



SHIRE OF
DOWERIN
TIN DOG TERRITORY

MINUTES

Ordinary Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 18 July 2023

UNCOMPLETED

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Table of Contents



| | |
|------------|--|
| 1. | Official Opening / Obituaries |
| 2. | Record of Attendance / Apologies / Leave of Absence |
| 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 20 June 2023 |
| 7.2 | Special Council Meeting held on 6 July 2023 |
| 8. | Minutes of Committee Meetings to be Received |
| 8.1 | Great Eastern Zone Meeting held on 20 June 2023 |
| 8.2 | NEWROC Council Meeting held on 27 June 2023 |
| 9. | Recommendations from Committee Meetings for Council Consideration |
| 10. | Announcements by the President Without Discussion |
| 11. | Officer's Reports - Corporate and Community Services |
| 11.1 | Financial Activity Statements |
| 11.2 | List of Accounts Paid |
| 11.3 | Central East Aged Care Alliance - General Membership |
| 11.4 | Sub Lease - Dowerin Events Management Incorporated |
| 11.5 | Growing Regions Program - Wheatbelt Worker Housing |
| 11.6 | Recalcitrant Rates Debtors - June 2023 |
| 11.7 | Sale of Land for Unpaid Rates in Excess of Three Years |
| 11.8 | 54 Jones Street, Dowerin - Application for the Keeping of Three Dogs |
| 11.9 | Adoption of 2023/24 Budget |
| 12. | Officer's Reports - Governance and Compliance |
| 12.1 | 84 Ucarty Rock Road, UCARTY - Development Approval (DA) Application |
| 12.2 | Voting Delegates to the 2022 WALGA Annual General Meeting |
| 12.3 | Chief Executive Officer Process - Certificate of Compliance |
| 13. | Officer's Reports - Works and Assets |
| 13.1 | Service Level Plan - Transport Maintenance |
| 13.2 | Shire of Dowerin Road Strategy 2023 |
| 14. | Urgent Business Approved by the Person Presiding or by Decision |
| 15. | Elected Members' Motions |
| 16. | Matters Behind Closed Doors |
| 16.1 | Request for Tender - T2023-05 Construction Program 2023-2024 |
| 17. | Closure |

Shire of Dowerin
Ordinary Council Meeting
Tuesday 18 July 2023



1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 4.01pm. In opening the meeting, the CEO, Management and Councillors acknowledged the passing of Cr McMorrans' Grandmother, Goomalling Resident Dulcie Irene Coulthard with a minute silence.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

| | |
|-----------------|------------------|
| Cr RI Trepp | President |
| Cr BA Ward | Deputy President |
| Cr W Allsopp | |
| Cr LG Hagboom | |
| Cr DP Hudson | |
| Cr NP McMorrans | |
| Cr AJ Metcalf | |
| Cr JC Sewell | |

Staff:

| | |
|---------------|----------------------------------|
| Ms R McCall | Chief Executive Officer |
| Ms L Dreghorn | Executive and Governance Officer |

Members of the Public: Nil

Apologies: Mr A Wooldridge, Deputy Chief Executive Officer

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

Nil

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

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

7.1 Ordinary Council Meeting held on 20 June 2023.

[Attachment 7.1A](#)

7.2 Special Council Meeting held on 6 July 2023.

[Attachment 7.2A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/ Resolution - 7

Moved: Cr Hudson

Seconded: Cr Allsopp

0807 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 20 June 2023, as presented in Attachment 7.1A, and the Minutes of the Special Council Meeting held 6 July 2023, as presented in Attachment 7.2A, be confirmed as a true and correct record of proceedings.

CARRIED 8/0

Officers Recommendation

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 20 June 2023, as presented in Attachment 7.1A, and the Minutes of the Special Council Meeting held 6 July 2023, as presented in Attachment 7.2A, be confirmed as a true and correct record of proceedings.

Resolution - 11.3

Moved: Cr Hudson

Seconded: Cr Allsopp

0811 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 20 June 2023, as presented in Attachment 7.1A, be amended to reflect that Cr DP Hudson left the meeting at Item 11.4, and the Minutes of the Special Council Meeting held 6 July 2023, as presented in Attachment 7.2A, be confirmed as a true and correct record of proceedings.

CARRIED 8/0

Reason

Councillor Hudson identified an error in the recording of Cr DP Ward leaving the meeting for Item 11.4. This in fact was Cr DP Hudson who left the meeting for Disclosure of Interest reasons.

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

8.1 Great Eastern Country Zone (GECZ) Committee Meeting held on 20 June 2023.

[Attachment 8.1A](#)

8.2 NEWROC Council Meeting held on 27 June 2023.

[Attachment 8.2A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 8.

Moved: Cr Ward

Seconded: Cr McMorran

0808 That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the Local Government Act 1995, the Minutes of the GECZ Committee Meeting held on 20 June 2023, as presented in Attachment 8.1A, and the Minutes of the NEWROC Council Meeting held on 27 June 2023, as presented in Attachment 8.2A, be received by Council.

CARRIED 8/0

| | |
|-----------|--|
| 9. | Recommendations from Committee Meetings for Council Consideration |
|-----------|--|

Nil

| | |
|------------|--|
| 10. | Announcements by the President Without Discussion |
|------------|--|

Nil

UNCONFIRMED

11. OFFICER'S REPORTS - CORPORATE AND COMMUNITY SERVICES

11.1 Financial Activity Statements

| | | |
|---|---|--|
| <h1>Corporate and Community Services</h1> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 13 July 2023 | |
| Location: | Not Applicable | |
| Responsible Officer: | Aaron Wooldridge, Deputy Chief Executive Officer | |
| Author: | As above | |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i> | |
| SharePoint Reference: | Organisation / Financial Management / Reporting / Financial Statements / 2022-2023 Monthly Financial Statements | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 11.1A - June 2023 Financial Activity Statement | |

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This item presents the Statement of Financial Activity to Council for the period ending June 2023.

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

In order 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.

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

Rebecca McCall, Chief Executive Officer
Aaron Wooldridge, Deputy Chief Executive Officer
Megan Shirt, Consultant

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: *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

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/Resolution - 11.1

Moved: Cr Hudson **Seconded:** Cr Ward

0809 That Council, by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the statutory Financial Activity Statement report for the period June 2023, as presented in Attachment 11.1A.

CARRIED 8/0

11.2 List of Accounts Paid

Corporate & Community Services



| | |
|--------------------------------|--|
| Date: | 12 July 2023 |
| Location: | Not Applicable |
| Responsible Officer: | Aaron Wooldridge, Deputy Chief Executive Officer |
| Author: | Aaron Wooldridge, Deputy Chief Executive 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 11.2A - List of Accounts Paid - June 2023 |

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents the List of Accounts Paid, paid under delegated authority, for June 2023.

Background

Nil

Comment

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

Consultation

Rebecca McCall, Chief Executive Officer
Aaron Wooldridge, Deputy Chief Executive Officer
Cheryl Murray, Finance 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 adoption by 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

Funds expended are in accordance with the Council’s adopted 2022/23 Budget.

Voting Requirements

Simple Majority Absolute Majority

Officer’s Recommendation/Resolution - 11.2

Moved: Cr Hudson **Seconded:** Cr Trepp

0810 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 Attachment 11.2A, and as detailed below:

| List of Accounts Paid – June 2023 | |
|---|--------------|
| EFT 10986 to EFT 11100 | \$639,561.71 |
| CHQ Payment: 11017 | \$1,089.22 |
| Direct Debit: Credit Card Payment: May 2023 | \$3,483.69 |
| Direct Debit: Credit Card Payment: April 2023 | \$2,994.40 |
| Direct Debit: Synergy | \$14,132.69 |

| | |
|---|---------------------|
| Direct Debit: Bank Fees | \$1,084.03 |
| Direct Debit: Water Corporation | \$4,624.11 |
| Direct Debit: XENEX Systems | \$512.71 |
| Direct Debit: Telstra | \$2,869.89 |
| Direct Debit: Angie Roe Photography | \$2,530.00 |
| Direct Debit: Wesfarmers Kleenheat Gas | \$282.05 |
| Direct Debit: Puma Fuel | \$1,756.75 |
| Direct Debit: Resonline Room Manager | \$242.00 |
| Direct Debit: Dowerin Men Shed - Tip Management | \$3,000.00 |
| Direct Debit: Western Australian Treasury Corporation | \$10,971.80 |
| PPE June 2023 - Wages | \$42,420.44 |
| PPE June 2023 - Wages | \$42,814.05 |
| Superannuation | \$39,360.50 |
| TOTAL | \$813,730.04 |

CARRIED 8/0


Note

Cr Metcalf requested the Harbour Software figures be recorded. One off implementation of \$11,480 ex gst and \$7,000 ex gst annual subscription. The annual subscription cost will be treated at the 2023/2024 budget review to reflect the reduction in salaries.

Council have requested that a comment be included into the contra column for the CRC finances.

UNCONFIRMED

11.3 Central East Aged Care Alliance – General Membership

| | | |
|---|---|---|
| <h2>Corporate & Community Services</h2> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 10 July 2023 | |
| Location: | Not Applicable | |
| Responsible Officer: | Rebecca McCall, Chief Executive Officer | |
| Author: | As Above | |
| Legislation: | <i>Local Government Act 1995</i> | |
| Sharepoint Reference: | Community / Community Services / CEACA | |
| Disclosure of Interest: | Nil | |
| Attachments: | Nil | |

Purpose of Report



Executive Decision



Legislative Requirement

Summary

For Council to consider committing to becoming a general member of the Central East Aged Care Alliance (CEACA) for a minimum of three (3) years.

Background

Aging in place is something that many older people living in large regional towns and the Perth metropolitan area take for granted. This is not the case for those living in small rural and remote communities. If it is practical and viable for an older adult to remain in their home own, it provides the aged population with a sense of place, choice, community, and dignity.

Many older Wheatbelt residents express a strong desire to remain living in their homes, however, factors such as the condition and location of dwellings, the mobility or mental acuity of residents and the logistics of providing services to a dispersed client group present significant barriers to aging in place. Evidence demonstrates there are clear benefits, both socially and economically, to develop policies and programs to assist people to age well in their local communities.

In 2012, eleven local governments formed an alliance known as the Central East Aged Care Alliance (CEACA), to address the disadvantages elderly and disabled people in the Wheatbelt face such as lack of appropriate housing, extensive waiting lists and restrictive entry requirements.

CEACA housing projects provides quality support for older people and those living with a disability in Wheatbelt communities. These challenges were set to increase with the projected growth in the number of people likely to need support.

