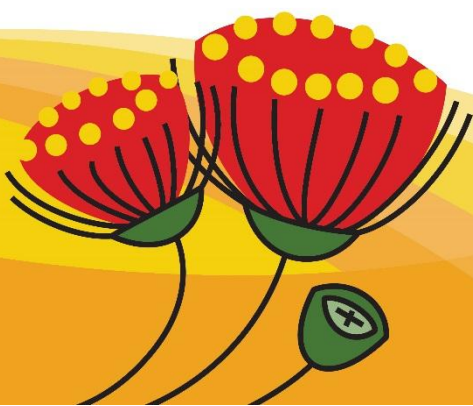




AGENDA

Ordinary Council Meeting

To be held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 22 July 2025
Commencing 4:00pm



NOTICE OF MEETING



Dear Elected Members,

The next Ordinary Meeting of Council of the Shire of Dowerin will be held on Tuesday 22 July 2025 in the Shire of Dowerin Council Chambers, 13 Cottrell Street, Dowerin. The format of the day will be:

2:00pm	Council Workshop
4:00pm	Council Meeting


Manisha Barthakur
Chief Executive Officer
15 July 2025

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

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Shire of Dowerin
Ordinary Council Meeting
4:00pm Tuesday 22 July 2025



1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 4:00pm.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr RI Trepp	President
Cr NP McMorran	Deputy President
Cr WG Allsopp	
Cr DP Hudson	
Cr AJ Metcalf	
Cr JC Sewell	
Cr BA Ward	

Staff:

Ms M Barthakur	Chief Executive Officer
Mr B Forbes	Manager of Infrastructure and Projects
Ms K Rose	Manager of Governance and Community Services
Mr S Mwale	Manager of Corporate Services

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Manager of Governance and Community Services for inclusion in the Disclosures Register.

5.	Applications for Leave of Absence
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6.	Petitions and Presentations
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7.	Confirmation of Minutes of the Previous Meeting(s)
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7.1 Ordinary Council Meeting held on 24 June 2025

[Attachment 7.1A](#)

7.2 Special Council Meeting held on 26 June 2025

[Attachment 7.2A](#)

	Voting Requirements
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Simple Majority



Absolute Majority

Officer's Recommendation – 7

That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 24 June 2025, as presented in Attachment 7.1A, and the Minutes of the Special Council Meeting held on 26 June 2025, as presented in Attachment 7.2A, be confirmed as a true and correct record of proceedings.

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

9.	Recommendations from Committee Meetings for Council Consideration
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Nil

10.	Announcements by the President Without Discussion
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11.	OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES	
11.1	Financial Activity Statements	
Corporate and Community Services		
Date:	15 July 2025	
Location:	Not Applicable	
Responsible Officer:	Manisha Barthakur, Chief Executive Officer	
Author:	Solomon Mwale, Manager of Corporate Services	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
SharePoint Reference:	Organisation / Financial Management / Reporting / Financial Statements / 2024-2025 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A – June Monthly Financial Report	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This item presents the Statement of Financial Activity to Council for the period June 2025.

Background

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

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports which have been prepared and are presented to Council.

Comment

To fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Dowerin's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

The statements are draft financial statements with end of year adjustments still to be processed. Employee costs are lower than YTD budget due to a payroll system error which staff are urgently attending to with the assistance of ReadyTech. The offset for this lower expenditure is disclosed in Note 5 Payables - Payroll Creditors. 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.

Note 1 – Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

Note 2 – Cash and Financial Assets

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

Note 3 – Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 4 – Other Current Assets

This note provides details of other current assets that the Shire may hold.

Note 5 – Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6– Rate Revenue

This note provides details of rates levied during the year.

Note 7 – Disposal of Assets

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

Note 8– Capital Acquisitions

This note details the capital expenditure program for the year.

Note 9 –Borrowings

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

Note 10 – 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 11 – Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 12 – Operating Grants and Contributions Received

This note provides information on operating grants received.

Note 13 – Non-Operating Grants and Contributions Received

This note provides information on non-operating grants received.

Note 14 – Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, 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.

Consultation

Manisha Barthakur, Chief Executive Officer

Solomon Mwale, Manager of Corporate Services

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 Organisation
Objective:	<i>We are recognised as a transparent, well governed, and effectively managed Local Government</i>
Outcome:	5.3
Reference:	5.3.2

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 of the *Local Government (Financial Management) Regulations 1996*.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar, Financial Management Framework and Legislation
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

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

Nil

Voting Requirements


Simple Majority



Absolute Majority

Officer's Recommendation – 11.1

That Council, by Simple Majority pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the draft statutory Financial Activity Statement report for the period of June 2025, as presented in Attachment 11.1A.

11.2 List of Accounts Paid	
<div>Corporate & Community Services</div> <div>  </div>	
Date:	15 July 2025
Location:	Not Applicable
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Solomon Mwale, Manager of Corporate Services
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 11.2A - June 2025 LOP Attachment 11.2B - May Credit and Caltex Card Statements

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents the List of Accounts Paid, paid under delegated authority, for June 2025.

Background

Nil

Comment

The List of Accounts Paid as presented have been reviewed by the Chief Executive Officer.

