



SHIRE OF
DOWERIN
TIN DOG TERRITORY

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 25 June 2019
Commencing 3.00pm





NOTICE OF MEETING

Dear President and Councillors,

The next Ordinary Meeting of Council of the Shire of Dowerin will be held on Tuesday 25 June 2019 in the Shire of Dowerin Council Chamber, 13 Cottrell Street, Dowerin commencing at 3.00pm.

Rebecca McCall
Chief Executive Officer
20 June 2019

DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Dowerin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

It should be noted that the Attachment hyperlinks may not be functional from this document when sourced from the Shire of Dowerin's website. Attachment copies can be obtained by contacting the Shire Office on 08 9631 1202 or dowshire@dowerin.wa.gov.au.

Shire of Dowerin
Ordinary Council Meeting
3.00pm Tuesday 25 June 2019



1. Official Opening / Obituaries

In declaring the meeting open the President and Council acknowledged the passing of Mr Raymond King.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr DP Hudson	President
Cr AJ Metcalf	Deputy President
Cr JC Chatfield	
Cr LG Hagboom	
Cr LH Holberton	
Cr RI Trepp	
Cr BN Walsh	
Cr BA Ward	

Staff

Ms R McCall	Chief Executive Officer
Mr G Brigg	Manager Works & Assets
Ms C Delmage	Manager Corporate & Community Services
Ms V Green	Executive & Governance Officer

Members of the Public:

Apologies:

Approved Leave of Absence: Nil

3. Public Question Time

4. Disclosure of Interest

5. Applications for Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of the Previous Meetings

7.1 [Ordinary Council Meeting held on 23 May 2019](#)

8.	Minutes of Committee Meetings to be Received
8.1	Finance Committee Meeting held on 17 June 2019
9.	Announcements by the President Without Discussion
10.	Committee and Officer's Reports – Corporate and Community Services
10.1	Financial Activity Statements
10.2	List of Accounts Paid
10.3	Recalcitrant Rates Debtors as at 31 May 2019
10.4	Request to Write-off Outstanding Rent – 13 Maisey Street, Dowerin
10.5	Term Investment
10.6	Proposed Sewerage Scheme Reserve Transfer
10.7	Wheatbelt Agcare Community Support Services Inc. – Request for Financial Support and Councillor Representation
10.8	Adoption of 2019/20 Schedule of Fees and Charges
11.	Committee and Officer's Reports – Governance and Compliance
11.1	Shire of Dowerin – Local Government Property Amendment Local Law 2019
11.2	Voting Delegates to the 2019 WALGA Annual General Meeting
11.3	Delegations Register Review
12.	Committee and Officer's Reports – Works and Assets
12.1	Gangell Road Restricted Access Vehicle Route Determination
13.	Urgent Business Approved by the Person Presiding or by Decision
14.	Elected Members' Motions
	Nil
15.	Matters Behind Closed Doors
16.	Closure

7. Confirmation of Minutes of the Previous Meeting(s)

7.1 Ordinary Council Meeting held on 28 May 2019

[Attachment 7.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation - 7.1

That pursuant to Sections 5.22(2) and 3.18 of the Local Government Act 1995, the Minutes of the Ordinary Council Meeting held on 28 May 2019, as presented in Attachment 7.1A, be confirmed as a true and correct record of proceedings.

8. Minutes of Committee Meeting(s) to be Received

8.1 Finance Committee Meeting held on 17 June 2019

Attachment 8.1A

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This report formally presents the minutes of Advisory Groups and Committees of Council from the previous month.

Background

The Shire has established the following Committees of Council;

Committee	Representatives required by existing Terms of Reference
Audit Committee	3 Councillors being: Cr DP Hudson Cr AJ Metcalf Cr BA Ward External Representative being: Mr Jason Whiteaker
Finance Committee	3 Councillors being: Cr DP Hudson Cr RI Trepp Cr BN Walsh
Dowerin Bush Fire Advisory Committee	1 Councillor and a Proxy being: Cr AJ Metcalf Cr LH Holberton (Proxy)
Dowerin Local Emergency Management Committee	President
Australia Day Honours Committee	2 Councillors being: Cr JC Chatfield Cr BA Ward
Road Verge Management Advisory Committee	2 Councillors being: Cr LH Holberton Cr LG Hagboom 4 External Community Representatives being: Mrs Lyn Phillips Mr Robert Boase Mr Jason Sewell Mr Adam Turriff

The above Committees do not have any delegated authority, therefore all recommendations requiring a Council decision that result from a Committee meeting must be brought before Council. This is done via agenda items to Council.

(NB: The list above excludes those Committees that are external to the Shire, i.e. established and managed by an external group, on which the Shire has nominated representatives. Council representatives from the external committees will report back to Council verbally at the next available Council meeting. Should a decision of Council be required, an agenda item will be prepared for Council's consideration.)

Comment

The attached minutes are the unconfirmed minutes of the meetings of Committees of Council held since the previous Ordinary Meeting of Council.

Consultation

Not Applicable

Policy Implications

Nil

Statutory Implications

Regulation 11 of the *Local Government (Administration) Regulations 1996* sets out the content that the minutes of council or committee meetings must contain, including:

1. the names of members present at the meeting;
2. details of each motion moved, the mover and the outcome of the motion;
3. details of each decision made at the meeting; and
4. written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

Sections 5.22(2)&(3) of the *Local Government Act 1995* requires that the minutes of a Council or Committee meeting are to go to the next meeting of Council or the Committee for confirmation and signing by the person presiding to certify the confirmation.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

The Officer's Recommendation for Council to receive the minutes of Committee meetings carries no financial commitment for Council. Should any recommendation require a financial commitment or have any implication outside the CEO's delegated authority, the matter will be referred to Council as a specific agenda item.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the Local Government Act 1995, resolves to receive the Minutes of the Finance Committee Meeting (unconfirmed) held on 17 June 2019, as presented in Attachment 8.1A.

10. OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES

10.1 Financial Activity Statements

<h1>Corporate & Community Services</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	11 June 2019	
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Susan Fitchat, Senior Finance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Financial Management/Reporting/Financial Statements/2018-2019 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.1A - Monthly Financial Activity Statements	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to receive the Statement of Financial Activity, which includes Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register for the period ending 31 May 2019, which were presented to the Finance Committee for review at its June 2019 meeting.