CEACA is not just about housing, it is an opportunity to build regional capacity and jobs in the area through the construction and management of housing for those most in need. The size of the initial investment has enabled CEACA Incorporated to create a regional asset base that is sustainable and will enable future housing growth over time. This in turn will enhance the Wheatbelt's growing reputation as a region of excellence for age-friendly communities, demonstrate an effective and appropriate model for ageing in community in rural WA and deliver foundational infrastructure to grow the emerging aged care industry.

Although CEACA's main purpose is to provide affordable and purpose-built accommodation for the elderly and those living with a disability, it also assists those who are on a very low income to secure affordable, easy-care housing.

Federal and State funding secured saw the construction of 71 two-bedroom units across the original 11 member shires.

Comment

Current shire member councils include Bruce Rock, Kellerberrin, Merredin, Mt Marshall, Mukinbudin, Wyalkatchem, Westonia and Yilgarn

The benefit of becoming a general member of CEACA to the Dowerin community includes:

- Keep older people living in rural communities for longer through the provision of appropriate and affordable housing options;
- Stimulate economic and employment growth via the construction and management of assets and provision of aged care services;
- Create an asset base and cash flow that can be leveraged for the ongoing growth of community housing in the region;
- Deliver efficient health and support services to the aging community; and
- Provides affordable living options in the regional for all ages or very low and low incomes.

CEACA general member terms are as follows:

- Full voting rights, including a nominated person appointed to the CEACA Management Committee;
- Annual membership Levy of \$15,000 per annum;
- Minimum membership commitment of three years from 1 July 2023;
- Included in CEACA's applications to Federal and State Government for grant funding to construct Independent Living Units;
- A funding commitment towards the Independent Living Units from the Shire of Dowerin is a likely condition of any Federal or State funding;
- Appropriate land will be gifted to CEACA to enable the construction of the Independent Living Units; and
- CEACA land will be exempt from Shire rates due to its charitable status.

It is proposed that the Shire of Dowerin committed to becoming a general member for a minimum of three years with the intent of investing in future CEACA housing projects.

Consultation

Rebecca McCall, CEO

Terry Waldron, Chairperson, CEACA

Richard Marshall, Executive Officer, CEACA

Cr Trepp

Cr McMorran

CEACA Meeting, 11 April 2023

CEACA Presentation to Council, 8 June 2023

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure

Objective: We have functional assets and infrastructure that supports the community.

Outcome: 3.3

Reference: 3.3.1

Asset Management Plan

Nil.

Long Term Financial Plan

Annual membership of \$15,000 for a minimum of 3 years will need to be factored into the long-term financial plan.

Risk Implications

| | |
|--------------------------------------|--|
| Risk Profiling Theme | Supplier/Contract Management |
| Risk Category | Reputation (Social/Community) |
| Risk Description | Unsubstantiated, localised low impact on community trust, low profile or no media item |
| Consequence Rating | Moderate (3) |
| Likelihood Rating | Unlikely (2) |
| Risk Matrix Rating | Moderate (6) |
| Key Controls (in place) | CEACA Governance Framework |
| Action (Treatment) | Management Committee Meeting Minutes ratified by Council |
| Risk Rating (after treatment) | Adequate |

Financial Implications

An annual membership fee of \$15,000 is applied and a minimum of a three (3) year commitment is required. A budget allocation is included in the draft 2023/2024 budget.

Officers Recommendation

That, by Absolute Majority in accordance with the Local Government Act 1995, Council:

- 1. Commits to becoming a general member of Central East Aged Care Alliance (CEACA) for a minimum of three (3) years commencing 1 July 2023; and*
- 2. Accommodates in the annual budget an allocation of \$15,000 for the general membership levy for the 2023/24, 2024/25 and 2025/26 financial years.*

Resolution - 11.3

Moved: Cr Ward

Seconded: Cr McMorran

0811 This Item was deferred without resolution pending further investigation, with the matter to be represented to Council at its October 2023 Meeting.

CARRIED 8/0

Reason

Council have requested further investigation into CEACA to determine the benefit of the investment. Council would like CEO to approach CEACA in having two Council members, Cr McMorran and Cr Ward, to attend their September meeting and present to Council.

11.4 Sub Lease – Dowerin Events Management Incorporated

| | | |
|---|---|---|
| <h2>Corporate & Community Services</h2> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 11 July 2023 | |
| Location: | Lots 35 and 192 Recreational Reserve 10614 | |
| Responsible Officer: | Rebecca McCall, Chief Executive Officer | |
| Author: | As above | |
| Legislation: | <i>Local Government Act 1995</i> | |
| Sharepoint Reference: | Organisation/Legal Services/Agreements/Lease | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 11.4A - Draft Sub-Lease Agreement | |

Purpose of Report

- Executive Decision Legislative Requirement

Summary

This Item presents to Council the intent for the Shire to enter a five-year lease with Dowerin Events Management Incorporation for consideration and, if satisfactory, endorsement.

Background

In 2005 Dowerin Events Management and the Shire of Dowerin entered into a lease agreement for an initial term of 21 years. The lease incorporated Lots 35 and 192 of Land Administration Diagrams Northam 2187 and 58921 and being the land comprised in Crown Land Record Volume 3093 Foil 349.

The designated purpose of Crown Lease I150608 is recreation, racecourse and agricultural showground.

Despite the March 2026 expiry date, both parties identified the need to bring forward the renewal of a lease for the several reasons:

- Legal Compliance - laws and regulations are subject to change over time. It is essential to review sub-lease agreements to ensure that it aligns with legislation requirements. By reviewing the sub-lease, any legal gaps and ensuring compliance with the prevailing laws can be addressed.
- Lessor and Lessee Protection - laws and regulations related to lessor and lessee rights and protections have evolved over the years. Renewing the sub-lease allows the incorporate of relevant provisions to safeguard both parties.
- Property Condition and Maintenance - a thorough review of the sub-lease assist identify any maintenance and repair obligations and clarifies maintenance responsibilities between the lessor and lessee.
- Business Requirements - reviewing the sub-lease allows both parties to assess whether the existing terms still meet their respective requirements, it also provides the opportunity to negotiate modifications to the lease agreement.

Comment

The Shire of Dowerin will enter into a five-year lease agreement with Dowerin Event Management. The agreement outlines the following:

- Schedule 1 – General Conditions
- Schedule 2 – Special Conditions
- Schedule 3 – Index of Buildings and Structures
- Schedule 4 – Plan of Premises
- Schedule 5 – Shire Owned Building Maintenance and Renewal
- Schedule 6 – Recreation Centre (Field Days Office) Building Maintenance and Renewal
- Schedule 7 – Site Ground Maintenance and Repair
- Schedule 8 – Sporting Surfaces Conditions of Use
- Schedule 9 – Management of Dowerin Recreation Centre
- Schedule 10 – All Flags Pavilion Conditions of Use
- Schedule 11 – Internal Fencing, Roads, and Signage Conditions of Use

The management order the Shire of Dowerin holds for the land, requires Ministerial consent pursuant to section 18 of the Land Administration Act 1997. Once the Minister consent is provided, the lease agreement can be advertised in accordance with Section 3.58 (3) of the *Local Government Act 1995*.

Proposed dispositions require a valuation to be carried out to ascertain the market value. As the lease agreement has no commercial benefit as the use is for community benefit, it was deemed not necessary for a valuation to be carried out.

Consultation

Rebecca McCall, Chief Executive Officer
Cr Nadine McMorran
Cr Jason Sewell
Josh Ward, Chair – Dowerin Events Management Incorporated
Danielle Green, General Manager - Dowerin Events Management Incorporated

Policy Implications

Nil

Statutory Implications

Section 80, 81 and 82 of the *Property Law Act 1969*

Section 3.58 (1) and Section 3.58 (3) of the *Local Government Act 1995* is applicable and states:

3.58. Disposing of property

- (1) In this section –
 - dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
 - (a) it gives local public notice of the proposed disposition –
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Strategic Implications

Strategic Community Plan

Community Priority: Our Community
 Objective: We live in a diverse, healthy, and connected community
 Outcome: 1.3
 Reference: 1.3.3

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

Risk Implications

| | |
|--------------------------------------|---|
| Risk Profiling Theme | Engagement Practices |
| Risk Category | Reputation (Social/Community) |
| Risk Description | Substantiated, localised impact on community trust or low media item |
| Consequence Rating | Minor (2) |
| Likelihood Rating | Likely (4) |
| Risk Matrix Rating | Moderate (8) |
| Key Controls (in place) | Community & Engagement Framework, Community Satisfaction Survey, Customer Service Charter |
| Action (Treatment) | Nil |
| Risk Rating (after treatment) | Adequate |

Financial Implications

The sub-lease agreement will generate revenue specified as rental for \$2,500 per annum. Clause 3.1 (c) entitles the Lessor to increase the amount of rent by 3% per annum.

Clause 3.1 (b) allows the Lessor to on-charge electrical and water consumptions for a specified period.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation/Resolution - 11.4

Moved: Cr Trepp

Seconded: Cr McMorran

0812 That in accordance with Section 3.58 (1) and Section 3.58 (3) of the *Local Government Act 1995*, Council resolves to:

1. Lease the area of land situated on Lots 35 and 192 within Reserve No. 10614 for a five-year period commencing 1 August 2023 to Dowerin Events Management Incorporated under the terms and conditions set out in the lease agreement;
2. Provide the draft lease agreement to the Minister for Lands seeking consent to sublease;
3. Approves to give local public notice of the proposed disposition in accordance with Section 3.58 of the *Local Government Act 1995*; and
4. Authorise the Shire President and the CEO to affix the Shire Common Seal.

CARRIED 8/0

UNCONFIRMED

11.5 Growing Regions Program – Wheatbelt Worker Housing

Corporate & Community Services



| | |
|--------------------------------|--|
| Date: | 11 July 2023 |
| Location: | Not Applicable |
| Responsible Officer: | Rebecca McCall, Chief Executive Officer |
| Author: | As Above |
| Legislation: | <i>Local Government Act 1995</i> |
| Sharepoint Reference: | Grants & Subsidies / Grant Applications / Growing Regions Program |
| Disclosure of Interest: | Nil |
| Attachments: | <p>Attachment 11.5A - Worker Accommodation Project – Design Concept</p> <p>Attachment 11.5B - Worker Accommodation Project – Overall Site Plan</p> |

Purpose of Report



Executive Decision



Legislative Requirement

Summary

For Council to consider committing to the Wheatbelt Worker Housing project and submitting a joint shire funding application for the Growing Regions Program.

Background

The Growing Regional Program – Round 1 will drive regional economic prosperity by providing access to funding for community-focused infrastructure projects throughout rural and regional areas of Australia.

Round 1 will deliver grants up to a maximum of \$15,000,000 over 3 years to deliver community infrastructure projects. It will deliver community and economic benefits by investing in community-focused infrastructure which revitalises regions and enhances amenity and liveability throughout regional Australia.

