is vested in the Shire of Irwin for the purposes of recreation, camping and caravan park with power to lease the land for a period not exceeding 21 years. Essentially the proponent is requesting Council to gain approval from the Department of Planning and Infrastructure to change the vesting order to allow the land to be leased for a period of up to 30 years.

The neighbouring Reserve 41088 is a recreational reserve vested in the Shire of Irwin. Any boundary changes and changes to the vesting order would need the approval of the Department of Planning and Infrastructure. The applicant would then be required to submit a development application to formalize the proposal.

It would be feasible to extend lot 946 to the north to incorporate part of Reserve 41088 to facilitate an expansion of the caravan park. However, due to the beach erosion west of the current lot boundary it is not recommended to allow the expansion of the caravan park in a westerly direction (please refer to report by M J Paul and Associates Pty Ltd). The Caravan Parks and Camping Grounds Act 1995 requires a one metre setback distance to the property boundary.

- **Financial Implications:** Legal Fees if the current lease agreement is changed.
- **Statutory Implications:** The Caravan Parks and Camping Grounds Act 1995.
- **Policy Implications:** N/A.
- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

For Council's consideration.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Roberts

That Council declines the application for approval to extend the boundary of Lot 946 of the Dongara Denison Beach Holiday Park into Reserve 41088.

CARRIED
7/0

VOTING DETAILS:

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Bass

That Council declines the application for the extension of the lease of the Dongara Denison Beach Holiday Park to a 30 year term.

CARRIED
7/0

VOTING DETAILS:

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Bass

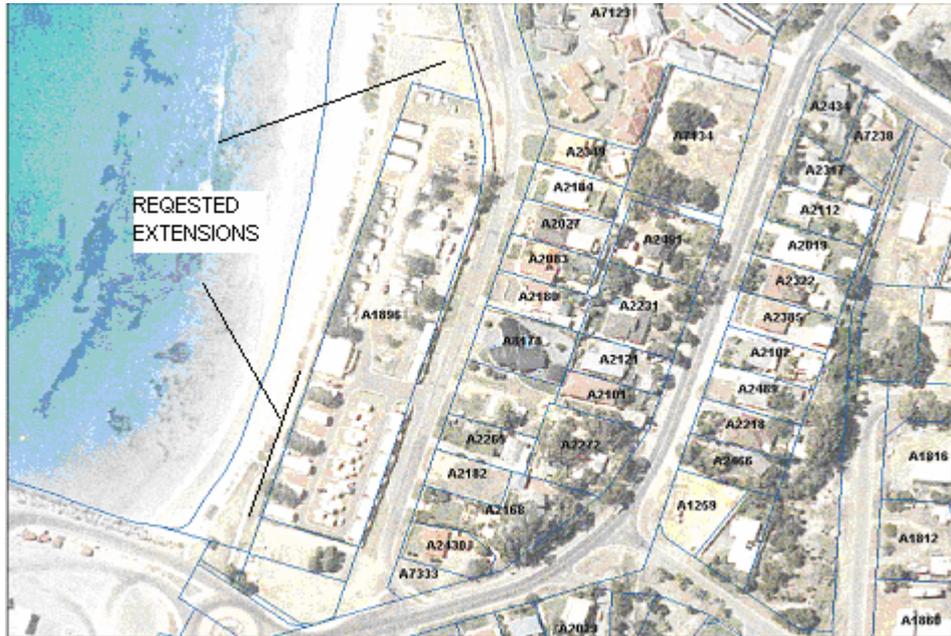
That Council declines the request to allow the installation of new chalets to extend beyond the western lot boundary into Reserve 41088 and that the proponent be required to provide a formal development application, noting the advice in the following paragraph from page 8 of the Port Denison Beach Erosion Investigation Report of July 2001 prepared by MJ Paul & Associates Pty Ltd:

“Based on recent advice given to the Ministry for Planning by the Department of Transport on building set back requirements for the State’s proposed Coastal Planning Policy, the beachfront buildings developed within the Dongara Denison Beach Caravan Park are much too close to the shoreline. If these buildings had been set back further from the beach, there would have been no need to consider implementing any coastal protection works at this stage”.

CARRIED
7/0

VOTING DETAILS:

ATTACHMENT: TP.421



11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

13.1 Port Denison Beach Erosion Investigation:

The Director of Corporate Services reported to Council that the Coastal Engineer at the Department of Planning and Infrastructure (DPI) had advised that, under the Coastal Protection Programme, assistance would be provided to Council in the form of technical advice, design assistance and up to 50% funding of any required works.

It was agreed that Council's CEO, Mr Brian Jones, meet with DPI to negotiate preparation works to protect the coastline at Grannies Beach and Surf Beach.

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 5.39pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
8 April 2008

Signed:
Presiding Elected Member

Date:.....