Background

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare financial reports.

The *Local Government (Financial Management) Regulations 1996* Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the period and are presented to Council, via the Finance Committee, for approval.

Comment

In order to fulfil statutory reporting requirements, and to provide Council with a synopsis of the Shire of Dowerin's overall financial performance on a year to date basis, the following financial reports are included as an Attachment.

Statements of Financial Activity – Statutory Reports by Program and Nature or Type

The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year to date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position; which reconciles with that reflected in the associated Net Current Position note (Note 3).

Capital Acquisitions

This report provides year to date budget performance in respect of the capital expenditure activities and their funding sources. Individual project information can be found at Note 13.

Note 1 – Significant Accounting Policies

This note provides details of the accounting policies relating to the Shire's accounts.

Note 2 - Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 5% or \$5,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Note 3 - Net Current Funding Position - Statutory Requirement

This note provides details of the composition of the net current asset position on a year to date basis and reconciles with the closing funding position as per the Statement of Financial Activity.

Note 4 - Cash and Investments

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at reporting date.

Note 5 - Budget Amendments

This note provides Council with a list of all budget amendments to date.

Note 6 - Receivables

This note provides Council with the sundry debtors outstanding as at reporting date.

Note 7 - Cash Backed Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year to date basis.

Note 8 - Capital Disposals

This note gives details of the capital asset disposals during the year.

Note 9- Rating Information

This note provides details of rates levied during the year.

Note 10 - Information on Borrowings

This note shows the Shire's current debt position and lists all borrowings.

Note 11 - Grants and Contributions Received

This note provides information on the operating and non-operating grants received.

Note 12 - Trust Funds

This note shows the balance of funds held by the Shire in its Trust Fund on behalf of another person/entity.

Note 13- Capital Acquisitions

This note details the capital expenditure program for the year.

Consultation

Finance Committee Meeting of 17 June 2019

Rebecca McCall, Chief Executive Officer

Policy Implications

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Council is required to adopt monthly statements of financial activity to comply with Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*. Regulation 34(4) allows the Statements to be presented to Council at an Ordinary Meeting within 2 months after the end of the month to which the statements relate, therefore by presenting the financial statements in June, the Shire of Dowerin complies with statutory obligations.

Risk Implications

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Financial Implications

The budgeted opening funding surplus as per the Budget adopted on 21 August 2018 presents as \$1,492,612 (Rate Setting Statement). The actual opening surplus is \$1,529,026, which reflects the Budget Review figure adopted in February of \$1,529,026.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the Finance Committee recommends to Council that it receives the statutory Financial Activity Statement reports, as presented in Attachment 7.1A, for the period ending 31 May 2019, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations 1996.

Officer's Comment

During the Finance Committee Meeting it was noted that on Page 18 in Note 6 of Attachment 7.1A, breakdown of Receivables - General of \$182,436 did not tie in with the Sundry Debtor Report figure of \$56,969.

This has been corrected in Attachment 10.1A as presented.

Committee Resolution - 7.1

Moved: Cr Trepp

Seconded: Cr Hudson

That the Finance Committee recommends to Council that it receives the statutory Financial Activity Statement reports, as presented in Attachment 7.1A (as amended), for the period ending 31 May 2019, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations 1996.

CARRIED 2/0

Officer's Recommendation – 10.1

That Council, by Simple Majority pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations 1996, receives the statutory Financial Activity Statement Reports, as presented in Attachment 10.1A, for the period ending 31 May 2019.

10.2 List of Accounts Paid

<h1>Corporate & Community Services</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	11 June 2019	
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Susan Fitchat, Senior Finance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Financial Management/Reporting/Financial Statements and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.2A - List of Accounts Paid	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to review the List of Accounts Paid during the month of May 2019 under Delegated Authority.

Background

Nil

Comment

The list as presented has been reviewed by the Senior Finance Officer, Manager Corporate & Community Services and the Chief Executive Officer.

The ending sequence numbers for April were as follows:

Cheque: 10672

EFT: 6796

The beginning sequence numbers for May were as follows:

Cheque: 10673

EFT: 6797

The credit card statement with supporting invoices is also included in the Attachment.

Finance Committee Members raised queries in relation to some specific payments included in the Attachment and the explanation of these payments is detailed below:

1. EFT6798 - Alchemy Technology - Home and Community Care (HACC)/Commonwealth Home Support Programme (CHSP) \$ 2,074.60 - Software Maintenance and Support (SMS) for current systems including CHSP and HACC modules from 1 July 2019 to 30 June 2020. Data Groups, Regional Reporting and Special Needs Group modules included at no additional cost. Price includes technical support and upgrades (Software reporting programme to produce reports for funding providers).

This payment is for the annual subscription for the current CHSP module (which in the past was HACCC).

2. EFT6818 - Alchemy Technology - HACCC/CHSP \$3,404.71 - SMS Software package for reporting for the Home Care Packages. This included configuration and 15 hours of implementation and training.

This payment is the new module for Home Care Packages with the funds recouped from the home care packages administration fee.

3. EFT 6836 - Kenneth Myers - \$11,827 - removal of asbestos etc for the CHSP building.

The above 3 payments are fully funded/covered by Department of Health funding for CHSP programmes.

Consultation

Finance Committee Meeting of 17 June 2019

Policy Implications

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies. Payments have been made under delegation.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegated authority from Council.

Risk Implications

Council would be contravening to the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not presented.

Financial Implications

Funds expended are in accordance with Council's adopted 2018/19 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Committee Resolution - 7.2

Moved: Cr Hudson

Seconded: Cr Trepp

That the Finance Committee recommends to Council that it receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments, being cheque numbers 10673 to 10688 and eft6797 to eft6861 as presented in Attachment 7.2A, from the Municipal Fund for the period 1 May 2019 to 31 May 2019.

CARRIED 2/0

Officer's Recommendation - 10.2

That Council receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments, being cheque numbers 10673 to 10688 and eft6797 to eft6861 as presented in Attachment 10.2A, from the Municipal Fund for the period 1 May 2019 to 31 May 2019.