Consultation

Manisha Barthakur, Chief Executive Officer
Solomon Mwale, Manager of Corporate Services
Susan Dew, Finance and Administration Officer

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 delegated authority.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: *We are recognised as a transparent, well governed, and effectively managed Local Government*

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

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

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation – 11.2

That Council, by Simple Majority pursuant to Section 6.8(1)(a) of the *Local Government Act 1995* and Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996*, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Dowerin Municipal Fund, as presented in Attachments 11.2A and 11.2B, and as detailed below:

List of Accounts Paid – June 2025

EFT 13676 to EFT 13837	\$1,251,038.18
Direct Debit: Bookeasy	\$242.00
Direct Debit: Employee	\$1,500.00
Direct Debit: Gull Motorcharge	\$332.43
Direct Debit: National Australia Bank (VISA)	\$2,238.84
Direct Debit: National Australia Bank (Square Fees)	\$3.51
Direct Debit: Saville Hotel Group	\$2,189.34
Direct Debit: Shire of Dowerin (petty cash)	\$56.95
Direct Debit: Superloop	\$395.00
Direct Debit: Synergy	\$15,456.94
Direct Debit: Telstra	\$609.91
Direct Debit: Water Corporation	\$10,490.13
Direct Debit: WA Treasury – Loan 101 (pool)	\$10,971.80
PPE 03 June 2025 – Wages	\$49,353.85
PPE 03 June 2025 – Wages	\$2,605.16
PPE 18 June 2025 – Wages	\$51,441.85
PPE 18 June 2025 – Wages	\$5,270.03
PPE 24 June 2025 – Wages	\$331.52
PPE 27 June 2025 – Wages	\$768.51
Superannuation PPE – June	\$18,565.53
TOTAL	\$1,423,861.48

12. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

12.1 Development Application – CBH Dowerin

<h1>Governance & Compliance</h1>		
Date:	30 June 2025	
Location:	Nil	
Responsible Officer:	Manisha Barthakur, Chief Executive Officer	
Author:	Paul Bashall, Town Planning Consultant (Planwest WA)	
Legislation:	<i>Planning and Development Act 2005</i> <i>Shire of Dowerin Local Planning Scheme No 2</i>	
SharePoint Reference:	Nil	
Disclosure of Interest:		
Attachments:	Attachment 12.1A – Development Application	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

Co-operative Bulk Handling Group (CBH) has lodged a Development Approval (DA) application for two open storage bulkheads (BH), associated vehicular access and general drainage (open drains, culverts, drainage basins) at its terminal in Dowerin. Each BH measures 1.8m x 35m x 230m with a capacity of 30,130 tonnes each.

Accompanying the DA application is a covering letter describing the need and justification for the proposal, a DA application form, a letter of authority to lodge the DA, a site plan and technical drawings of a bulkhead design. The land owned by CBH.

Background

The subject lot is over 102 hectares in area and is already substantially developed as a grain receival and storage facility. The north-east corner of the site almost abuts the Dowerin Townsite boundary as shown in **Figure 1**.

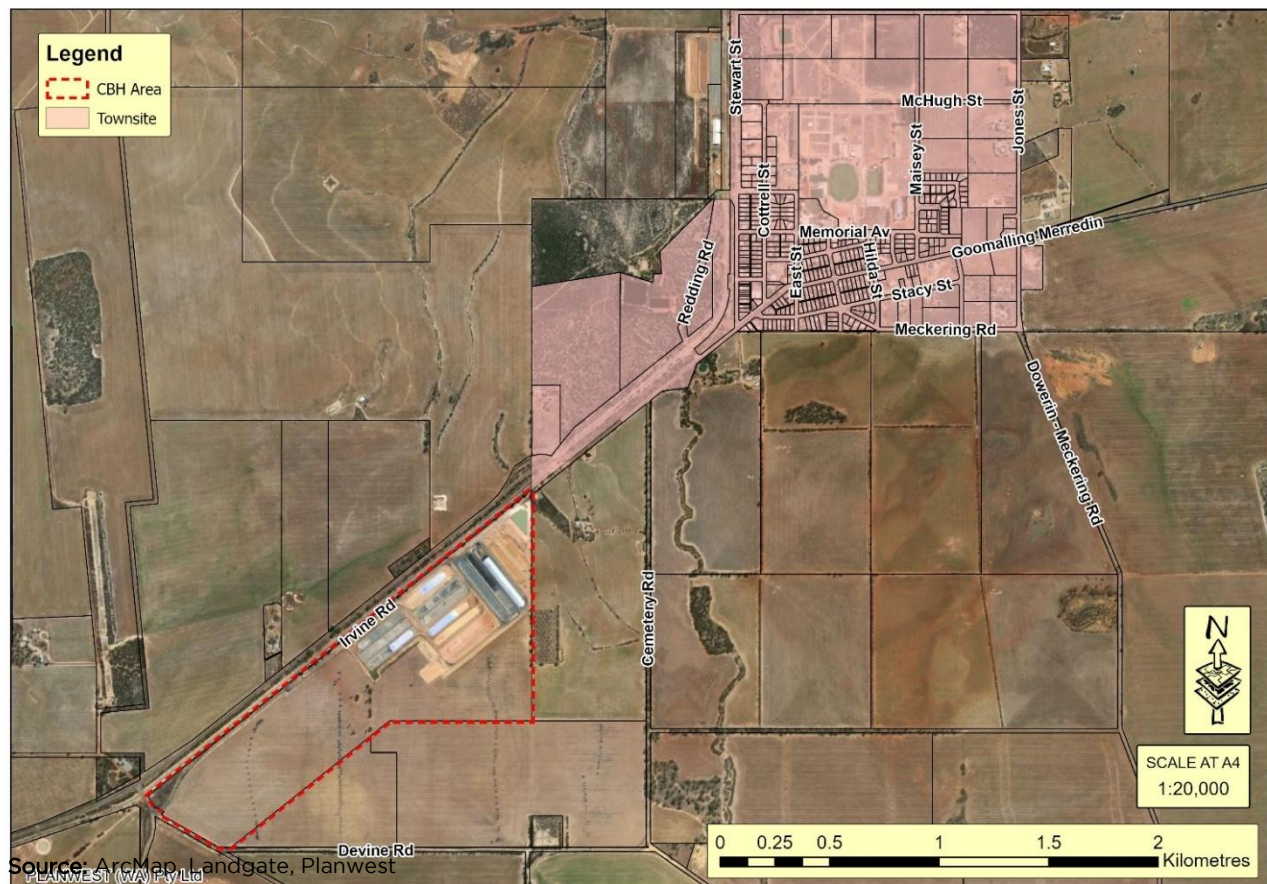
CBH is forecasting increased grain production for the next harvest and needs to plan ahead for increased capacity at this facility. This will reduce reliance on the need of out-loading of grain during harvest to keep the site open.