The objectives of the program are:

- constructing or upgrading infrastructure that fills an identified gap or need for the community infrastructure.
- contributing to achieving a wide range of community socio-economic outcomes.
- Is strategically aligned with regionally priorities.

The intended outcomes of the program are:

- delivery of community-focused infrastructure which contributed to local and regional priorities.
- provision of infrastructure which benefits the community by improving equity and supports diverse social inclusion.
- to contribute to the achievement of broader government priorities.
- growing local economies and enhancing amenity and liveability in the regions.

Geographic eligibility criteria defines three (3) groups outlining the project circumstance and total commonwealth government funding towards eligible project costs. Group 2 can apply for up to 70% of eligible project costs. Project circumstances for Group 2 are as follows:

1. projects located in 'remote' locations per the Australian Bureau of Statistics' Remoteness Structure.
2. projects run by 'low rate based' councils, determined using the ration of Financial Assistance Grant to Net Rate Income.

The Growing Regions Program guidelines requires the applicant to ratify the proposed project and Council's financial commitment.

Comment

Through CEO liaison it was identified that seven (7) Wheatbelt shires were intending to apply to secure funding for worker housing. Six of the Councils are categorised in Group 2. Discussions led to the decision to prepare a joint submission. The benefit of a joint submission includes:

- the opportunity to leverage economies of scale achieved.
- enhanced project scope extends the proposed worker housing projects across the Wheatbelt.
- shared expertise by working in collaboration with other councils.
- increased political influence through demonstrating unity and collaborate among the shires.
- improved data and research through sharing of information.
- enhanced community impact with the coordination of effort and resources to improve quality of life for workers, boosts local economics and fosters community development.

Participating councils include the Shires of Bruce Rock, Cunderdin, Kellerberrin, Tammin, Trayning, and Wyalkatchem.

Consultation has taken place with the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts and has encouraged a joint application and advised that all participating councils will be assessed as Group 2.

The Shire of Tammin is the nominated lead agency for the purpose of administering the grant and distribution of funding. A steering committee consisting of the CEO of each participating council will oversee the governance and oversee the projects. Individual shires will be responsible for project managing their individual projects; however, collaboration will be encouraged to take advantage of economies of scale particularly through procurement.

Request for Quotes (RFQ) for invited for the purpose of engaging an appropriate external consultant to work with the participating councils to write the expression of interest and if successful proceed to write the business cases and full grant application. Upon assessing the RFQ submissions, Whitney Consulting was engaged.

The Shire of Dowerin's project involves the construction of four (4) two-bedroom, one-bathroom groups dwellings for the purpose of worker accommodation. The intent is to construct the dwellings on 22 & 24 Goldfields Road Dowerin, the freehold land is owned by the Shire. The estimated projects costs include:

| | | |
|--------------------------|--------------------|------------|
| 4 2x1 Single Brick Units | \$1,435,035 | Quoted |
| Power (Green Domes) | \$20,000 | Indicative |
| Water Meter | \$6,000 | Indicative |
| Crossovers | \$6,000 | Indicative |
| Landscaping | \$5,000 | Indicative |
| Contingency (10%) | \$147,203 | |
| TOTAL | \$1,619,238 | |

Proposed project funding consists of:

| | | |
|-------------------------|-------------|----------------------------|
| Growing Regions Program | \$1,133,465 | 70% Capex |
| Shire of Dowerin | \$485,773 | 30% Capex (cash & in-kind) |

Upon the success of the funding application, it is expected that the project will not commence April 2024 with construction taking place in 2024/2025.

It is intent to fund Council's contribution from the Land and Building Reserve and the gap funded by an allocation in the 2024/25 budget.

Consultation

Rebecca McCall, CEO

CEO's - Shires of Bruce Rock, Cunderdin, Kellerberrin, Tammin, Trayning, and Wyalkatchem

Whitney Consulting

Council Workshop – 8 July 2023

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure

Objective: We have functional assets and infrastructure that supports the community.

Outcome: 3.3

Reference: 3.3.1

Asset Management Plan

If funding is secured, upon the finalisation of construction, the newly constructed housing will need to be factored into the Asset Management Plan to capture life cycle and renewal costs.

Long Term Financial Plan

If funding is secured, capital expenditure for development will need to be factored into the Long-Term Financial Plan, and in addition ongoing operational and renewal costs.

Risk Implications

| | |
|--------------------------------------|--|
| Risk Profiling Theme | Project/Change Management |
| Risk Category | Financial Impact |
| Risk Description | Exceeds project budget by 20% |
| Consequence Rating | Major (4) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | High (12) |
| Key Controls (in place) | Project Management Framework |
| Action (Treatment) | Management Committee Meeting Minutes ratified by Council |
| Risk Rating (after treatment) | Adequate |

Financial Implications

The draft 2023/24 budget allocated \$30,000 to engage an external consultant to write the business case and grant application.

If the application is successful, the funds will be initially held by the Shire of Tammin. The Shire of Dowerin's share of the funding can be captured in the 2024/2025 to recognise the capital revenue and project expenditure.

The Shire of Dowerin's financial contribution will be \$485,773.

| 2024/2025 Budget | |
|-------------------------|-------------|
| Grant Revenue | \$1,133,465 |
| Project Expenditure | \$1,169,238 |

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation/Resolution - 11.5

Moved: Cr Hudson

Seconded: Cr Sewell

0813

That, by Absolute Majority in accordance with the *Local Government Act 1995*, Council supports the Wheatbelt Worker Housing Project and commits to:

- 1. The joint shire submission to apply for funding through the Growing Regions Program;**
- 2. The construction of four (4) two-bedroom, one-bathroom dwellings for the purpose of worker accommodation;**
- 3. Contributing one-third of the project costs of \$485,773.**

CARRIED BY ABSOLUTE MAJORITY 8/0

11.6 Recalcitrant Rates Debtors - June 2023

| | | |
|---|--|---|
| <h1>Corporate & Community Services</h1> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 5 July 2023 | |
| Location: | Not Applicable | |
| Responsible Officer: | Aaron Wooldridge, Deputy Chief Executive Officer | |
| Author: | Sheldon Cox, Rates and Finance Officer | |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i> | |
| SharePoint Reference: | Organisation/Rates and Evaluations/Reporting/2022 Recalcitrant Rates Debtors | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 11.6A - Recalcitrant Rates Debtors | |

Purpose of Report

Executive Decision Legislative Requirement

Summary

The Shire of Dowerin recalcitrant Rates Debtors report for June 2023 details assessments not paying on an arrangement, with a previous year's balance of more than \$100.

Background

It is considered best practice for Council to have less than 4% (roughly \$55,000) of the rates levied outstanding at the end of the financial year. The Council did not achieve this due to several assessments holding large debts.

Comment

As at the end of the June 2023 quarter, the Shire of Dowerin's recalcitrant list of properties shows 10 properties with outstanding rates for previous financial years totaling \$95,426.42.

Administrative processes implemented have reduced the rates debt of twenty properties from \$115,000 to ten properties in less than twelve months.

Five of these properties listed are currently under the 3 Year Rule and are expected to be seized, sold or transferred within the next twelve to eighteen months.

The final five are continuing to be recalcitrant and will be subject to further legal action with the commencement of the new financial year.

Robust administrative processes are in place to ensure properties are updated on the rating system with correct and relevant contact details for owners that has resulted in frequent contact and payments being made. These practices will reduce the risk of debt creep.

Consultation

Sheldon Cox, Rates Officer

Tara Donnelly, Casual Rates Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

Damian Barr, Local Government Services, AMPAC Debt Recovery

Association of Rates Officers

Troy Hancock, Legislation Officer, Department of Local Government, Sports and Cultural Industries

Policy Implications

Nil

Statutory 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

Risk Implications

| | |
|--------------------------------------|---|
| Risk Profiling Theme | Failure to fulfil statutory regulations or compliance requirements |
| Risk Category | Financial Impact |
| Risk Description | \$50,001 - \$200,000 |
| Consequence Rating | Major (4) |
| Likelihood Rating | Likely (4) |
| Risk Matrix Rating | Extreme (20) |
| Key Controls (in place) | Financial Management Framework; Debt Recovery Procedures; Legislation |
| Action (Treatment) | Undertake debt recovery as per procedures and legislation |
| Risk Rating (after treatment) | Effective |

Financial Implications

The risk implications as set out above have now increased from \$5,001 - \$50,000 to \$50,001 - \$200,000 as this is the next bracket in our risk description and our long-term outstanding debts are over \$64,000.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation/Resolution - 11.6

Moved: Cr Sewell

Seconded: Cr McMorran

0814 That Council, by Simple Majority, receives the report of Recalcitrant Rates Debtors, as presented in Attachment 11.6A.

CARRIED 8/0

UNCONFIRMED

11.7 Sale of Land for Unpaid Rates in Excess of Three Years

Corporate & Community Services



| | |
|--------------------------------|---|
| Date: | 12 July 2023 |
| Location: | Various |
| Responsible Officer: | Aaron Wooldridge, Deputy Chief Executive Officer |
| Author: | Sheldon Cox, Rates and Finance Officer |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996; Civil Judgements Enforcement Act 2004</i> |
| Sharepoint Reference: | Organisation/Rates & Valuations/Debt Recovery |
| Disclosure of Interest: | Nil |
| Attachments: | Nil |

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This item is represented to clearly define to process undertaken by the Shire to proceed with the sale of properties whose rates and charges have been in arrears for three years or more to the Council for endorsement.

Background

Under Section 6.64(1)(b) of the *Local Government Act 1995* (the Act), if any rates or service charges due to a local government have remained unpaid for at least three years, the local government may take possession of and proceed to sell the land. Section 6.68 describes the necessary conditions for exercising the power to sell the land.

Whilst Section 6.68(1) of the Act prevents the local government from exercising the power of sale unless the local government has attempted to recover money due to it under Section 6.56 of the Act, under Section 6.68(2), a local government is not required to attempt under Section 6.56 to recover money due before exercising the power of sale, where the local government has a reasonable belief that the cost of proceedings will equal or exceed the value of the land, or where the local government has made reasonable efforts to locate the owner of the property and has been unable to do so.

In order to take possession of the property and proceed with its sale, the local government must cause notice requiring the payment of rates in accordance with Schedule 6.3 of the Act. The notice is also to be served on any party with an interest in the land, such as the Mortgagees and is also to be posted on the local government's official website for a period of not less than 35 days. If at the expiration of three months from the date of issue of the notice the rates remain unpaid, the local government can proceed with selling the land by public auction, with such an auction to occur not more than twelve months from the date of the notice.

Achievements have been, including the sale and seizure of one property, two more awaiting sale or seizure and the enforcement of consistent payments by problematic debtors who are now on schedule each year.