10.3 Recalcitrant Rates Debtors as at 31 May 2019

Corporate & Community Services



Date:	5 June 2019
Location:	Not Applicable
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Louise Sequerah, Temporary Rates Officer
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
Sharepoint Reference:	Organisation/Rates and Evaluations/Reporting/2019 Recalcitrant Rates Debtors
Disclosure of Interest:	Nil
Attachments:	Attachment 10.3A - Recalcitrant Rates Debtors

Purpose of Report



Executive Decision



Legislative Requirement

Summary

The recalcitrant rates debtors report details assessments which are not paying by instalments, an agreed special arrangement plan or are not pensioners. The Rates Officer, under the guidance of the Chief Executive Officer, has commenced debt recovery on assessments with a balance of more than \$100 where the ratepayer has made no attempt to pay off rates and charges.

Background

It is best practice for Council to have less than 4% of the rates levied outstanding at the end of the financial year.

Comment

Most assessments have now moved to the Judgement Stage of debt recovery.

Some assessments are now at the Property Sale and Seizure Order stage of recovery. This involves seizing goods to the value of the debt, or if enough equity exists in the property, the sale of the property at auction.

Consultation

Finance Committee Meeting 17 June 2019

Louise Sequerah, Temporary Rates Officer

Susan Fitchat, Senior Finance Officer

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

The above Officers have had ongoing consultation as to the process and Council's policy in relation to the recovery of outstanding rates and charges.

Policy Implications

Sundry Debt Collection Policy

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Local Government Act 1995

Risk Implications

By actioning debt recovery, Council minimises the risk of future defaults and loss of income for the Shire. Associated costs are charged to the ratepayer's account.

Local governments have the power to have property re-vested if the debt remains unpaid for 3 years.

Financial Implications

It is best practice for Council to have less than 4% of the rates levied outstanding at the end of the financial year to minimise cash flow implications.

Voting Requirements

Simple Majority

Absolute Majority

Committee Resolution - 7.3

Moved: Cr Trepp

Seconded: Cr Hudson

That the Finance Committee review the report of Recalcitrant Rates Debtors, as presented in Attachment 7.3A, in accordance with Council Policy.

CARRIED 2/0

Officer's Recommendation - 10.3

That Council reviews the report of Recalcitrant Rates Debtors, as presented in Attachment 10.3A, in accordance with Council Policy.

10.4 Request to Write-off Outstanding Rent – 13 Maisey Street, Dowerin

Corporate & Community Services



Date:	12 June 2019
Location:	Not Applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
Sharepoint Reference:	Technical/Council Properties/13 Maisey Street
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to consider the write-off of a portion of monies owing for outstanding rent.

Background

A residential tenancy agreement was entered into between the Shire of Dowerin and the tenant in accordance to Section 27A of the *Residential Tenancies Act 1987 (WA)* for 13 Maisey Street Dowerin. The term of the agreement was fixed, starting on 13 October 2016 and ending on 13 October 2019. The rental amount for 2018/19 was \$135 per week.

Over the period of the tenancy there were two events that required significant repair to the property. During these occasions the residence was not fully functional.

Event 1 – Kitchen Fire

A fire in the kitchen resulted in the need for a refurbishment as the space was not usable. During the period of refurbishment, the tenant only had the use of one bedroom for a month and no kitchen for nearly four months.

Event 2 – Hot Water System

At the cost of the tenant, a valve was replaced on the hot water system. Normally power consumption over a 60-day period would be approximately \$300. During the period that the system was not functioning properly the tenant received consumption charges of nearly \$1,100.

On another occasion, the hot water system leaked into the wall cavity. This event had less impact on the tenant, however the leak did flood much of the house and the refurbishment required pipes to be replaced and an internal wall re-instated.

Also, during the period of the tenancy, payment of rent became outstanding.

The tenant vacated the residence on 1 January 2019, a rental property handover was completed, and the keys returned on 14 January 2019. Upon the termination of the tenancy agreement on 14 January 2019 a property inspection was conducted.

Comment

Records indicate there was correspondence to the tenant regarding the outstanding rent monies. The initial notification in July 2018 outlined the rent in arrears with following correspondence in December 2018.

The process of debt recovery was initiated in early 2019 and a final letter sent to the tenant advising that if payment was not received by 29 March 2019 legal action would proceed. The tenant did respond and whilst not debating there were rental arrears, the amount was disputed. The tenant advised that due to the two significant events there was the expectation that a portion of the rent monies would be foregone.

The CEO met with the tenant administrator to clarify those issues and to determine a way forward. It appears the tenant administrator was of the understanding through conversations with past Shire staff that there would be no rent charged for the period the repairs were undertaken as sections of the residence were not useable.

Due to the lack of comprehensive records and several staff changes during the period of the tenancy it is difficult for the author to substantiate what was put in place. It can be confirmed that the previous CEO nor Council did not approve the non-payment of rent to cover the period when the major refurbishment was undertaken.

During the period of correspondence regarding the outstanding rent the amount owing has reduced to \$3,443.84 as two payments were received:

- April 2019 - \$1,000
- May 2019 - \$750

It is proposed that Council considers waiving the rent to recognise the untimely refurbishment of the kitchen.

Event 1 – Kitchen Fire	Rent \$135 per week x 16 weeks	\$2,160
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Consultation

Finance Committee Meeting of 17 June 2019
Glen Brigg, Manager Works & Assets
JK Williams & CO

Policy Implications

Council's Sundry Debit Collection Policy is applicable.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

The property was sold in April 2019, therefore there are no longer asset management implications.

Long Term Financial Plan

The property was sold in April 2019, therefore there are no longer long-term financial implications.

Statutory Implications

Section 6.12(c) of the *Local Government Act 1995* states an Absolute Majority is required to write off any amount owing to the local government.

Risk Implications

There are minimal risks as the adjustment will be implemented in accordance with the *Local Government Act 1995*.

Financial Implications

The financial implications result in reduced revenue through rental income of \$2,160. The balance of \$1,283.84 is to be paid by the tenant.

Voting Requirements

Simple Majority

Absolute Majority

Committee Resolution - 7.4

Moved: Cr Hudson

Seconded: Cr Trepp

That, by Absolute Majority pursuant to Section 6.12(c) of the Local Government Act 1995, the Finance Committee recommends to Council that it resolves to write-off rental charges of \$2,160 for 13 Maisey Street, Dowerin.