The letter accompanying the DA states that the proposed works will include general drainage (open drains, culverts, drainage basins). Although CBH provided a drainage assessment on the previous DA application, there has been no update for this current proposal. CBH expects no increase in traffic as the proposed bulkheads are for storage rather than new receivals.

The DA is accompanied by set of standard elevation drawings detailing the proposed works.

The development is estimated to cost \$1,000,000 and be completed by October 2025.

FIGURE 1 - LOCATION PLAN



The details of the proposal include the following:

- Unsealed vehicular access roads to and around the grain receipt and storage facilities connected to existing internal roads.
- Two open storage bulkheads measuring 1.8m x 35m x 230m with a capacity of 30,130 tonnes each.
- Stormwater drains around the internal roads connected to the existing stormwater basin.

A Traffic Impact Statement (TIS) was previously prepared by Shawmac that referred to the previously approved additional bulkheads.

There has been no update for the TIS in regard to the current proposal, and it is assumed that the same access points to the site will be used.

A Stormwater Management Plan (SMP) was also prepared by Shawmac for the previous DA application, but no update has been provided for the current proposal.

The facility is not impacted by Bushfire Prone Mapping and therefore does not require a Bushfire Management Plan.

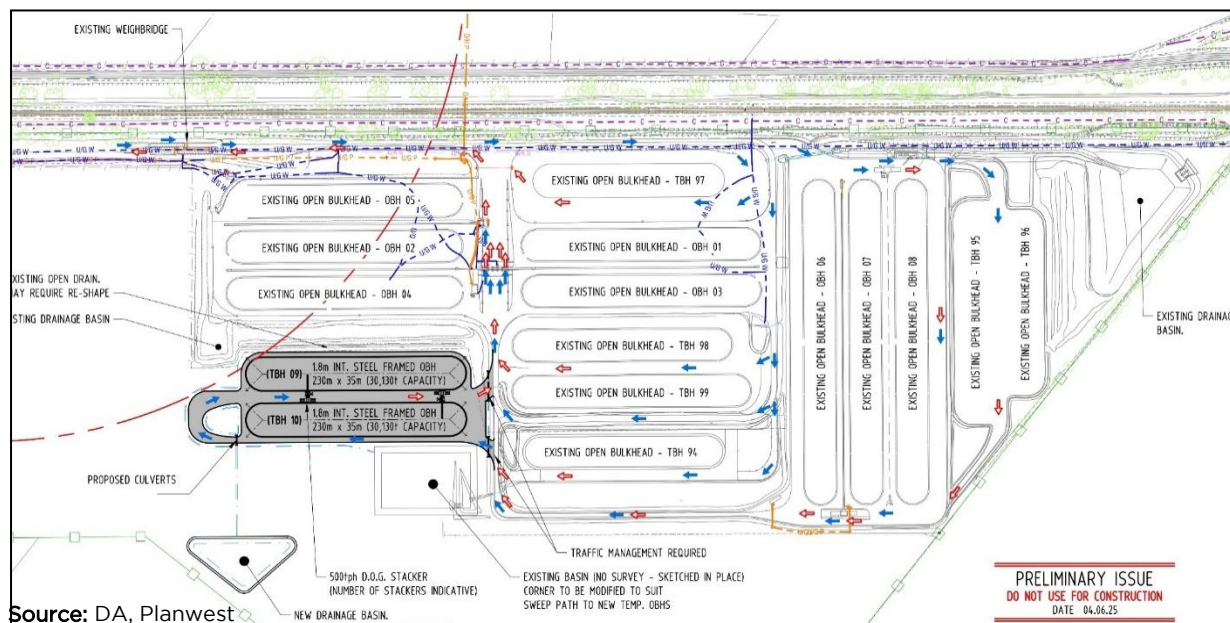
Figure 2 shows a composite of aerial photographs of the site with the Bushfire Prone mapping superimposed. The Figure also shows an existing dwelling (sensitive use) within about 500m westwards of the proposed development. The DA provides no information about dust or noise suppression measures to minimise the impact of the increased development on the subject land.