The aim of this item is to propose an additional four assessments for potential sale and/or seizure. The following properties, while not necessarily hold a large debt, will become a problem if they are not acted upon now. The four listed are under unfortunate circumstances in which all owners and

potential beneficiaries have since passed away, leaving a difficult and uncomfortable situation for the Shire to navigate.

Under Clause 5 of Schedule 6.3 of the Act, the outstanding rates, any additional legal expenses and the costs of the sale or incidental costs to the sale of the property can be recovered by the local government. Any residual amounts from the sale of the property is to be held by the local government in the event of the owners making a claim. If after twelve months the amount has not been claimed, the residual funds are to be paid into the Supreme Court under Section 99 of the Trustees Act. If unclaimed for a further six years, the amount is then paid into the Consolidated Fund of the State Government.

Comment

Staff have exhausted all avenues of action in accordance with relevant legislative requirements relating to collection of the outstanding rates on the properties. A decision of Council on how to proceed was ratified at its Ordinary Council Meeting held on 18 April 2023 (CMRef 0765).

The Officer's Recommendation is to clearly identify the process the Shire has undertaken in relation to debt recovery for the two properties and the recommendation for the sale and the steps carried out.

Consultation

Sheldon Cox, Rates Officer

Tara Donnelly, Rates Consultant

Aaron Wooldridge, Deputy Chief Executive Officer

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

Damian Barr, Local Government Services - AMPAC Debt Recovery

Association of Rates Officers

Troy Hancock, Legislation Officer, Department of Local Government, Sports and Cultural Industries

Policy Implications

Nil

Statutory Implications

Part 6 Division 6 and Schedule 6.3 of the *Local Government Act 1995* are applicable.

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

Risk Implications

| | |
|-----------------------------|--|
| Risk Profiling Theme | Failure to fulfil statutory regulations or compliance requirements |
| Risk Category | Financial Impact |

| | |
|--------------------------------------|---|
| Risk Description | \$50,001 - \$200,000 |
| Consequence Rating | Moderate (3) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | Extreme (20) |
| Key Controls (in place) | Financial Management Framework; Debt Recovery Procedures; Legislation |
| Action (Treatment) | Undertake debt recovery as per procedures and legislation |
| Risk Rating (after treatment) | Effective |

Financial Implications

The sale of the properties at the sale or seizure level in debt recovery would decrease the outstanding rates by approximately \$60,000 or more. Daily interest accruing at 5% per annum would cease. The outstanding rates and service charges may not be fully recovered from the sale of the property, or the cost of any legal action/s. In the event the price realised at sale is less than the balance of the rates and charges, Section 6.12(1) c of the *Local Government Act 1995* provides that any shortfall following sale shall be written off.

There is a provision for rates debt recovery in the 2022/23 budget.

5.12pm - Cr Metcalf left the meeting.

5.15pm - Cr Metcalf returned to the meeting.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation/Resolution - 11.7

Moved: Cr Trepp **Seconded:** Cr Hudson

0815 That, by Simple Majority, in accordance with the *Local Government Act 1995*, Council pursuant to minutes of the Ordinary Council Meeting dated 18 April 2023 (CMRef 0765) in relation to A451 - 36 Goldfields Road, Dowerin and A503 - 10 Stacy Street Dowerin, the Shire were made aware that the owners were deceased and following contact with the apparent Executors of the Estates of the deceased owners in or around 2020, no Probate had been applied for up to 27 April 2023 and it became evident to the Shire that no one is administering the Estates of the deceased owners and the rates have remained unpaid.

CARRIED 8/0

11.8 54 Jones Street, Dowerin - Application for the Keeping of Three Dogs

Corporate & Community Services



| | |
|--------------------------------|--|
| Date: | 12 July 2023 |
| Location: | 54 Jones Street, Dowerin |
| Responsible Officer: | Aaron Wooldridge, Deputy Chief Executive Officer |
| Author: | Irene Ryan, Ranger |
| Legislation: | <i>Dog Act 1976</i> ; Shire of Dowerin Dogs Local Law 2008 |
| Sharepoint Reference: | Compliance/Ranger/Animal Registrations |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 11.8A - Ranger's Report |

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents an application for the keeping of three dogs at a townsite property to Council for consideration and, if satisfactory, approval.

Background

An application has been received to keep three dogs at 54 Jones Street, Dowerin. Any person wishing to keep more than two dogs within prescribed areas is required to get Council approval.

Comment

A copy of the Ranger's Report is provided as an Attachment. The report details the process of assessing the application, the inspection of the property and the Ranger's recommendation.

All dogs have been microchipped, registered and are between the ages of 2 and 11.5 years of age.

Consultation

Irene Ryan - Rural Ranger Services

Policy Implications

Nil

Statutory Implications

The Shire of Dowerin Dogs Local Law 2018 and Part 5 Section 26 of the *Dog Act 1976* are applicable.

Clause 3.2(2)(b) of the Dogs Local Law only permits the keeping of four dogs over the age of three months if the premises is situated outside a townsite. However, Section 26(3) of the *Dog Act 1976* enables a local government to grant an exemption in respect of the numbers of dogs permitted to be kept at a residence. Such an exemption may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption.

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

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 Management Framework |
| Action (Treatment) | Document Governance Framework |
| Risk Rating (after treatment) | Adequate |

Financial Implications

An application fee of \$100 applies and the cost of registration on all three dogs.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation/Resolution - 11.8

Moved: Cr Sewell

Seconded: Cr McMorran

0816

That, in accordance with Section 26(3) of the *Dog Act 1976*, Council approves the application to house three dogs at 54 Jones Street, Dowerin with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and/or wandering.
2. The exemption applies only to the three (3) dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption for that particular dog ceases to have effect.

3. The exemption will cease to have effect on the date of any conviction for an offence relating to *The Dog Act 1976* in respect of any of the dogs, or any person in charge of those dogs.
4. The subject property must be kept clear of all animal excreta using proper disposal methods.
5. Adequate cover and protection are always to be available to the dogs.
6. The dogs are to be adequately confined in accordance with Section 3.1 of the Shire of Dowerin Dogs Local Law.
7. Access to the property is to be given to a Shire Officer for an annual inspection, or more regularly if the Shire so determines. Each inspection will be charged in accordance with the adopted Schedule of Fees and Charges.
8. A self-watering drinking device is to be installed in the house yard for Dixie the blue heeler so that fresh clean water is always available.
9. The dogs have adequate bedding to ensure they have the warmth needed to maintain good health, especially the older two kelpies.

CARRIED 8/0

UNCONFERMED

11.9 Adoption of 2023/24 Budget

Corporate & Community Services



| | |
|--------------------------------|--|
| Date: | 13 July 2023 |
| Location: | Not Applicable |
| Responsible Officer: | Aaron Wooldridge, Deputy Chief Executive Officer |
| Author: | As above |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996; Local Government (Administration) Regulations 1996; Waste Avoidance and Resources Recovery Act 2001;</i> |
| Sharepoint Reference: | Organisation/Financial Management/Budgeting/2023-2024 Budget |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 11.9A - Draft 2023/24 Statutory Budget |

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents the draft 2023/24 Budget to Council for consideration and, if satisfactory, adoption.

Background

The draft 2023/24 Budget has been compiled based on the principles contained in the Integrated Strategic Plan, and in accordance with presentations made to Council at budget workshops held in March, April, May, June, and July 2023.

Further information provided to Council and considered at the budget workshops included proposed Programs for Plant Replacement, Capital Expenditure, Road Program, Building Maintenance and Asset Acquisitions.

Comment

The main features of the draft 2023/24 Budget include:

1. A breakdown of rate charges;
2. Schedule of Fees and Charges;
3. Refuse collection charges; and
4. Sewerage rates and charges.

Management has budgeted approximately \$946,000 towards its Road Maintenance Program that includes approximately \$300,000 for various road maintenance and contract road grading.

Proposed capital expenditure of \$5,036,112 includes the following:

1. A Capital Roads Program totalling \$4,410,569 are partially offset by Federal and State Road funding. The net impact of these works on Council funds is \$439,077 and \$60,000 from Reserves.
2. A total of \$220,760 on other infrastructure includes: Public Art Project, Skate Park Redevelopment, Dowerin Standpipe Upgrade, Townsite Greening Project Stage 3;

3. The following Plant and Equipment have been considered by Council for adoption in the 2023/24 Budget:

| | |
|--------------------------------|-----------------|
| CEO Vehicle Replacement | \$61,310 |
| Depot Fuel Bunded Storage Tank | \$30,000 |
| TOTAL | \$91,310 |

4. The following Capital improvements is a carry forward from the 2022/23 budgeted year:

| | |
|---|------------------|
| Black Spot Capital Road Project (Dowerin-Meckering) | \$104,344 |
| Light Hino Truck (funded from Reserve in FY23) | \$81,359 |
| TOTAL | \$185,703 |

The 2023/24 Budget will include transfers from the Shire's Reserve portfolio of \$218,510 towards the purchase of the CEO Vehicle, IT Server Renewal, Standpipe Upgrade, Depot Fuel Bunded Storage Tank and the Townsite Greening Water Scheme Project. Transfers into Reserves of \$398,426 (includes approximate interest on reserves funds of \$130,000) also forms part of the budget.

The estimated brought forward balance is \$1,810,800, however, it must be noted that this figure is unaudited and may change once the annual accounts are finalised. The major influence on the brought forward figure is a payment of \$1.74m made in June 2023 of Federal Financial Assistance Grants, an allowance for outstanding creditors relating to 2022/2023.

The 2023/2024 Budget is aligned with the key actions outlined in the Integrated Strategic Plan.

Consultation

Council Budget Workshop 21 March 2023
 Council Budget Workshop 11 April 2023
 Council Budget Workshop 16 May 2023
 Council Budget Workshop 20 June 2023
 Council Budget Workshop 6 July 2023
 Rebecca McCall, Chief Executive Officer
 Aaron Wooldridge, Deputy Chief Executive Officer
 Ben Forbes, Assets & Works Coordinator

Policy Implications

There are no identified Policy implications.

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
 Community Priority: Our Infrastructure

Objective: We have functional assets and infrastructure that supports the community
 Outcome: 3.2
 Reference: 3.2.1

Asset Management Plan

The AMP will be reviewed to capture the 2023/24 Budget allocations.

Long Term Financial Plan

The LTFP will be reviewed to capture the 2023/24 Budget allocations.

Statutory Implications

Part 6 ‘Financial Management’ Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, the local government is to prepare and adopt a budget for its municipal fund for the financial year ending on the following 30 June.

Division 5 and 6 of Part 6 of the *Local Government Act 1995* refers to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* detail the form and content of the budget. The draft 2023/24 Budget as presented is considered to meet the statutory requirements.