CARRIED 2/0

Officer's Recommendation - 10.4

That Council, by Absolute Majority pursuant to Section 6.12(c) of the Local Government Act 1995, resolves to write-off rental charges of \$2,160 for 13 Maisey Street, Dowerin.

10.5 Term Investment

Corporate & Community Services



Date:	13 June 2019
Location:	Not Applicable
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Susan Fitchat, Senior Finance Officer; Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
Sharepoint Reference:	Organisation/Financial Management/Investments
Disclosure of Interest:	Nil
Attachments:	Attachment 10.5A - Details of Reserve Funds

Purpose of Report

Executive Decision



Legislative Requirement

Summary

For Council to endorse management's decision to invest surplus funds.

Background

The Shire's term deposits for Reserves maturing in June 2019 with a face value of \$1,938,647 less transfers out of Reserves which equates to balance of \$1,794,726. Management proposes to reinvest with National Australia Bank for a period of 4 months.

In addition, it is proposed a new investment of \$386,712.69 will be transferred for a term deposit with National Australia Bank by the end this month.

Details of the Reserves and the amounts is included in the Attachment.

Comment

In accordance with Council policy, staff invited two local banks, National Australia Bank and Bendigo Bank to provide a quote of their term deposit rates.

As the funds are for Reserves the expected release date of the term deposits is October 2019.

The interest rates quoted are disclosed below:

National Australia Bank 2.15% for 4 months; and

Bendigo Bank 2.10% for 4 months.

Based on those rates it is recommended to reinvest the term deposits with National Australia Bank.

Consultation

Finance Committee Meeting of 17 June 2019

Policy Implications

Council's Investment Policy applies and has been complied with.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Risk Implications

Risk is minimised as the funds are invested as per the Investment Policy and compliance with legislation.

Fixed term deposits are reported monthly in the Statement of Financial Activity Report Note 7 - Cash Backed Reserves and Note 4 - Cash and Investments.

Financial Implications

An investment of \$2,181,438.69 provides an approximate interest return of \$15,633.64 over 4 months (based on a rate of 2.15%).

Voting Requirements



Simple Majority



Absolute Majority

Committee Resolution - 7.5

Moved: Cr Hudson

Seconded: Cr Trepp

That, by Simple Majority pursuant to Section 6.14 of the Local Government Act 1995, the Finance Committee recommends to Council that it endorses Management's decision to invest the funds with a face value of \$2,196,438.69 with National Australia Bank for a term of 4 months expiring in October 2019.

CARRIED 2/0

Officer's Comment

Council will note the difference in the figures included in this Item compared with those presented to the Finance Committee. The reason for this relates to Item 10.6 and the increased amount to be transferred from the Reserve fund, which subsequently changes the balance held in Reserve to be transferred to the Term Deposit. As the Finance Committee's resolution cannot be changed once made, this Item presented to Council includes the updated amounts.

Officer's Recommendation – 10.5

That Council, by Simple Majority pursuant to Section 6.14 of the Local Government Act 1995, endorses Management's decision to invest the funds with a face value of \$2,181,438.69 with National Australia Bank for a term of 4 months expiring in October 2019.

10.6 Proposed Sewerage Scheme Reserve Transfer

Corporate & Community Services



Date:	13 June 2019
Location:	Not Applicable
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Susan Fitchat, Senior Finance Officer; Glen Brigg, Manager Works & Assets
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
Sharepoint Reference:	Organisation/Financial Management/Budgeting/2018-19 Budget Amendments
Disclosure of Interest:	Nil
Attachments:	Attachment 10.6A - Quotes

Purpose of Report



Executive Decision



Legislative Requirement

Summary

For Council to endorse Management’s decision to transfer \$60,000 from the Sewerage Asset Preservation Reserve (the Reserve).

Background

The 2018/19 Budget included an amount of \$20,000 for maintenance and inspection works to occur at the sewerage treatment plant. The sewerage maintenance costs have increased due to the amount of works required. Additional plant work is also now required for the sewerage pumps to be replaced. Quotes obtained for this work is included as an Attachment.

The breakdown of funding required, and its source, is detailed below:

	Original Allocation	Budget Amendment Required
Municipal Fund	\$20,000	
Reserve Funds		\$60,000

These funds will cover the pump, condition ratings and includes the works reports.

Comment

The town’s sewage mains haven’t been inspected since initial installation in 1978. The original quote of \$13,400 was allowing contractors onsite for four days to complete the work. Due to poor access and main line blockages, four days to complete the task wasn’t achievable. Discussions were held with the contractors to understand the issues they were having with the access. The contractors estimated a further four days was required to complete the inspections with camera imaging. This

will increase the project costs by \$13,400, provided the work can be completed within that additional four days.

Sewage pumps were failing in the main pumping station. These pumps were very old Flyght model pumps which are expensive to service and hard to obtain parts for. One pump was completely burnt out and the backup pump was working at a reduced rate giving triple the run time above normal. New grinding pumps were purchased through New Ground and fitted while the sewage was live. Included in this quote is the installation of a new gantry and remote hoist to lift the pumps in and out of the pit. Having a permanent gantry and hoist will reduce the need for hiring a crane to lift the pumps. The cost for the installation of the new sewage pumps gantry and hoist is \$30,172 plus GST.

To maintain the operational efficiency of the sewerage treatment plant a transfer of \$60,000 from the Reserve is required to cover these additional unbudgeted expenses.

Consultation

Finance Committee Meeting of 17 June 2019
Glen Brigg - Manager Works & Assets

Policy Implications

Council's Financial Reserves Policy - Sewerage Asset Preservation Reserve applies.

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure

Objective: Our infrastructure will drive economic and population growth, be a key enabler of the digital economy and support reliable, efficient service delivery.

Outcome: 1

Reference: I2

Asset Management Plan

The maintenance of the sewerage treatment plant is accommodated in the Asset Management Plan.

Long Term Financial Plan

The sewerage treatment plant is integrated into the Long Term Financial Plan.

Statutory Implications

As outlined in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Risk Implications

Risk is minimised as the funds are invested as per the Financial Reserves Policy and compliance with legislation and to maintain the Shire's infrastructure asset for ratepayers and the public.