FIGURE 2 - COMPOSITE AERIAL PHOTOGRAPH OF CBH TERMINAL



Figure 3 shows an extract from the DA application site plan identifying the two proposed bulkheads.

FIGURE 3 - EXTRACT FROM APPLICATION SITE PLAN



Comment

CBH provides a valuable and long-standing service to rural producers in the region and continues to benefit from the support of local government. However, the current DA submission does not adequately address several critical aspects, including modified drainage management, changes to vehicular access, and dust and noise suppression measures.

It is important to highlight that the proposed development represents an overall increase of approximately 9.3% in the footprint of the existing CBH site. While relatively modest in scale, this expansion includes additional grain holding capacity, which is expected to reduce the frequency of out-loading vehicle movements. This, in turn, should assist in mitigating some of the dust and noise concerns raised—particularly when considered in the context of the existing site operations.

The application acknowledges that many of the internal roads within the facility remain unsealed. Given the proximity of sensitive land uses, particularly residential dwellings located immediately to the east and west of the proposed new bulkheads, it is considered appropriate to impose a condition requiring ongoing dust minimisation measures.

In the interests of good governance and responsible development, it is recommended that approval of the DA be subject to the following four conditions relating to :

- Stormwater Drainage Strategy
- Dust and Noise Impact Mitigation Strategy
- Traffic Impact and Access Management
- Notification to Nearby Residents

Consultation

Manisha Barthakur, Chief Executive Officer
Paul Bashall, Planwest WA

Policy Implications

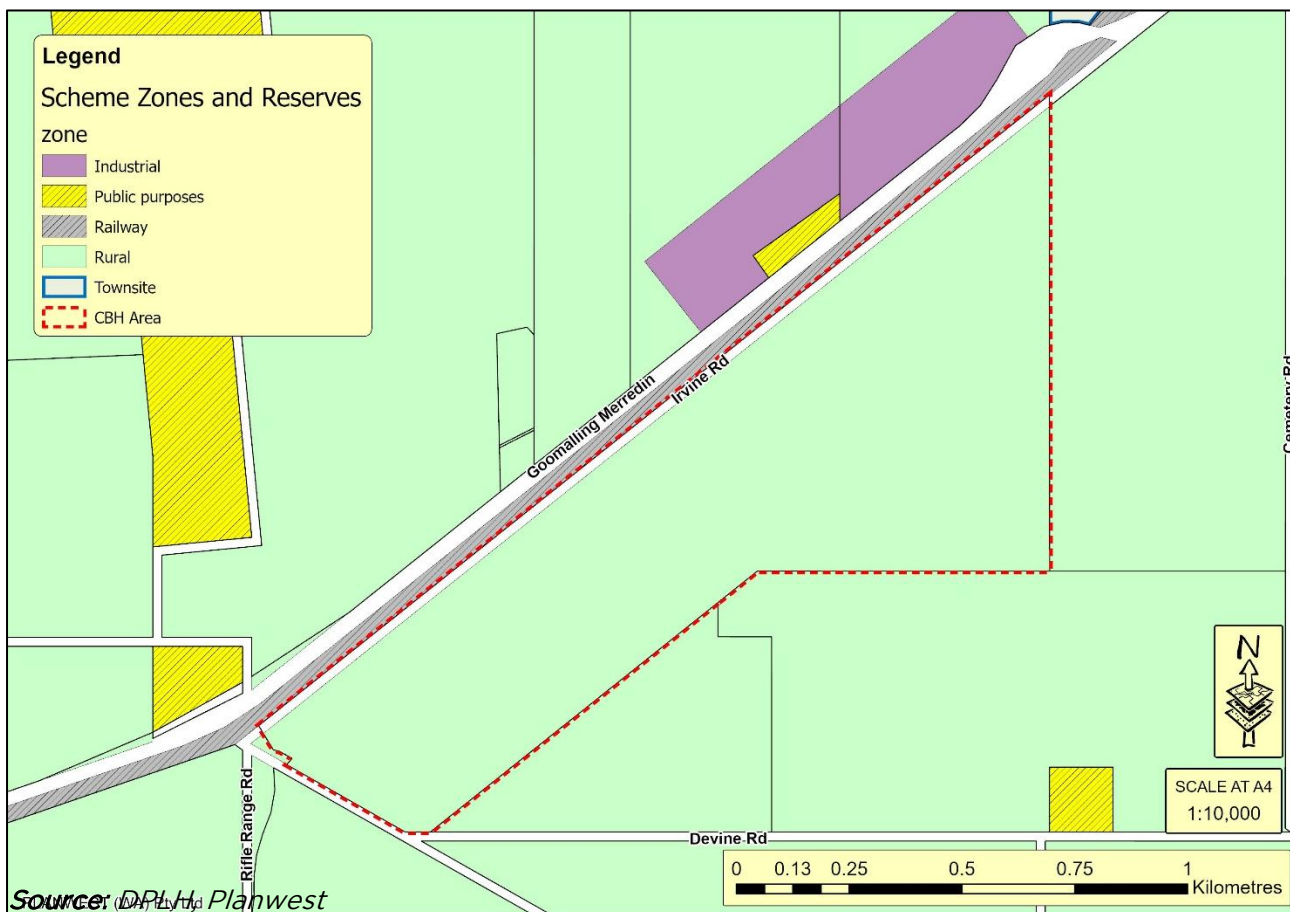
There are no Council policies that are impacted by this proposal.