Risk Implications

| | |
|--------------------------------------|--|
| Risk Profiling Theme | Failure to fulfil statutory regulations or compliance requirements |
| Risk Category | Compliance |
| Risk Description | Short term non-compliance but with significant regulatory requirements imposed |
| Consequence Rating | Insignificant (1) |
| Likelihood Rating | Rare (1) |
| Risk Matrix Rating | Low (1) |
| Key Controls (in place) | Governance Calendar, Financial Management Framework & Legislation |
| Action (Treatment) | Nil |
| Risk Rating (after treatment) | Adequate |

Financial Implications

Specific financial implications are as noted within this report with full details itemised in the attached draft 2023/24 Budget presented for adoption.

Motion to Suspend Standing Orders Local Law

Voting Requirements

Simple Majority Absolute Majority

Officer’s Recommendation/Resolution

Moved: Cr Trepp **Seconded:** Cr Ward

0817 That Council, suspend Standing Order 17.1(1) to allow the CEO to contact Finance Officer.

CARRIED 8/0

5.25pm – The Chief Executive Officer left the meeting to contact the Finance Contractor seeking clarification surrounding the Draft Annual Statutory Budget documentation at the request of Council so they may be better informed before considering the item.

Motion to Return Standing Orders Local Law

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Trepp **Seconded:** Cr Metcalf

0818 That Council, return Standing Order Local Law.

CARRIED BY ABSOLUTE MAJORITY 8/0

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation 1/Resolution – 11.9.1

Moved: Cr Hudson **Seconded:** Cr Ward

0819 That, in accordance with Part 6 'Financial Management' Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, Council adopts the Shire of Dowerin 2023/24 Budget, as presented in Attachment 11.9A, for the 2023/24 financial year which includes the following:

- a. **Statement of Comprehensive Income by nature and type on Page 2 showing a net result for the 2023/24 financial year of \$1,299,913;**
- b. **Statement of Cash Flows on Page 3 showing a net result for the 2023/24 financial year of \$137,866;**
- c. **Statement of Financial Activity on Page 4 showing the required amount of \$1,503,992 to be raised from rates for the 2023/24 financial year;**
- d. **Notes to and forming part of the Annual Budget on Pages 6 to 27; and**
- e. **Transfers to/from Reserve Accounts as detailed on Page 21.**

CARRIED BY ABSOLUTE MAJORITY 6/2

Against Cr Metcalf and Cr Sewell

Officers Recommendation 2/Resolution – 11.9.2

Simple Majority Absolute Majority

Moved: Cr Metcalf **Seconded:** Cr Ward

0820 That, in accordance with Part 5 'Administration' Section 5.56 and Part 6 'Financial Management' Sections 6.2, 6.3 and all of Division 6 'Rates and Service Charges of the *Local Government Act 1995*, Council for the purpose of planning for the future, disclosed by the 2023/24 Budget adopted at Part 1 above, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values (as shown at Note 2 on Pages 8, 9 and 10 of the 2023/24 Budget). Some rates may be

affected due to Unimproved Valuations received from Landgate effective 1 July 2023:

| Unimproved Value | Cents in \$ | Minimum Rate |
|----------------------------|-------------|--------------|
| Residential (GRV) | 0.10300 | \$849 |
| Commercial/Industrial GRV | 0.10300 | \$849 |
| Town Rural (GRV) | 0.10300 | \$849 |
| Other Towns (GRV) | 0.10300 | \$248 |
| Rural Farmland (UV) | 0.00562 | \$849 |
| Commercial/Industrial (UV) | 0.00562 | \$849 |
| Town Rural (UV) | 0.00562 | \$849 |
| Mining (UV) | 0.00562 | \$248 |

CARRIED BY ABSOLUTE MAJORITY 8/0

Officers Recommendation 3/Resolution - 11.9.3

Simple Majority

Absolute Majority

Moved: Cr Hudson

Seconded: Cr Allsopp

0821 That, in accordance with Section 41 of the *Health Act 1911*, Council imposes the following sewerage rates and minimum payments on Gross Rental Values (as shown at Note 2a on Page 8 of the 2023/24 Budget):

| Gross Rental Value | Cents in \$ | Minimum Rate/Charge |
|---------------------------|-------------|---------------------|
| Sewerage Rates: | | |
| Residential | 0.083678 | \$410 |
| Commercial | 0.083678 | \$845 |
| Vacant | 0.083678 | \$410 |
| Government | N/A | \$845 |
| Sewerage Fixtures: | | |
| First Fixture | N/A | \$267 |
| Additional Fixtures | N/A | \$123 |

CARRIED BY ABSOLUTE MAJORITY 8/0

Officers Recommendation 4/Resolution - 11.9.4

Simple Majority

Absolute Majority

Moved: Cr Ward

Seconded: Cr Metcalf

0822 That, in accordance with Division 6 'Rates and Service Charges Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full by instalments:

One Installment Option:

| | |
|--------------|-------------------|
| Full payment | 14 September 2023 |
|--------------|-------------------|

Two Installment Option:

| | |
|-------------------------------------|-------------------|
| 1 st Instalment due date | 14 September 2023 |
| 2 nd Instalment due date | 15 January 2024 |

Four Installment Option:

| | |
|-------------------------------------|-------------------|
| 1 st Instalment due date | 14 September 2023 |
| 2 nd Instalment due date | 16 November 2023 |
| 3 rd Instalment due date | 15 January 2024 |
| 4 th Instalment due date | 23 March 2024 |

CARRIED BY ABSOLUTE MAJORITY 8/0

Officers Recommendation 5/Resolution - 11.9.5

Simple Majority Absolute Majority

Moved: Cr Hudson **Seconded:** Cr Allsopp

That, in accordance with Division 6 'Rates and Service Charges Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid.

LOST 0/8

Officers Recommendation 6/Resolution - 11.9.6

Simple Majority Absolute Majority

Moved: Cr Trepp **Seconded:** Cr Sewell

0823 That, in accordance with Division 6 'Rates and Service Charges Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.

CARRIED BY ABSOLUTE MAJORITY 8/0

Officers Recommendation 7/Resolution - 11.9.7

Simple Majority Absolute Majority

Moved: Cr Ward **Seconded:** Cr Hagboom

0824 That, in accordance with Division 6 'Rates and Service Charges Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.

CARRIED BY ABSOLUTE MAJORITY 8/0

Officers Recommendation 8/Resolution - 11.9.8

Simple Majority Absolute Majority

Moved: Cr Ward **Seconded:** Cr Hudson

0825 That, in accordance with Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

| | |
|---|-------|
| Residential Premises (Including Recycling) | |
| a. 240ltr Waste Bin Weekly Collection; and | \$369 |
| b. 240ltr Recycle Bin Fortnightly Collection | \$369 |
| Additional Refuse Service | |
| a. 240ltr Waste Bin Weekly Collection | \$184 |
| Minnivale Residential Collection (excluding Recycling) | \$184 |

CARRIED BY ABSOLUTE MAJORITY 8/0

Officers Recommendation 9/Resolution - 11.9.9

Simple Majority Absolute Majority

Moved: Cr Trepp **Seconded:** Cr Hudson


0826 That, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality, Council adopts the level to be used in the Statement of Financial Activity in 2023/24 for the reporting of material variance as 10% or \$10,000, whichever is the greater.

CARRIED BY ABSOLUTE MAJORITY 8/0

6.01pm – Cr McMorran and Cr Hagboom left the meeting.

12. OFFICER'S REPORTS - GOVERNANCE AND COMPLIANCE

12.1 84 Ucarty Rock Road, UCARTY – Development Approval (DA) Application

| <h2 style="color: red;">Governance & Compliance</h2> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
|--|---|--|
| Date: | 20 June 2023 | |
| Location: | 84 Ucarty Rock Road, UCARTY 6462 | |
| Responsible Officer: | Rebecca McCall, Chief Executive Officer | |
| Author: | Laura Pikoss, Planner HBP Services WA | |
| Legislation: | <i>Planning & Development Act 2005</i> | |
| Sharepoint Reference: | N/A | |
| Disclosure of Interest: | Financial Interest - Cr McMorran Proximity Interest - Cr Hagboom | |
| Attachments: | Nil | |

Purpose of Report

Executive Decision

Legislative Requirement

Summary

The council is in receipt of a planning application, seeking council approval to construct a machinery shed in support of extensive agricultural operations. The proposed shed dimensions are 64m (length) x 24m (width) x 7.4m (height), which complies with the allowable land use outlined in the Land Planning Shire of Dowerin Scheme No 2.

It is recommended that council grant Planning Approval for the construction of the machinery shed.

Background

At present, the subject site comprises a dwelling along with multiple farm sheds that facilitate the ongoing agricultural activities taking place on the property. These structures play a crucial role in supporting and facilitating the various agricultural operations conducted on the site.

Description of Proposal

The council has recently received a planning application that seeks approval to establish a machinery shed in conjunction with extensive agricultural operations. The proposed shed is intended to serve as a functional storage facility for various farm machinery and equipment related to the agricultural activities taking place on the premises.

With dimensions measuring 64 meters in length, 24 meters in width, and 7.4 meters in height, out buildings in association with Agriculture extensive activities are permissible in accordance with the **Shire of Dowerin Scheme No 2**. The machinery shed will contribute to the efficient functioning of the agricultural operations by providing a dedicated space for storing and maintaining essential equipment on site.

The council will thoroughly assess the planning application and consider various factors, including the shed's location, impact on the surrounding environment, and compliance with relevant regulations. A decision will be made based on these considerations to ensure that the proposed

construction aligns with the community's interests while supporting the sustainable growth of agriculture in the area.

The development is located **84 Ucarty Rock Road, UCARTY 6462** and is currently zoned 'Rural' under the Local Planning Scheme 'Shire of Dowerin Scheme No 2'. The Rural Zone objectives are as follows:

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardize the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.
- To prevent any development that may affect the viability of a holding.
- To encourage small scale, low impact tourist accommodation in rural locations.
- To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

Considering the proposed development's remote location, it is evident that there is no significant impact on the natural landscape or rural ambiance. This compliance with the zoning objectives signifies that the development aligns with the intended goals and regulations set forth for the area.