Financial Implications

The financial implications will result in a transfer of \$60,000 from the Sewerage Scheme Reserve to the Municipal Account. The current YTD Reserve balance is \$1,189,000 prior to the transfer.

In the 2018/19 Budget an amount of \$104,941 will be transferred into the Reserve, and an amount of \$60,000 will be transferred out - the net movement of transfer is an increase of \$44,941.

The closing balance of the Reserve following the transfer is estimated at \$1,233,941.

Figures are GST exclusive.

Officer's Comment

It was noted during the Finance Committee Meeting that in order to capture the full amount of expenditure required for the works, including the funds already allocated in the 2018/19 Budget, the Mid-year Budget Review and this Item, the total of \$60,000 was required.

Voting Requirements

Simple Majority

Absolute Majority

Committee Resolution - 7.6

Moved: Cr Hudson

Seconded: Cr Trepp

That, by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995, the Finance Committee recommends to Council that it endorses Management's decision to transfer a total of \$60,000 for 2019 from the Sewerage Asset Preservation Reserve Fund to the Municipal Fund for the purpose of replacement and maintenance of the sewerage scheme.

CARRIED 2/0

Officer's Recommendation - 10.6

That Council, by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995, endorses Management's decision to transfer a total of \$60,000 for 2018/19 from the Sewerage Asset Preservation Reserve Fund to the Municipal Fund for the purpose of replacement and maintenance of the sewerage scheme.

10.7 Wheatbelt Agcare Community Support Services Inc. - Request for Financial Support and Councillor Representation

Corporate & Community Services



Date:	18 June 2019
Location:	Not Applicable
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
Sharepoint Reference:	Organisation/Financial Management/2019-20 Budget
Disclosure of Interest:	Nil
Attachments:	Attachment 10.7A - Correspondence

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to endorse an allocation for financial support in the 2019/20 Budget and appoint a representative to the Wheatbelt Agcare Community Support Services Inc. Management Committee.

Background

Wheatbelt Agcare, based in Nungarin, is a service for people in the Central and North Eastern Wheatbelt requiring family or personal counselling, and/or emergency relief. The service offered is generally on a one to one basis in the client's home, at the Wheatbelt Agcare office, or other venues in the region (a visiting service is provided to Dowerin) as well as over the phone if the need arises.

The correspondence requests financial support of \$500 excluding GST, which aligns with the amount of financial support provided by Council in 2018/19. Council did not provide financial support in previous years.

In addition to the request for financial support, the correspondence suggests Council may also wish to appoint a representative to the Wheatbelt Agcare Management Committee, which meets in-person on a bi-monthly basis. Alternatively, Council can elect to receive reports and statistics on Wheatbelt Agcare's activity in Dowerin.

Comment

As mentioned, Council have provided financial support to Wheatbelt Agcare in previous years, for the amount requested within the correspondence. However, there is not currently a Council representative appointed to the Management Committee.

Given the valuable service available through Wheatbelt Agcare it is recommended that the financial support be provided again in 2019/20, however it is suggested that the provision of such support be conditional upon the receipt of reports and statistics specifically relatable to the services provided within the Shire of Dowerin.

Council can appoint a representative should it wish to do so.

Consultation

Nil

Policy Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Lifestyle

Objective: A safe, friendly and engaged community with diverse education and employment opportunities and services that meet the needs of all generations.

Outcome: Nil

Reference: Nil

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Nil

Risk Implications

Possible risks associated with this item include (but are not limited to):

1. Council may miss an opportunity for interaction with the community through attending the Management Committee meetings;
2. Time constraints for the Councillor in attending meetings etc; and
3. Relevance, while Wheatbelt Agcare provides services from Dowerin and to Dowerin residents, it also provides services across other towns and Shires within the region.

Financial Implications

Should Council endorse providing financial support an allocation to that amount will need to be included in the 2019/20 Budget.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation - 10.7

That:

1. **Council, by Absolute Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to allocate the sum of \$500 excluding GST in the 2019/20 Budget as financial support to Wheatbelt Agcare Community Support Services Inc, with the funding to be provided upon the receipt of annual reports and statistics on the specific activities and services provided within the Shire of Dowerin; and**
2. **Council, by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995, appoints Councillor _____ as its representative to the Wheatbelt Agcare Community Support Services Inc. Management Committee.**

10.8 Adoption of 2019/20 Schedule of Fees and Charges

Corporate & Community Services



Date:	19 June 2019
Location:	Not Applicable
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
Sharepoint Reference:	Organisation/Financial Management/2019-20 Budget
Disclosure of Interest:	Nil
Attachments:	Attachment 10.8A - 2019/20 Schedule of Fees & Charges

Purpose of Report

Executive Decision



Legislative Requirement

Summary

For Council to adopt the proposed 2019/20 Schedule of Fees and Charges to be effective from 1 July 2019.

Background

Historically fees and charges are adopted as part of the budget process. However, this usually occurs after the new financial year has commenced. Reviewing the fees and charges for the new financial year now allows them to be ready for implementation on 1 July 2019.

Comment

The proposed 2019/20 Schedule of Fees and Charges for the 2019/20 financial year are included in the Attachment. The attachment also details the previous years' fees and charges for comparison purposes.

The fees and charges are expected to account for an estimated 11% or \$430,000 of the Shire's total revenue. In reviewing the 2019/20 Schedule of Fees and Charges, the following procedures and processes have been taken into consideration:

1. input has been sought from all Managers and key members of staff;
2. comparison made with other Shires for some programs; and
3. statutory charges which remain the same, although these may alter after review by the Federal and State Governments.

Consultation

Senior Management

Commonwealth Home Support Programme staff

All other staff

Policy Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Sections 6.16 and 6.19 of the *Local Government Act 1995* states:

“6.16. Imposition of fees and charges

(1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) *A fee or charge may be imposed for the following –*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be –*

- (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed”*

Risk Implications

The risk in not adopting the revised Schedule of Fees and Charges for 2019/20 is that they will remain the same as those previously adopted by Council.

Financial Implications

Income will be generated through the charging of the 2019/20 Schedule of Fees and Charges.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation - 10.8

That Council, by Absolute Majority pursuant to Sections 6.19 and 6.19 of the Local Government Act 1995, resolves to adopt the 2019/20 Schedule of Fees and Charges, as presented in Attachment 10.8A, for the 2019/20 financial year to become effective from 1 July 2019 and that local public notice of these Fees and Charges be given.

11. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

11.1 Shire of Dowerin – Local Government Property Amendment Local Law 2019

<h1>Governance & Compliance</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	31 May 2019	
Location:	Not Applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Lisa Valentine, Coordinator Governance & Organisation Development	
Legislation:	<i>Local Government Act 1995</i>	
Sharepoint Reference:	Organisation/Governance/Local Laws	
Disclosure of Interest:	Nil	
Attachments:	<p>Attachment 11.1A – Amendment Local Government Property Local Law</p> <p>Attachment 11.1B – Current Local Government Property Local Law</p>	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

The Shire of Dowerin's Local Government Property Local Law was published in the Government Gazette on 12 December 2018 and came in effect shortly thereafter. An amendment to the Local Government Property Local Law has been prepared for consideration by Council and is included as an Attachment. It is recommended that Council initiate the law-making process and authorise the CEO to commence advertising the Amendment Local Government Property Local Law.

Background

Following gazettal of the Shire of Dowerin Local Government Property Local Law, the Joint Standing Committee on Delegated Legislation (JSC) wrote to the Shire seeking an undertaking to amend certain provisions of the Local Law. At its March 2019 meeting Council resolved to provide the following undertakings to the JSC (Item 13.1.2):

“That the Council of the Shire of Dowerin resolves to undertake to the Joint Standing Committee on Delegated Legislation that the Shire will:

1. *Within 6 months, amend the Shire of Dowerin Local Government Property Local Law 2018 to:*
 - a. *Amend clause 1.2, 9.2 and Schedule 1.*
 - b. *Make all necessary consequential amendments.*
2. *Until the Local Law is amended in accordance with undertaking 1:*
 - a. *Not enforce the Local Law in a manner contrary to undertaking 1.*
 - b. *Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that is accompanied by a copy of these undertakings.”*

Comment

Within two weeks of the Council decision to commence the law-making process, the Amendment Local Government Property Local Law will be advertised for public comment. The statutory consultation period is a minimum of six weeks and following the close of the advertising period a report will be submitted to Council for further consideration, which depending on the number and nature of submissions received, could be within three months.

Consultation

James McGovern, Manager of Governance, WALGA

Should Council resolve to commence this process of amending the Local Government Property Local Law the Shire is required to undertake the notice requirements under Section 3.12(3) of the *Local Government Act 1995*.

Policy Implications

Nil

Statutory Implications

Section 3.5 of the *Local Government Act 1995* provides Council with the head of power for making a local law.

Section 42 of the *Interpretation Act 1984* allows the WA State Parliament to disallow a local law, which is a mechanism to guard against the making of subsidiary legislation that is not authorised or contemplated by the empowering enactment, has an adverse effect on existing rights or ousts or modifies rules of fairness. Parliament has appointed the JSC to undertake an advisory role on its behalf, which includes the power to scrutinise and recommend to Parliament the disallowance of local laws to Parliament.

Any correspondence received by the JSC is confidential and privileged. Disclosure of such information may be referred to the Legislative Council Procedure and Privileges Committee for investigation and possibly penalty as contempt of Parliament.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

The amendment Local Law will not involve a significant departure from current practices and is therefore considered low risk.

Financial Implications

Costs associated with the advertising and gazettal of an amendment to the Local Government Property Local Law will come from the 2019/20 Budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds proposed in the budget for this purpose.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation - 11.1

That Council, by Simple Majority pursuant to Section 3.12(3) of the Local Government Act 1995, resolves to authorise the Chief Executive Officer to carry out the law-making procedure by:

- 1. Giving State-wide public notice and local public notice of the Amendment Local Government Property Local Law, and providing a copy of the Amendment Local Government Property Local Law and public notice to the Minister for Local Government; and***
- 2. After the close of the public consultation period, providing a report to Council on any submissions received on the Amendment Local Government Property Local Law to enable Council to consider the submissions made and to determine whether to make the Local Law in accordance with Section 3.12(4) of the Local Government Act 1995.***

11.2 Voting Delegates to the 2019 WALGA Annual General Meeting

Governance & Compliance



Date:	7 June 2019
Location:	Not Applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
Sharepoint Reference:	Organisation/Governance/Professional Development Register/2019 Local Government Conference
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

For Council to appoint its voting delegates to the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) to be held in August 2019.

Background

The AGM for WALGA will be held from 1.30pm to 5.30pm on Wednesday, 7 August 2019. WALGA suggest this event should be attended by delegates from all Member Local Governments.

All Member Councils are entitled to be represented by 2 voting delegates at the AGM. The AGM is held during the Local Government Conference, which this year is being held in the second week of August 2019 (normally held in the first week of August 2018).

WALGA have called for registrations for the voting delegates and proxy voting delegates. Only registered delegates or proxy registered delegates are permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving Officers.

Comment

The Shire of Dowerin has not recently attended the Conference (although delegates have attended the AGM), however it is anticipated that the President, Deputy President and CEO will be attending both the Conference and AGM in 2019.

It is common for other Councils who attend the AGM to nominate their WALGA Zone delegates as their voting delegates for the AGM. The Shire of Dowerin belongs to the Great Eastern Country Zone (GECZ) and its delegates are Councillors Hudson and Walsh.

Consultation

Shire President and Deputy Shire President

Rebecca McCall – Chief Executive Officer

Council Workshop 28 May 2019

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

The risk to Council is considered low as while the voting delegates may not vote in the way Council would prefer on a particular motion included in the AGM, this is considered unlikely.

Financial Implications

There are no financial implications on appointing the voting delegates themselves and there is no cost to attend the AGM, however costs are applicable for attending the Conference.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation - 11.2

That Council, by Simple Majority, appoints Councillor _____ and Councillor _____ as its voting delegates to the 2019 Annual General Meeting of the Western Australian Local Government Association, and those registrations be submitted accordingly.

11.3 Delegations Register Review

Governance & Compliance



Date:	18 June 2019
Location:	Not Applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
Sharepoint Reference:	Organisation/Governance/Delegations Register
Disclosure of Interest:	Nil
Attachments:	Attachment 11.3A - Delegations Register

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to adopt the reviewed Delegations Register.