Statutory Implications

The land is zoned 'Rural' in the Shire of Dowerin Local Planning Scheme No 2 (the Scheme). **Figure 4** provides an extract from the Scheme Map.

The Scheme provides for Primary production uses in the Rural zone as a 'P' use ('P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme).

FIGURE 4 - EXTRACT FROM LOCAL PLANNING SCHEME



Strategic Implications

Local Planning Strategy

The WAPC endorsed the Council's Local Planning Strategy (Strategy) on 11 June 2013. The strategy promotes the sustainable use of agricultural land within the Shire and puts forward several strategies to achieve this objective.

The relevant strategies are to:

- Recognise the agricultural industry as having economic and social significance to the Shire.
- Ensure the protection of agricultural resources by restricting subdivision of agricultural land that would remove it from being used for agricultural purposes.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Property (Plant, Equipment, Buildings)
Risk Description	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions
Consequence Rating	Insignificant (1)
Likelihood Rating	Almost Certain (5)
Risk Matrix Rating	Extreme (25)
Key Controls (in place)	Consultancy avenues
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Financial Implications

Nil, other than the potential for increased use of rural roads around the property proportional to the increased capacity of the development.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation – 12.1

That the Council approves the Development Approval application as received on 24 June 2025, subject to the following conditions.

1. The Co-operative Bulk Handling Group (CBH) providing a stormwater drainage strategy for the grain facility to the satisfaction of the local government.
2. The Co-operative Bulk Handling Group (CBH) providing a strategy to minimise the impact of dust and noise, generated by the facility, on the nearby residential neighbours to the satisfaction of the local government.
3. The Co-operative Bulk Handling Group (CBH) providing a traffic impact statement of any changes for the vehicular access to and from the grain facility and to be done in consultation with Main Roads Western Australia (MRWA) to the satisfaction of the local government.
And
4. The Co-operative Bulk Handling Group (CBH) notifies in writing the nearby dwelling houses Occupiers and/or Owners of the expansion intensions and how the matters of the stormwater drainage strategy for the grain facility, and the strategy to minimise the impact of dust and noise, generated by the facility, to the nearby residential neighbours, and done so in a formal manner of form to the satisfaction of the local government.

ADVICE NOTES

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

12.2 Delegation Register – Annual Review and Update	
<div><h2>Governance & Compliance</h2></div>	
Date:	15 May 2025
Location:	Nil
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Kahli Rose, Manager of Governance and Community Services
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Organisation > Corporate Management > Integrated Planning
Disclosure of Interest:	
Attachments:	Attachment 12.2A – Reviewed Delegation Register

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This report presents the outcome of the 2024/25 annual review of the Shire of Dowerin's Delegation Register, as required by the *Local Government Act 1995*. The Delegation Register forms a critical part of the Shire's governance framework by authorising specific powers and duties to the Chief Executive Officer and, through sub-delegation, to senior staff.

This review has involved a comprehensive line-by-line assessment of all existing delegations, cross-referenced with relevant legislation, WALGA's model register, and guidance from an external Governance Specialist. A number of improvements are proposed to ensure the Register remains legally compliant, operationally efficient, and aligned with contemporary governance practice. Several new delegations are also proposed, alongside the formal inclusion of statutory authorisations issued by other State Government entities.

Background

Section 5.46(2) of the *Local Government Act 1995* requires that all delegations made under Division 4 are reviewed at least once every financial year. This process ensures that the Delegation Register remains compliant, accurate, and reflective of the Shire's current operational and governance arrangements.

This year's review has been undertaken in consultation with relevant staff, a governance specialist, and with reference to the WALGA model delegation register. The review also ensures alignment with updated position titles, statutory requirements, and best practice governance.

In line with legislative requirements, only employees may be delegated powers under the *Local Government Act 1995*. Delegations previously made to contractors have been removed where appropriate, with functional responsibilities retained under administrative direction or re-delegated to the relevant manager.

Comment

The following significant changes are proposed to existing delegations.

Non-employee delegates have been removed, as the *Local Government Act 1995* only permits delegation to employees. In some instances, where other legislation allows delegation to contractors (e.g. Ranger or Environmental Health Officer roles), this has been retained. Where appropriate, sub-delegation has been applied to the relevant manager to maintain authority through the operational chain of command.