Figure 1 Subject Site

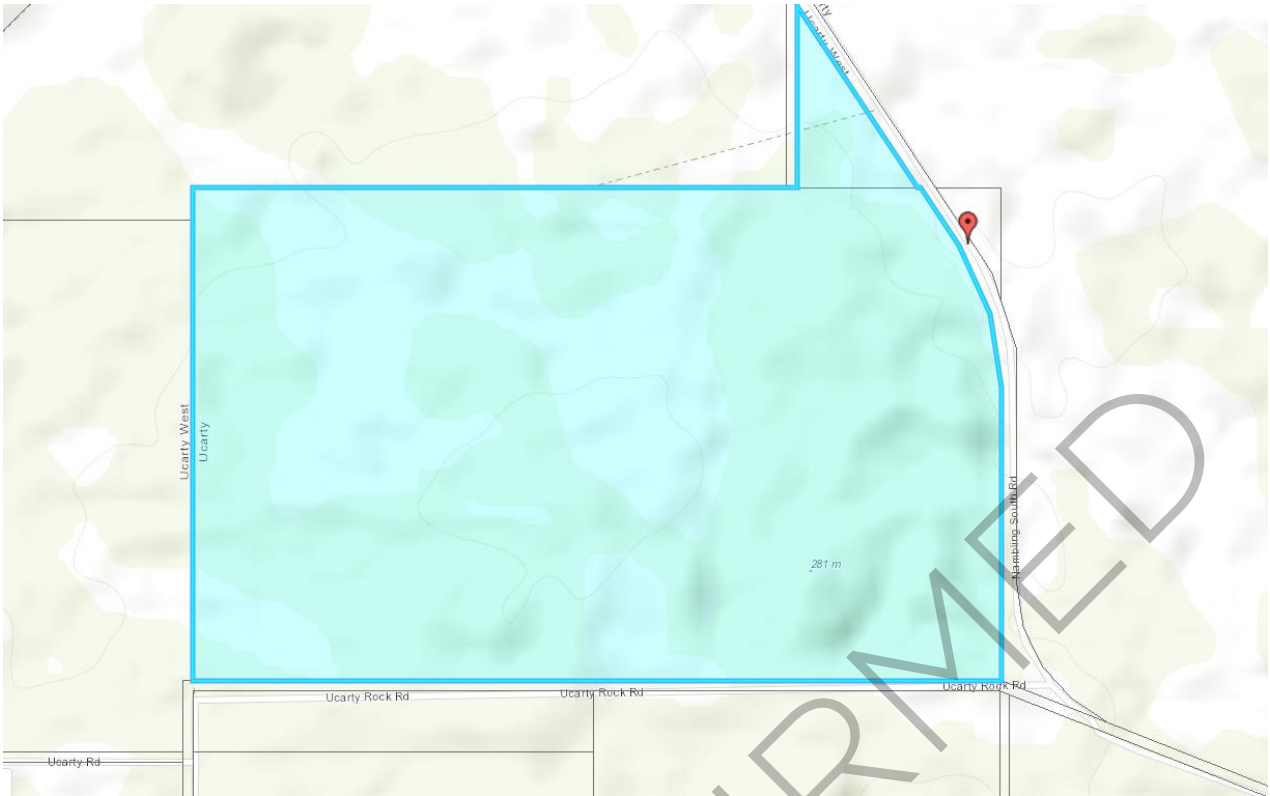


Figure 2: Site location

Site and Location



Figure 3 Site Plan

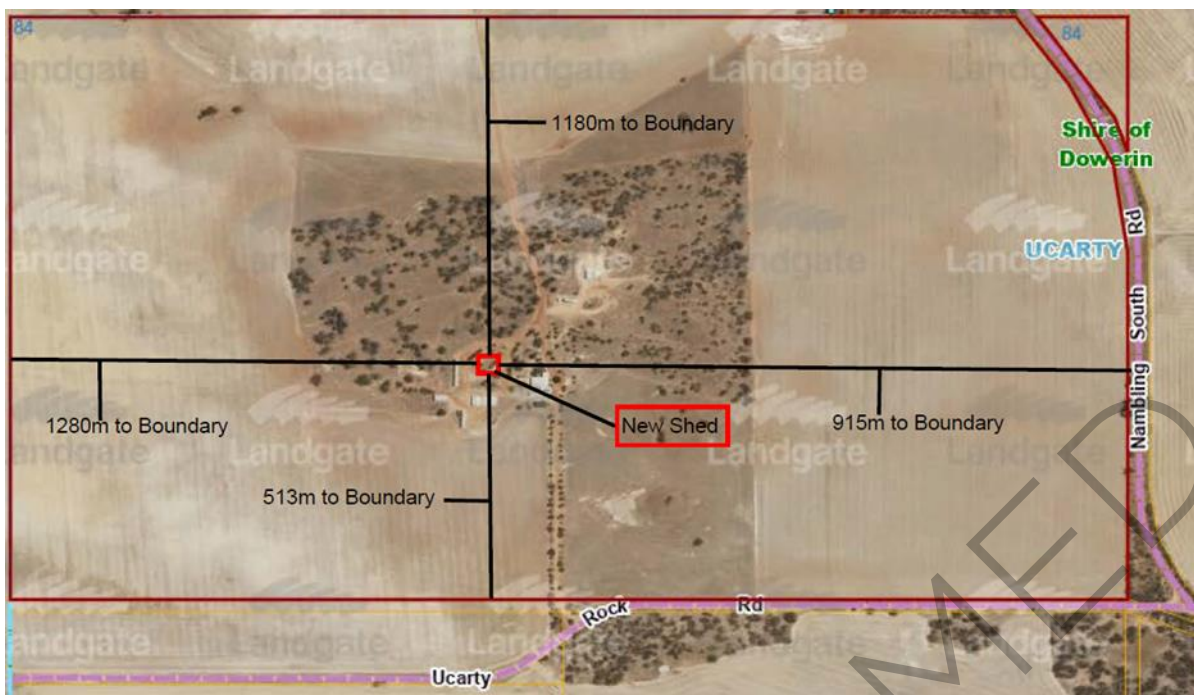


Figure 4 Topography Image Subject Site

Consultation

There has not been any formal consultation on this development proposal.

Policy Implications

There is no plan or local planning policy applicable to this proposal.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

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

Outcome: 5.1

Reference: 5.1.1

Community Priority: Our Economy

Objective: We are an attractive location to invest, live, play, visit and work

Outcome: 2.1

Reference: 2.1.2

Asset Management Plan

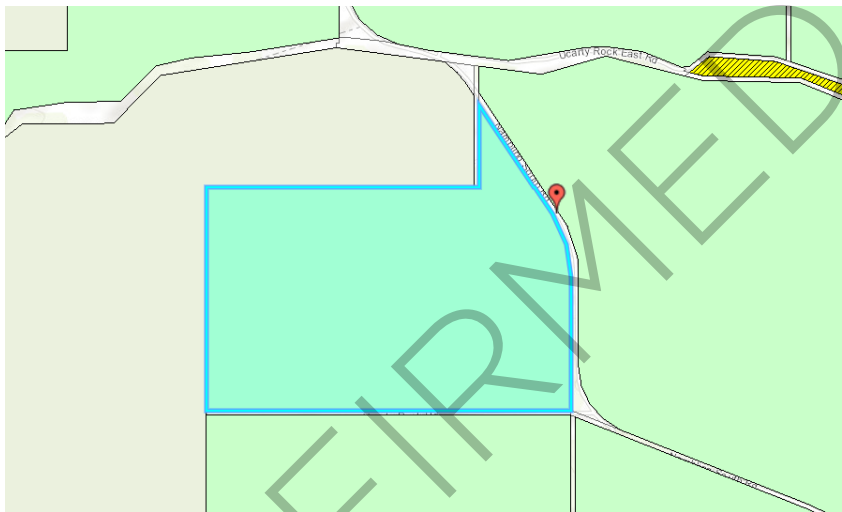
Nil

Long Term Financial Plan

Nil

Statutory Implications

As to the planning framework a 'an outbuilding for agriculture – extensive' is assessed and determined under the provisions of the Shire of Dowerin Local Planning Scheme No.2. Accordingly, the following table provides a summary of legal and other requirements in relation to this proposal:

| Shire of Dowerin Local Planning Scheme (LPS) No.2 (Statutory instrument) | |
|--|---|
| Current Zoning | <p>'Rural' – See extract of Zoning Map below – green colour.</p>  <p>Figure 5 Extract of zoning map</p> |
| Permissibility (Table 1 – Zoning Table) | <p>Table 1 – Zoning Table of LPS 2 qualifies an outbuilding for agriculture – extensive means premises used for the raising of stock or crops including outbuildings and earthworks but does not include agriculture – intensive or animal husbandry – intensive; as 'P' use. This means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.</p> |
| Definitions | <p>The draft LPS 2 defines:</p> <p>a) agriculture – extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture – intensive or animal husbandry – intensive;</p> |
| Objectives | <p>The Council's LPS 2 nominates the objectives of the Rural I Zone to:</p> <ul style="list-style-type: none"> • To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality. • To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning. • To protect the land from closer development that would detract from the rural character and amenity of the area. • To prevent any development that may affect the viability of a holding. • To encourage small scale, low impact tourist accommodation in rural locations. • To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops. |

| | |
|--|---|
| Development Standards | <p><i>LPS 2 stipulates the following standards for development in the Rural Zone:</i></p> <ul style="list-style-type: none"> <i>Table 2 details the minimum setback distance for all boundaries is set at 'nil' and landscaping at 'nil'</i> |
| <p>Planning and Development (Local Planning Scheme) Regulations 2015 (Statutory instrument)</p> | |
| Schedule 2; Part 9; Clause 68(2) | <p><i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i></p> |
| Schedule 2; Part 9; Clause 76 (1) and (2) | <p><i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i></p> |
| <p>State Planning Policy 3.7 - Planning in Bushfire Prone Areas (Statutory instrument - tied to Planning Regulations)</p> | |
| Generally | <p><i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management across WA. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. SPP 3.7 is a guide to implementing effective risk-based land use planning to preserve life and reduce the impact of bushfire on property and infrastructure.</i></p> |
| 6.2 Strategic planning proposals, subdivision and development applications | <p><i>Section 6.2 of SPP 3.7 a) states:</i></p> <ul style="list-style-type: none"> <i>a) Strategic planning proposals, subdivision and development applications within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with policy measures.</i> <i>b) Any strategic planning proposal, subdivision or development application in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.</i> <i>c) This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.</i> |
| <p>Planning Bulletin 111/2016 - Planning in Bushfire Prone Areas (Guidance document - tied to SPP 3.7)</p> | |
| 5. Exemptions | <p><i>Planning Bulletin 111/2016 states exemptions from the requirements of SPP 3.7 includes renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds for example). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:</i></p> <ul style="list-style-type: none"> <i>result in the intensification of development (or land use);</i> <i>result in an increase of residents or employees;</i> <i>involve the occupation of employees on site for any considerable amount of time; or</i> <i>result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.</i> |

Comment

The development is located **84 Ucarty Rock Road, UCARTY 6462** and is currently zoned 'Rural' under the Local Planning Scheme 'Shire of Dowerin Scheme No 2'. The Rural Zone objectives are as follows:

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardize the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.
- To prevent any development that may affect the viability of a holding.
- To encourage small scale, low impact tourist accommodation in rural locations.
- To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

Considering the proposed development's remote location, it is evident that there is no significant impact on the natural landscape or rural ambiance. This compliance with the zoning objectives signifies that the development aligns with the intended goals and regulations set forth for the area.