Background

In accordance with Section 5.46(2) of the *Local Government Act 1995* the Delegations Register has been reviewed. The last review was undertaken in May 2018.

Comment

The review has identified a number of amendments and these are shown as tracked-changes in the Attachment.

The main purpose of this review was to amend position titles to reflect the current organisational structure, to tidy up some of the wording in the delegations (particularly for the Function and Record Keeping) and correctly identify the Sub-Delegates and Conditions.

Other identified amendments include:

Delegation	Proposed Change	Reason
1.1 Appointment of Authorised Persons	Correcting the allocation of Conditions	The delegation is to the CEO with no sub-delegation to another staff member therefore the condition is on the original delegation, not a sub-delegation.
1.2 Payments from Municipal, Reserve and Trust Funds	Correction to Sub-Delegation, inclusion of position titles and reference to Policies generally	The CEO's Sub-Delegation is to be to another staff member, therefore the current inclusion of a condition in this section is

		<p>not relevant and has been added to the Function.</p> <p>The removal of specific policies enables those policies to be updated, changed or deleted but all existing Council policies are to be relevant to the delegation.</p>
1.3 Property Disposal	Inclusion of dollar value to Function	This provides a limit on the dollar value the CEO has authority to approve, giving Council control over the decision to dispose of higher value assets
1.10 Use of the Shire Logo	Recommendation the delegation be rescinded	The Shire's logo belongs to the organisation and therefore cannot be used by any other person or party. In addition, there is no power under the Local Government Act 1995 which relates to a local government's logo therefore there is no delegation applicable. The use of the logo in co-branding on projects and programs (i.e. grants or CHSP) is operational and therefore dealt with at a Management level.
1.11 Power to Enter into Lease Arrangements with Charitable/Benevolent Organisations	Inclusion of additional Conditions	In disposing of any property Council must comply with Section 3.58 of the <i>Local Government Act 1995</i> and have the ability to legally dispose of that property. The definition of Property under the Act includes leases.
4.1 Grant of Building Permit	Amend Building Surveyor to be Sub-Delegate	Section 5.42 of the <i>Local Government Act 1995</i> states that delegations from Council are to be to the CEO with Section 5.44 of the Act enabling the CEO to sub-delegate therefore staff members other than the CEO cannot be on the original delegation
4.2 Grant of Demolition Permit	Amend Building Surveyor to be Sub-Delegate	As above, with the addition of conditions on the sub-delegation limiting the authority of the sub-delegate
4.3 Grant of Occupancy Permit and Building Approval Certificate	Amend Building Surveyor to be Sub-Delegate	As per DL4.1
4.5 Building Orders	Amend Building Surveyor to be Sub-Delegate	As per DL4.1

4.6 Food Act 2008 - Prohibition Orders	Amend Environmental Health Officer to be Sub-Delegate	As per DL4.1
4.7 Registration of Food Businesses	Amend Environmental Health Officer to be Sub-Delegate	As per DL4.1
4.10 Appointment of Officers	Removal of Environmental Health Officer	The CEO should be the only person with the decision making ability to appoint authorised officers.
4.11 Cat Act 2011 - Registration (includes DL4.12 and DL4.13)	Generalisation of the Function, inclusion of Sub-Delegation Conditions and the recommended rescission of Delegations 4.12 and 4.13	The general nature of the delegation enables the CEO to address a number of matters covered by the legislation in the one delegation, and also allows the CEO the decision making ability to appoint authorised persons, with a condition on the sub-delegation which does not include that decision making ability. The rescission of DL4.12 and 4.13 is due to the generalisation of the Function to DL4.11
4.14 Dog Act 1976	Generalisation of the Function and inclusion of Sub-Delegation Conditions	The general nature of the delegation enables the CEO to address a number of matters covered by the legislation in the one delegation, and also allows the CEO the decision making ability to appoint authorised persons, with a condition on the sub-delegation which does not include that decision making ability.

As Part 2 of its Decision Making in Practice Toolkit, WALGA have created a model delegations register. While the model register contains a number of delegations which would not be applicable for the Shire of Dowerin it is anticipated that a more thorough review of the Shire's Delegations Register will be undertaken in coming months to ensure it aligns with the model register where required and to ensure best practice going forward. This further review will be discussed with Council and senior management at future Workshops.

As required by Section 5.46(3) of the *Local Government Act 1995*, the use of exercising the delegated authority is to be reported to Council, which is done as an inclusion to the Monthly Information Reports provided under separate cover to Council each month.

Consultation

Rebecca McCall - Chief Executive Officer

Glen Brigg - Manager Works & Assets

Cherie Delmage - Manager Corporate & Community Services

Policy Implications

Nil

Statutory Implications

Section 5.42 of the *Local Government Act 1995* states that a number of the local government's powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. Section 5.44 of the Act states that the CEO may delegate those powers and duties to other employees. The review has been conducted within those legislative requirements.

An Absolute Majority of Council is required to adopt the Delegations Register.

The separate legislation referenced in the individual delegations is also applicable.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

By not conducting the review and adopting the Register Council would be in breach of Section 5.46(2) of the *Local Government Act 1995*.

Financial Implications

Nil

Voting Requirements

Simple Majority


Absolute Majority

Officer's Recommendation - 11.3

That Council, by Absolute Majority pursuant to Sections 5.42, 5.44 and 5.46 of the Local Government Act 1995, adopts the Delegations Register, as reviewed and presented in Attachment 11.3A.