Comments from the Governance Specialist have been retained in the attached document to assist in identifying and understanding the proposed amendments

Amendments to Existing Delegations

4.2	Tender for Goods and Services – Call Tenders
4.3	Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
4.4	Tenders for Goods and Services – Exempt procurement

Delegations 4.2 to 4.4 were previously combined under a single delegation. Based on advice from the Governance Specialist, they have now been separated to support clearer decision-making and reduce the risk of misinterpretation.

A new clause has been added under Council Conditions to ensure compliance with the *Local Government Act 1995* regarding caretaker provisions.

Additionally, references to variations under sub-delegates have been removed, as no supporting documentation could be found to justify these stipulations.

4.8	Legal Matters & Representation
-----	--------------------------------

Council Condition (a) has been updated to reflect current position titles and to remove references to contracted services, as delegation under the *Local Government Act 1995* may only be made to employees.

The Manager of Corporate Services has been included as a sub-delegate, specifically for matters relating to rates and associated proceedings.

5.10	Community Funding
------	-------------------

Amendments have been made to align the functions and Council Conditions within this delegation, ensuring consistency and clarity.

A separate policy on community funding, including eligibility criteria and assessment guidelines, will be presented to Council at a later date.

CEO Delegator – Power Assigned by Legislation

The following delegations are powers directly conferred on the Chief Executive Officer under the *Local Government Act 1995*. As such, they are not subject to Council-imposed conditions or commentary on sub-delegations. These delegations are included in the register to meet legislative requirements.

All conditions relating to the below delegations are determined solely at the discretion of the CEO:

- 3.11 – Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
- 4.9 – Electoral Enrolment Eligibility Claims and Electoral Roll
- 4.10 – Destruction of Electoral Papers
- 4.11 – Financial Management Systems and Procedures

Proposed New Delegations

The following new delegations are proposed for inclusion in the Delegation Register. They have been developed in consultation with the WALGA model delegation register and on the recommendation of the Governance Specialist.

2. Law and Order

- 2.1 – Authorise a Person to Perform Specified Functions Under the Local Government Act 1995
- 2.6 – Compensation – Damage Incurred when Performing Executive Functions

3. Works & Engineering

- 3.10 – Private Works on, over or under Public Places
- 3.11 – Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
- 3.12 – Gates Across Public Thoroughfares

4. Administration

- 4.9 – Electoral Enrolment Eligibility Claims and Electoral Roll
- 4.10 – Destruction of Electoral Papers
- 4.11 – Financial Management Systems and Procedures
- 4.12 – Local Laws of the Shire of Dowerin
- 4.13 – Determine if an Emergency for Emergency Powers of Entry

5. Finance

- 5.11 – Recovery of Rates Debts – Action to Take Possession of the Land
- 5.12 – Renewal or Extension of Contracts during a State of Emergency
- 5.13 – Procurement of Goods or Services Required to Address a State of Emergency
- 5.14 – Acquisition of Interest in Land by Lease or Another Short-Term Instrument

6. Building Act 2011 Delegations

- 6.9 – Designate Employees of Contracted Service Provider as Authorised Persons (Inspectors)
- 6.10 – Authorise Person to Commence Proceedings

8. Cat Act 2011 Delegations

- 8.6 – Authorise a Person to Perform Specified Functions under the Cat Act 2011
- 8.7 – Reduce or Waive Registration Fee

9. Dog Act 1976 Delegations

- 9.6 – Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
- 9.7 – Appoint Registration Officer

In addition, eight Statutory Authorisations from State Government entities have been incorporated under Header 15, to reflect legislative instruments granted outside the *Local Government Act 1995*.

- a. Environmental Protection Act 1986 - Noise Control - Environmental Protection Notices [Reg.65(1)]
- b. Noise Management Plans - Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events
- c. Noise Management Plans - Construction Sites
- d. Planning and Development Act 2005 - Instrument of Authorisation - Local Government CEOs - Sign Development Applications for Crown Land as Owner
- e. WA Planning Commission - Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)
- f. Main Roads Act 1930 - Traffic Management - Events on Roads
- g. Traffic Management - Road Works
- h. Road Traffic (Vehicles) Act 2012 - Approval for Certain Local Government Vehicles as Special Use Vehicles

Consultation

Manisha Barthakur, Chief Executive Officer

Kahli Rose, Manager of Governance and Community Services

Steven Tweedie, Governance Specialist

Ben Forbes, Manager of Infrastructure and Projects

Solomon Mwale, Manager of Corporate Services

Policy Implications

Nil

Statutory Implications

Local Government Act 1995, sections 5.42-5.4

Strategic Implications

Strategic Community Plan

Good governance and statutory compliance are core functions of local government and support the delivery of the Shire's objectives.