It is recommended that Council grant Planning Approval for the construction of a machinery shed.

Risk Implications

| | |
|--------------------------------------|--|
| Risk Profiling Theme | Engagement Practices |
| Risk Category | Reputation (Social/Community) |
| Risk Description | Unsubstantiated, localised low impact on community trust, low profile or no media item |
| Consequence Rating | Minor (2) |
| Likelihood Rating | Unlikely (2) |
| Risk Matrix Rating | Low (4) |
| Key Controls (in place) | Town Planning Scheme |
| Action (Treatment) | Development Approval Application Procedures |
| Risk Rating (after treatment) | Adequate |

Financial Implications

There are no budgetary considerations and implications applicable to this proposal.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation/Resolution - 12.1

Moved: Cr Hudson

Seconded: Cr Metcalf

0827 That Council, by Simple Majority, in accordance with the *Local Government Act 1995*, approves the Development Application as received on 16 May 2023, subject to the following conditions:

CONDITIONS

1. All storm water to be contained within the lot.

ADVICE NOTES

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Dowerin.
- b. Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c. The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d. The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website - www.sat.justice.wa.gov.au.

CARRIED 6/0

6.08pm - Cr McMorran and Cr Hagboom re-entered the meeting.

12.2 Voting Delegates to the 2023 WALGA Annual General Meeting

Governance & Compliance



| | |
|--------------------------------|--|
| Date: | 12 July 2023 |
| Location: | Not Applicable |
| Responsible Officer: | Rebecca McCall, Chief Executive Officer |
| Author: | Linley Dreghorn, Executive & Governance Officer |
| Legislation: | <i>Local Government Act 1995</i> |
| Sharepoint Reference: | Organisation/Governance/Professional Development Register/ 2023 WALGA Annual General Meeting |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 12.2A - WALGA Notice of AGM |

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents a proposal to appoint voting delegates to the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) to Council for consideration and, if satisfactory, adoption.

Background

The AGM for WALGA will be held on Monday 18 September at Crown Perth. WALGA suggest the AGM 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.

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

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 Councillor Trepp and Councillor Hudson and Councillor Ward.

In 2022 the Councillor Trepp and Councillor Ward attended the AGM as Council's voting delegate (August 2022 Item 12.1 CMRef 0648) and Council could choose the same situation again for 2023, or Council could nominate other delegates.

Consultation

Rebecca McCall, Chief Executive Officer

Council Workshop, 6 July 2023

Policy Implications

Nil

Statutory 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: 5.4

Reference: 5.4.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

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) | Nil |
| Action (Treatment) | Nil |
| Risk Rating (after treatment) | Not Rated |

Financial Implications

There are no financial implications on appointing the voting delegates themselves and there is no cost to attend the AGM, however travel costs may be reimbursed upon submission of receipts.

Officers Recommendation

That Council appoints Councillor XXX and Councillor XXX as its voting delegates and Councillor XXX and Councillor XXX as proxy voting delegates to the 2023 Annual General Meeting of the Western Australian Local Government Association, and those registrations be submitted accordingly.

Resolution - 11.3

Moved: Cr Trepp

Seconded: Cr Hudson

0828 That Council authorise the Chief Executive Officer to submit their apology to the Western Australian Local Government Association Annual General Meeting for 2023.

CARRIED 8/0

Reason

Due to commitments of Elected Members, attendance at the WALGA AGM is not viable. The CEO is to advise WALGA.

UNCONFIRMED

12.3 Chief Executive Officer Recruitment Process – Certificate of Compliance

| | | |
|--------------------------------------|---|--|
| <h1>Governance & Compliance</h1> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 12 July 2023 | |
| Location: | Not Applicable | |
| Responsible Officer: | Rebecca McCall, Chief Executive Officer | |
| Author: | Linley Dreghorn, Executive & Governance Officer | |
| Legislation: | <i>Local Government Act 1995</i> | |
| Sharepoint Reference: | Organisation/Human Resources/Recruitment | |
| Disclosure of Interest: | Nil | |
| Attachments: | Nil | |

Purpose of Report

Executive Decision Legislative Requirement

Summary

This item is to report on the CEO recruitment process to ensure its compliance with the *Local Government (Administration) Regulations, Local Government Act 1995*, and Council Policy 'Model Standards for CEO Recruitment, Performance and Termination'.

Council is required to certify that the recruitment process followed for the appointment of the new Chief Executive Officer was undertaken in accordance with Council Policy 'Model Standards for CEO Recruitment, Performance and Termination'.

Background

April 2023

The current CEO provided a letter of resignation to the Shire President affective from 8 September 2023.

May 2023

Council at its Ordinary Council Meeting on 16 May resolved (CMRef 0784):

That, by Absolute Majority, in accordance with Section 5.36(4) and Section 5.37(3) of the Local Government Act 1995, Council:

1. *Appoints the Shire President, Cr Trepp, Deputy Shire President, Cr Ward, and Councillors Sewell, McMorran and Metcalf as the CEO Recruitment Selection Panel, with Councillor Allsopp as proxy;*
2. *Authorises the Shire President, Cr Trepp and Deputy Shire President, Cr Ward to appoint the Independent Person to the CEO Recruitment Selection Panel;*
3. *Approves the draft Employment Contract, Total Reward Package and Position Description as detailed in Confidential Attachment 16.1A;*
4. *Authorises the Shire President and Deputy President to approve the final negotiated Total Reward Package within the SAT Band 4 (\$136,023 - \$213,356); and*
5. *Approves the relocation costs to the amount of \$6,000.*

Council also resolved at its Ordinary Council Meeting on 16 May (CMRef 0785):

That, by Absolute Majority, in accordance with Section 5.36(4) and Section 5.37(3) of the Local Government Act 1995, Council appoints Fitz Gerald Strategies to assist Council/Selection Panel in the recruitment of a new Chief Executive Officer.

The vacant position of CEO was advertised in the Western Australian newspaper on Saturday 20 May 2023, LG Professionals, LG Assist, Local Government Job Directory, and Seek to comply with s5.36(4) and s5.37(3) of the *Local Government Act 1995* and r18A of the *Local Government Regulations 1996* requirements.

June 2023

Council at its Ordinary Council Meeting on 20 June resolved (CMRef 0794) the appointment of the independent person to the CEO Selection Panel:

That, by Simple Majority, in accordance with the Local Government Act 1995, Council appoints Mr John Nuttall as the Independent Person to the CEO Recruitment Selection Panel.

Following the closing of the CEO applications, twelve (12) applications were received for the position. The consultant then assessed each application against the selection criteria which was then provided to the CEO Selection Panel on the 17 June 2023 for consideration and independent assessment of each applicant's knowledge, experience, qualifications, and skills against the adopted selection criteria. The CEO Selection Panel then met on 20 June and shortlisted suitable applicants for interviews.

The shortlisted applicants were interviewed by the CEO Selection Panel on 29 June 2023. At that meeting, the Panel assessed the candidates based on their interviews and identified a preferred applicant subject to due diligence checks, including referee reports, being undertaken by the consultant.

The Consultant completed reference checks, on behalf of the Council relating to the preferred applicant and completed the due diligence which included a current police clearance and qualification checks and negotiated a suitable Total Remuneration Package (TRP).

July 2023

The appointment of Mr David Singe as the CEO was endorsed by Council at a Special Council Meeting held on 6 July 2023 (CMRef 0801).

Comment

Each of the clauses that provide a requirement from Council Policy 'Model Standards for CEO Recruitment, Performance and Termination', in relation to the recruitment of a Chief Executive Officer are listed below, with a brief outline of those requirements (in *italic & bold*), followed by an explanation on how the Council has satisfied the requirements of that clause.

5. Determination of selection criteria and approval of job description form

Council at its Ordinary Meeting held on 16 May 2023 (CMRef 0784) endorsed, by an absolute majority, the Position Description, qualifications and selection criteria, duties and responsibilities of the position, draft employment contract and total reward package.

6. Advertising requirements

Council advertised the position in the Western Australian Newspaper on 20 May 2023, the Local Government Assist site and Local Government Job Directory, and Seek, in compliance with s5.36(4) and s5.37(3) of the *Local Government Act 1995* and r18A of the *Local Government Regulations 1996*.

7. Job description form to be made available by local government

The Job Description was available as part of the Chief Executive Officer Information Package available from the recruitment consultant.

8. Establishment of selection panel for employment of CEO

Council at its Ordinary Meeting held on 16 May 2023 (CMRef 0784) appointed five (5) Council Members to the Selection Panel and at its Ordinary Council Meeting held on 20 June 2023 (CMRef 0794), Mr John Nuttall as the 'independent person' to the CEO Recruitment Selection Panel.

9. Recommendation by selection panel

The knowledge, experience, qualifications, and skills of all the applicants were assessed by the appointed CEO Recruitment Consultant and then considered and endorsed by the CEO Recruitment Selection Panel on 20 June 2023 (9.1).

Following the interviews on 29 June 2023 it was agreed by the CEO Recruitment Selection Panel that the preferred candidate clearly demonstrated that their knowledge of the position, skills and previous experience as a CEO meet the selection criteria previously endorsed by the Council (9.5).

A summary of the assessment of each applicant, undertaken by the CEO Recruitment Selection Panel and consultant was provided to the Council on the 6 July 2023 as part of the Panel's

recommendation to Council as to the preferred applicant considered suitable to be employed in the position of CEO (9.2)

The preferred candidate's work history, qualifications and claims in the job application were assessed and verified by the appointed CEO Recruitment Consultant and considered by the CEO Recruitment Selection Panel on 20 June 2023. Referee checks were undertaken after the interviews on 29 June 2023 by the Consultant and provided to the Shire President and CEO prior to the Council appointment on 6 July 2023 (9.5).

Council and CEO Recruitment Selection Panel in undertaking the short listing of candidates, undertaking interviews and making the final appointment has ensured that the appointment has been made impartially and free from nepotism, bias or unlawful discrimination (9.4).

11. Offer of employment in position of CEO

The appointment of Mr David Singe as the CEO was endorsed 8/0 by Council at its Ordinary Council meeting held on 6 July 2023 (CMRef 0801):

That, by Absolute Majority, in accordance the Local Government Act 1995, Council endorses the recommendation of the CEO Selection Panel and:

1. Approves the making of an offer of employment to Mr David Singe to the position of Chief Executive Officer with the Shire of Dowerin for a period of three (3) years, with a commencement date on 9 October 2023.
2. Approves the proposed terms of the CEO Employment Contract to be entered into with Mr David Singe with a Total Reward Package (SAT) of \$205,738 per annum, calculated in accordance with the 2023 Salaries and Allowances Tribunal Local Government Determination Band 4 Range.
3. Is of the belief that Mr David Singe is suitably qualified for the position of Chief Executive Officer.
4. Authorises the Shire President to execute and affix the common seal to the Chief Executive Officer Employment Contract in accordance with section 9.49A (1) & (2) of the Local Government Act 1995.