12. OFFICER'S REPORTS – WORKS AND ASSETS

12.1 Gangell Road Restricted Access Vehicle Route Determination

<h1>Works & Assets</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	17 June 2019	
Location:	Gangell Road, Dowerin	
Responsible Officer:	Glen Brigg, Manager Works & Assets	
Author:	As above	
Legislation:	<i>Road Traffic Act 1974; Road Traffic (Vehicle) Regulations 2014</i>	
Sharepoint Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

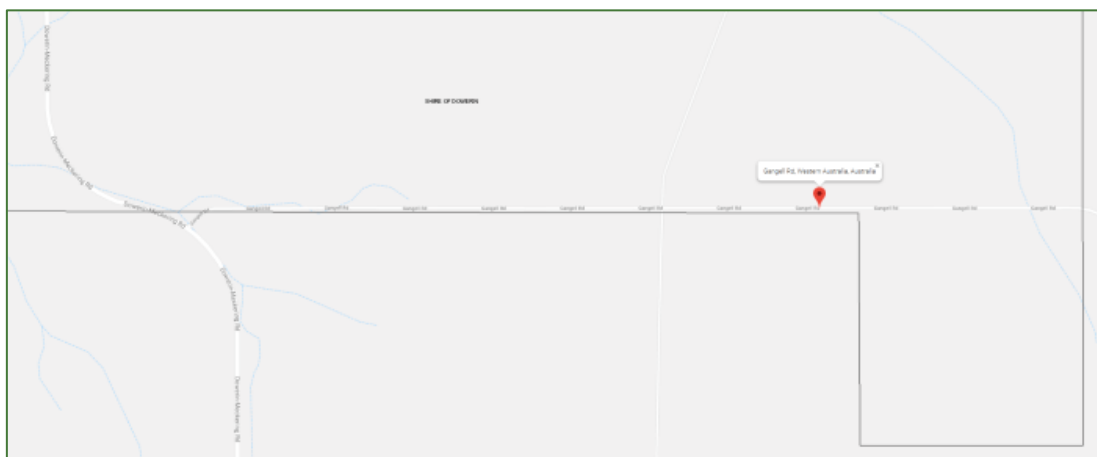
For Council to consider a request to amend the Restricted Access Vehicle (RAV) rating for Gangell Road. Currently Gangell Road is not RAV rated at all.

Background

An application has been submitted to Main Roads Western Australia (MRWA) Heavy Vehicle Services (HVS) requesting to inspect Gangell Road for a route determination RAV Network 5. Council's RAV Policy provides the CEO authorisation to allow HVS to inspect roads up to a RAV 4 without a formal Council decision. RAV Network 5 and above requires a Council decision.

Comment

Part of the Gangell Road including the intersection at the Dowerin-Meckering Road is not located within the Shire of Dowerin. Staff contacted HVS to ensure the road would have full connectivity to the Dowerin-Meckering Road knowing that part of the road is within the Shire of Cunderdin. HVS have advised that the Shire of Dowerin has the management of small section of road within the Shire of Cunderdin.



Contact was made with the Manager of Works for Shire of Cunderdin to discuss HVS inspecting Gangell Road for a route determination of RAV Network 5. The Shire of Cunderdin have no issues with HVS inspecting the short section of the road within their Shire.

If Gangell Road is inspected and approved by HVS for RAV Network 5 it will have full connectivity to the Dowerin-Meckering Road, which is RAV Network 7 without conditions. Significant changes from RAV Network 1 to RAV Network 5 are the overall length of the truck and trailer combinations. Overall combination lengths will change from 19 metres to a maximum of 36.5 metres.

One area of concern is the tight turning radius when turning left at the intersection of Gangell Road and Dowerin-Meckering Road. This radius may require widening to allow for a 36.5 metre truck and trailer configuration.

Consultation

MRWA HVS

Rebecca McCall, CEO

Manager of Works, Shire of Cunderdin

Policy Implications

Request to Access Roads

1. RAV Classified Roads - If required, heavy vehicle transport operators may request use of a classified road on the RAV Network by applying to the CEO for approval.
2. Unclassified Roads - If the road is not classified on the RAV Network then the applicant will first need to apply to MRWA HVS. Upon receipt from MRWA HVS, the Shire of Dowerin will assess the request in accordance with MRWA approved guidelines and if supported, a submission will be made to MRWA HVS for their consideration including any conditions that may apply to the use of the road.
3. Accredited Mass Management Scheme Network (AMMS) - Heavy Vehicle transport operators may apply for a road already classified on the RAV Network to be approved for an AMMS Network level by applying to MRWA HVS. Upon receipt from MRWA HVS the Shire of Dowerin will assess the request in accordance with MRWA approved guidelines. If supported, a submission will be made to MRWA HVS for their consideration
4. Should the road access request be declined, the Shire of Dowerin will inform MRWA HVS who will advise the applicant.
5. Depending on the need for access, a RAV access request may be supported if the applicant is willing to meet the costs associated for the shire to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.

RAV Road Reclassification

The Shire may withdraw support for an approved route at any time if:

1. The route is deemed unsafe for RAV use;
2. The route is deemed unsuitable for RAV use; or
3. The heavy vehicle transport operator has breached approval conditions.

The CEO may grant approval to MRWA to inspect roads up to RAV Network 4 without referring the matter to Council providing the road/roads comply with the MRWA Route Assessment Guidelines at standard Vehicle Standards Regulations axle mass limits

Statutory Implications

The *Road Traffic Act 1974* and the *Road Traffic (Vehicle) Regulations 2014* govern the use of heavy vehicles on roads within Western Australia and define items such as compliance notices, exemptions, permits and notices for heavy restricted access vehicles. These regulations also contain provisions for mass and loading, load restraints, vehicle modifications and vehicle maintenance.

The *Land Administration Act 1997* Section 55 and *Local Government Act 1995* Section 3.53(2) gives the Shire of Dowerin management responsibility for roads within its boundaries.

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure

Objective: Our infrastructure will drive economic and population growth, be a key enabler of the digital economy and support reliable, efficient service delivery

Outcome: 1

Reference: I2

Asset Management Plan

The whole of life estimates for this road may be altered by a change in the RAV Network rating

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

There are no immediate financial implications, however a change in RAV Network Rating for all or part of the road has the potential to reduce the life of the road and increase the maintenance requirements of the road. The whole of life estimates for these roads may be altered by a change in the RAV Network rating.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That, by Simple Majority pursuant to the Road Traffic Act 1974 and Section 3.53(2) of the Local Government Act 1995, Council advises Main Roads Western Australia Heavy Vehicles Services that it approves the application for Heavy Vehicle Services to inspect Gangell Road for Route Determination Restricted Access Vehicle (RAV) Network 5, on the condition that any upgrades or improvements required to meet the specifications for RAV Network 5 status will be met by the applicant. Any required works shall be in accordance with Council and Main Roads Western Australia specifications, and will be submitted to Council for approval prior to implementation.



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