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.4

Reference: 5.4.2

Asset Management Plan

Nil current

Long Term Financial Plan

Nil current

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Non-compliance results in termination of services or imposed penalties to Shire / Officers
Consequence Rating	Major (4)
Likelihood Rating	Possible (3)
Risk Matrix Rating	High (10)
Key Controls (in place)	Governance Framework
Action (Treatment)	Document Governance Framework Compliance Calendar
Risk Rating (after treatment)	Adequate

Financial Implications

There are no direct financial implications associated with the review and update of the Delegation Register. Ensuring that delegations are current and compliant may reduce administrative inefficiencies and mitigate the risk of unauthorised decision-making.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation – 12.2

That Council, by Simple Majority:

1. Endorses the outcomes of the 2024/25 annual review of the Delegation Register, including amendments to existing delegations as outlined in this report;
2. Approves the adoption of the proposed new delegations as detailed; and
3. Notes that the updated Delegation Register will replace all previous versions.

12.3 WALGA Communications Agreement Consultation	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex: 1;"> <h2 style="color: red; text-align: center;">Governance & Compliance</h2> </div> <div style="flex: 0.2; text-align: right;">  <p>SHIRE OF DOWERIN TIN DOG TERRITORY</p> </div> </div>	
Date:	15 July 2025
Location:	Not Applicable
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Manisha Barthakur, Chief Executive Officer
Legislation:	<i>Local Government Act 1995,</i> <i>Local Government Amendment Act 2023,</i> <i>Local Government Regulations Amendment Regulations 2025</i>
SharePoint Reference:	
Disclosure of Interest:	Nil
Attachments:	Attachment 12.3A - WALGA discussion paper with comments Attachment 12.3B - Local Government (Default Communications Agreement) Order 2025 Attachment 12.3C - Communications Agreement Consultation Paper Local Government Reforms

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item is to consider Council's responses to both the Department of Local Government and the Western Australian Local Government Association regarding the proposed draft legislation and order for Councillor-CEO communication agreements.

Background

In May 2023, the Western Australian Parliament passed the Local Government Amendment Act 2023, introducing a number of important reforms to the Local Government Act 1995. These reforms are aimed at improving governance, transparency, and accountability within the local government sector. One of the key yet-to-be-commenced reforms is the requirement for a communications agreement between the Council and the administration of a local government.

To support the implementation of these reforms, the State Government has released the following for public consultation:

- Draft Local Government Regulations Amendment Regulations 2025
- Draft Local Government (Default Communications Agreement) Order 2025
- Communications Agreements – Draft Consultation Paper

These documents have been developed by the Department of Local Government, Industry Regulation and Safety, formerly known (DLGIRS) as Department of Local Government, Sport and Cultural Industries (DLGSC) and outline the minimum standards and expectations for formal communication protocols between Council Members and local government employees.

WALGA has released a discussion paper seeking feedback from local governments on the draft *Local Government (Default Communications Agreement) Order 2025* and associated regulations. This consultation process allows WALGA to gather sector-wide views and insights to inform its advocacy efforts with the Western Australian Government. By providing coordinated feedback, WALGA aims to ensure that the interests and practical realities of local governments, including the Shire of Dowerin, are effectively represented during the finalisation of the legislation.

The proposed communications agreement is intended to be a vital governance instrument within each local government. It will define who can communicate with whom, the types of requests that can be made, how those requests should be handled, and expected response times. These arrangements mirror existing protocols currently in place between Western Australian Government Ministers and their agencies.

The Amendment Act introduces new legislative provisions (Sections 5.92A to 5.92C) which mandate that:

- All local governments must have a communications agreement in place;
- An agreement can be adopted where both the CEO and Council agree to its terms; and
- If agreement is not reached, a default communications agreement prescribed by Ministerial Order will apply.

The draft Regulations outline minimum content requirements, compliance mechanisms, and consequences for non-adoption. Once finalised, these regulations are expected to be tabled in Parliament later in 2025, in advance of the reforms coming into force. The DLGIRS is seeking feedback on these proposals from local governments, Elected Members, staff, and the broader community.

The Shire of Dowerin is encouraged to review the consultation materials and provide feedback, either independently or in coordination with WALGA or relevant sector bodies.

Comment

Officers have reviewed the draft *Local Government (Default Communications Agreement) Order 2025* and identified potential issues and implementation considerations relevant to the Shire of Dowerin. These have been reflected and addressed in the WALGA submission paper, which forms the basis of the Shire's feedback.

Consultation

Manisha Barthakur, Chief Executive Officer

Kahli Rose, Manager of Governance and Community Services

Councillors

WALGA

Policy Implications

1.5 Councillors Requests and Works Requests

3.13 Development of Policies and Administrative Policies

Strategic Implications

Strategic Community Plan

Community Priority:	Our Organisation
Objective:	We are recognised as a transparent, well governed, and effectively managed Local Government
Outcome:	5.4
Reference:	5.4.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Local Government Act 1995 – Section 2.7 Role of Council

Council is responsible for the governance of the local government, including setting policies and making decisions for the good of the community.