Consultation

No consultation is required for this item.

Policy Implications

Council Policy 'Model Standards for CEO Recruitment, Performance and Termination'

Statutory Implications

Local Government (Administration) Regulations 18FB (2), (3) & (4) 18FB.

18FB. Certification of compliance with adopted standards for CEO recruitment

- (2) This regulation applies if –
 - (a) a local government employs a person in the position of CEO of the local government; and
 - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.
- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

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

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) | Nil |
| Action (Treatment) | Nil |
| Risk Rating (after treatment) | Not Rated |

Financial Implications

Nil

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation/Resolution - 12.3

Moved: Cr Ward **Seconded:** Cr Hudson

0829 That, by Absolute Majority, in accordance the *Local Government Act 1995*, Council certifies that:

- 1. The recruitment and employment of the Chief Executive Officer, Mr David Singe, was undertaken in accordance with Council Policy ‘Model Standards for CEO Recruitment, Performance and Termination’: and**
- 2. A copy of this resolution is to be provided to the Department of Local Government and Cultural Industries CEO by the Chief Executive Officer.**


CARRIED BY ABSOLUTE MAJORITY 8/0

Note

Cr Metcalf expressed a desire to have it recorded that he resigned from the CEO Selection Panel due to his belief that the proper process was not followed.

13. OFFICER'S REPORTS - WORKS AND ASSETS

13.1 Service Level Plan - Transport Maintenance

| | | |
|--------------------------------|--|--|
| <h1>Asset & Works</h1> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 11 July 2023 | |
| Location: | Not applicable | |
| Responsible Officer: | Ben Forbes, Asset & Works Coordinator | |
| Author: | Rebecca McCall, Chief Executive Officer | |
| Legislation: | <i>Local Government Act 1995</i> | |
| Sharepoint Reference: | Technical / Roads/ Planning / Service Level Plan - Transport Maintenance | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 13.1A - Service Level Plan - Transport Maintenance - May 2023 | |

Purpose of Report



Executive Decision



Legislative Requirement

Summary

The Service Level Plan - Transport Maintenance - May 2023 is presented to Council for consideration, and if satisfactory, adoption.

Background

Establishing 'level of service' to drive the ongoing management of transport assets is guided by technical measures relating to the allocation of resources to service activities to best achieve the desired customers outcomes and demonstrate effective performance.

The technical levels of service align with the Road Strategy and Asset Management Plan and in addition meets legislative requirements. These requirements are provided within the resources available in the Long-Term Financial Plan.

Comment

The overarching Service Level Plan comprises of four components outlining levels of service for;

1. Road Maintenance
2. Footpaths
3. Kerb and Channel
4. Drainage Maintenance
5. Road Drainage

Intervention levels, priority guidelines and response times for maintenance tasks are identified along with performance indicator targets.

It is recommended that the Asset and Works Committee review this Plan on an annual basis with the intent to refine the technical levels of service and perhaps consider incorporating community levels of services in terms of safety, quality, quantity, reliability, accessibility and responsiveness.

Consultation

Rebecca McCall, Chief Executive Officer
Ben Forbes, Asset & Works Coordinator
Asset and Works Committee

Policy Implications

Road Strategy July 2023
Policy 4.2 Gravel and Sand Clay Supplies and Pit Rehabilitation
Policy 4.4 Road Engineering and Subdivision

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Infrastructure

Objective: *We have functional assets and infrastructure that supports the community.*

Outcome: 3.2

Reference: 3.2.1

Asset Management Plan

The Asset Management Plan includes road construction and maintenance.

Long Term Financial Plan

The Long-Term Financial Plan accommodates road construction and maintenance.

Risk Implications

| | |
|--------------------------------------|--|
| Risk Profiling Theme | Asset Management Practices |
| Risk Category | Reputation (Social/Community) |
| Risk Description | Unsubstantiated, localised low impact on community trust, low profile or no media item |
| Consequence Rating | Major (4) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | High (12) |
| Key Controls (in place) | Road Strategy, Policies, Project Management Framework |
| Action (Treatment) | Community Consultant and Engagement |
| Risk Rating (after treatment) | Adequate |

Financial Implications

There are no direct financial implications relating to this item. Indirect financial implications include Council's annual road maintenance program that is factored into the annual budget.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation/Resolution - 13.1

Moved: Cr Trepp

Seconded: Cr Allsopp

0830 That, by Simple Majority in accordance with the *Local Government Act 1995*, Council adopts the Service Level Plan - Transport Maintenance - May 2023.

CARRIED 8/0

UNCONFIRMED

13.2 Shire of Dowerin Road Strategy 2023

| | | |
|--------------------------------|---|---|
| <h1>Asset & Works</h1> | |  SHIRE OF DOWERIN TIN DOG TERRITORY |
| Date: | 11 July 2023 | |
| Location: | Not applicable | |
| Responsible Officer: | Ben Forbes, Asset & Works Coordinator | |
| Author: | Rebecca McCall, Chief Executive Officer | |
| Legislation: | <i>Local Government Act 1995</i> | |
| Sharepoint Reference: | Technical / Roads/ Planning / Road Strategy | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 13.2A - Shire of Dowerin Road Strategy 2023 | |

Purpose of Report



Executive Decision



Legislative Requirement

Summary

The reviewed Road Strategy 2023 is presented to Council for consideration, and if satisfactory, adoption.

Background

The Shire of Dowerin is responsible for 945 kilometres of sealed and unsealed road network. To best manage maintenance and new or upgrade works across the road network, a good understanding of levels of service, demand and prioritisation is required.

As the community grows and the road network ages, robust decisions are required to ensure a safe road network can be provided that also supports growth and meets community expectation. In order to achieve this, the Road Strategy 2021 was developed outlining the long-term approach to the management of road assets.

The Strategy focuses on the road hierarchy and the need to classify roads to a function and to assign a reasonable 'level of service' to maintain these roads to a level of customer satisfaction. It outlines the importance to align these levels of service to annual budgets and to source funding for the continuous ongoing preservation and upgrade.

The intent of the road hierarchy is to provide minimum standards for construction and maintenance of roads within the Shire and to prioritise the same. The standards of maintenance and construction will represent the adopted Levels of Service (LOS) for each road within the Shire. Specifically, the road hierarchy will provide the following:

- a) A guidance to staff in preparing annual budgets and allocating resources to road maintenance.
- b) To define minimum standards for construction that balance the cost of construction and maintenance against community expectations.

The Strategy incorporates construction resources and materials, maintenance practices, environmental requirements, and future planning considerations.

Comment

The Asset and Works Committee reviewed the Road Strategy and implemented very minor amendments to ensure the strategy is appropriate and functional.

Consultation

Rebecca McCall, Chief Executive Officer
Ben Forbes, Asset & Works Coordinator
Asset and Works Committee

Policy Implications

Policy 4.2 Gravel and Sand Clay Supplies and Pit Rehabilitation
Policy 4.4 Road Engineering and Subdivision

Statutory Implications

Aboriginal Cultural Heritage Act 2021
Bush Fires Acts 1954
Environmental Protection Act 2005
Environmental Protection and Biodiversity Conservation Act 1999
Local Government Act 1995
Main Road Act 1930
Planning and Development Act 2005
Soil and Conservation Act 1945
Wildlife Conservation Act 1979

Strategic Implications

Strategic Community Plan

Community Priority: Infrastructure

Objective: *We have functional assets and infrastructure that supports the community.*

Outcome: 3.2

Reference: 3.2.1

Asset Management Plan

The Asset Management Plan includes road construction and maintenance.

Long Term Financial Plan

The Long-Term Financial Plan accommodates road construction and maintenance.

Risk Implications

| | |
|--------------------------------|--|
| Risk Profiling Theme | Asset Management Practices |
| Risk Category | Reputation (Social/Community) |
| Risk Description | Unsubstantiated, localised low impact on community trust, low profile or no media item |
| Consequence Rating | Major (4) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | High (12) |
| Key Controls (in place) | Road Strategy, Polices, Project Management Framework |
| Action (Treatment) | Community Consultant and Engagement |

| | |
|--------------------------------------|----------|
| Risk Rating (after treatment) | Adequate |
|--------------------------------------|----------|

Financial Implications

There are no direct financial implications relating to this item. Indirect financial implications include Council's annual road construction and maintenance program that is factored into the annual budget.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation/Resolution - 13.2

Moved: Cr Ward **Seconded:** Cr Metcalf

0831 That, by Simple Majority in accordance with the *Local Government Act 1995*, Council adopts the Road Strategy 2023.

CARRIED 8/0

UNCONFIRMED

14. Urgent Business Approved by the Person Presiding or by Decision

Nil

15. Elected Members' Motions

Nil

16. Matters Behind Closed Doors

16.1 Confidential Item 16.1 – T2023-05 Construction Program 2023-2024

In accordance with Sections 5.23(2)(e) and 5.23(2)(c) of the *Local Government Act 1995*, Council will go Behind Closed Doors to discuss a matter that if disclosed, would reveal information that has a commercial value to a person and a contract which may be entered into by the local government.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr McMorran **Seconded:** Cr Hagboom

0832 That, in accordance with Sections 5.23(2)(b) of the *Local Government Act 1995*, Council go Behind Closed Doors.

CARRIED 8/0

6.24pm – Council went Behind Closed Doors.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr McMorran **Seconded:** Cr Metcalf

0833 That, in accordance with Section 5.23(1) of the *Local Government Act 1995*, Council come out from Behind Closed Doors.

CARRIED 8/0

6.27pm – Council came out from Behind Closed Doors

16.1A Confidential Item 16.1 – T2023-05 Construction Program 2023-2024

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Council Resolution – 16.1

Moved: Cr Metcalf **Seconded:** Cr Allsopp

0834 That, by Simple Majority, in accordance with Section 3.57 of the *Local Government Act 1995* and Division 2 of the *Local Government (Functions and General) Regulations 1996*, Council:

- 1. Endorses the Tender Specifications for the RFT - T2023-05 Construction Program 2023-2024, as presented in Confidential Attachment 16.1A;**
- 2. Approves the Selection Criteria and Weightings as contained in the Tender Specifications mentioned in point 1 above;**

3. **Endorses advertising of the Tender Specifications for the RFT - T2023-05 Construction Program 2023-2024; and**
4. **Notes that a confidential report will be presented to Council at the next Ordinary Meeting of Council following the close of tender submissions and completion of the tender evaluation process.**

CARRIED 8/0

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| 17. | Closure |
|------------|----------------|

The President thanked those in attendance and declared the meeting closed at 6.30pm.

UNCONFIRMED