Local Government Amendment Act 2023

Recent reforms introduced through the Local Government Amendment Act 2023 and associated regulations, including the draft *Local Government (Default Communications Agreement) Order 2025*, reinforce the Council's governance responsibilities. These reforms mandate clearer communication protocols between Council Members and the administration to promote transparency, accountability, and good governance.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Governance
Risk Description	<p>Failure to participate in the sector consultation may be perceived as a lack of engagement with important legislative reforms. This could result in:</p> <ul style="list-style-type: none"> The Shire's unique operational context not being considered, Missed opportunity to influence regulations that impact CEO-Council relations, Diminished standing or credibility within the sector and with key stakeholders such as WALGA and DLGSC/DGLIRS
Consequence Rating	Insignificant (1)
Likelihood Rating	Almost Certain (5)
Risk Matrix Rating	Low (4)
Key Controls (in place)	Governance Framework
Action (Treatment)	Document Governance Framework
Risk Rating (after treatment)	Adequate

Financial Implications

The preparation and implementation of a Communications Agreement is expected to require a moderate resource investment, particularly in small local governments where internal governance capacity is limited.

It is estimated that 20–30 hours of staff time will be required to review the final regulations, draft a tailored agreement, consult with Council, and finalise documentation. In addition, the Shire may require external governance or legal expertise, estimated at approximately \$2,500–\$4,000, depending on the level of customisation and advice needed.

These costs are unbudgeted but may be absorbed within existing allocations under governance or legal consulting budgets, subject to final scope.

Voting Requirements



Simple Majority




Absolute Majority

Officer's Recommendation – 12.3

That, by Simple Majority in accordance with *Local Government Act 1995*, *Local Government Amendment Act 2023*, and *Local Government Regulations Amendment Regulations 2025*, Council

1. Notes the release of the Local Government (Default Communications Agreement) Order 2025 and associated draft regulations as part of the State Government's ongoing local government reform process; and
2. Endorses the submission of the Shire's comments to WALGA using the prescribed consultation paper submission template.
3. Authorises the Chief Executive Officer to finalise and lodge the submission to WALGA, and to engage in further discussions with WALGA or the Department of Local Government, Sport and Cultural Industries as required.

12.4 Special Council Meeting – XXX August 2025	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex: 1;"> <h2 style="color: red; text-align: center;">Governance & Compliance</h2> </div> <div style="flex: 0.2; text-align: right;">  <p>SHIRE OF DOWERIN TIN DOG TERRITORY</p> </div> </div>	
Date:	15 July 2025
Location:	Not Applicable
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Kahli Rose, Manager of Governance and Community Services
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This report recommends that Council approve the scheduling of a Special Council Meeting on XXX August 2025 for the purpose of adopting the 2025/26 Annual Budget. The timing aligns with statutory deadlines and allows sufficient time to finalise all relevant documentation following the budget workshop process.

Background

In accordance with section 6.2 of the *Local Government Act 1995*, a local government is required to adopt its annual budget by 31 August each year. Council has held a budget workshops to discuss priorities and allocations for the 2025/26 financial year. A Special Meeting is now required to formally consider and adopt the final version of the budget document.

Holding a Special Council Meeting for budget adoption is consistent with past practice and ensures the meeting can focus solely on budget-related matters, without being impacted by the broader agenda of an Ordinary Council Meeting.

Comment

The proposed date of XXX August 2025 at 4.00pm provides the administration with sufficient time to incorporate feedback from Council's budget workshop, finalise statutory schedules, and prepare rates modelling. Adoption of the budget at this meeting will also allow for prompt issuing of rates notices and enable the organisation to proceed with planned projects and operational requirements at the start of the new financial year.

Public notice of the Special Council Meeting will be given in accordance with legislative requirements.

Consultation

Manisha Barthakur, Chief Executive Officer

Councillors

Kahli Rose, Manager of Governance and Community Services

Ben Forbes, Manager of Infrastructure and Projects

Solomon Mwale, Manager of Corporate Services

Policy Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Local Government Act 1995, section 5.3 – Ordinary and Special Council meetings

Local Government Act 1995, section 6.2 – Annual budget

Local Government (Administration) Regulations 1996, regulation 12 – Public notice of meetings

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Non-compliance results in termination of services or imposed penalties to Shire / Officers
Consequence Rating	Major (4)
Likelihood Rating	Possible (3)
Risk Matrix Rating	High (12)
Key Controls (in place)	Budget workshops Governance framework
Action (Treatment)	Special Council Meeting to adopt budget by deadline.
Risk Rating (after treatment)	Effective

Financial Implications

The 2025/26 Annual Budget sets out the Shire's planned revenue and expenditure for the year and provides the necessary authority for financial operations. Timely adoption of the budget supports continuity of services and cash flow.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation – 12.4

That Council, by Simple Majority, in accordance with Section 5.3(2) of the *Local Government Act 1995*:

1. Approves the scheduling of a Special Council Meeting to be held at 4.00pm on XXX August 2025 in the Council Chambers at 13 Cottrell Street, Dowerin; and
2. Notes that the purpose of the meeting is to consider and adopt the Shire of Dowerin 2025/26 Annual Budget in accordance with the *Local Government Act 1995*.

13.	OFFICER'S REPORTS - ASSET & WORKS
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Nil

14.	Urgent Business Approved by the Person Presiding or by Decision
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- 14.1 Audit, Risk and Improvement Committee Meeting – Interim Audit Recommendation
 - *Minutes and recommendation to be distributed 21 July post ARIC meeting.*

15.	Elected Members' Motions
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Nil

16.	Matters Behind Closed Doors
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17.	Closure
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The President thanked those in attendance, and closed the meeting at X:XXpm