



SHIRE OF  
**DOWERIN**  
TIN DOG TERRITORY

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
13 Cottrell Street, Dowerin WA 6461  
Tuesday 18 August 2020



# Table of Contents



<b>1.</b>	<b>Official Opening / Obituaries</b>
<b>2.</b>	<b>Record of Attendance / Apologies / Leave of Absence</b>
<b>3.</b>	<b>Public Question Time</b>
<b>4.</b>	<b>Disclosure of Interest</b>
<b>5.</b>	<b>Applications for Leave of Absence</b>
<b>6.</b>	<b>Petitions and Presentations</b>
6.1	<a href="#">Presentation to ex-Councillor Mrs Julie Chatfield</a>
<b>7.</b>	<b>Confirmation of Minutes of the Previous Meetings</b>
7.1	<a href="#">Ordinary Council Meeting held on 21 July 2020</a>
<b>8.</b>	<b>Minutes of Committee Meetings to be Received</b>
8.1	<a href="#">Local Emergency Management Committee Meeting held on 4 August 2020</a>
<b>9.</b>	<b>Announcements by the President Without Discussion</b>
<b>10.</b>	<b>Officer's Reports - Corporate and Community Services</b>
10.1	<a href="#">Financial Activity Statements</a>
10.2	<a href="#">List of Accounts Paid</a>
10.3	<a href="#">Recalcitrant Rates Debtors - July 2020</a>
10.4	<a href="#">Dowerin Events Management - Project Support Proposal</a>
10.5	<a href="#">Location of Rusty the Tin Dog - Memorandum of Understanding</a>
<b>11.</b>	<b>Officer's Reports - Governance and Compliance</b>
11.1	<a href="#">Review of Representation</a>
11.2	<a href="#">Councillor Representation on Committees</a>
11.3	<a href="#">Policy Manual Review - Proposed Common Seal &amp; Document Signing Policy</a>
11.4	<a href="#">Town Planning Scheme No. 2 - Local Planning Policies</a>
<b>12.</b>	<b>Officer's Reports - Works and Assets</b>
	Nil
<b>13.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision</b>
<b>14.</b>	<b>Elected Members' Motions</b>
<b>15.</b>	<b>Matters Behind Closed Doors</b>
<b>16.</b>	<b>Closure</b>

Shire of Dowerin  
Ordinary Council Meeting  
Tuesday 18 August 2020



**1. Official Opening / Obituaries**

The President welcomed those in attendance and declared the meeting open at 2.00pm.

In opening the meeting, the President and Councillors acknowledged the passing of Ms Denise Martin with a minute's silence.

**2. Record of Attendance / Apologies / Leave of Absence**

**Councillors:**

Cr DP Hudson	President
Cr AJ Metcalf	Deputy President
Cr LH Holberton	
Cr JC Sewell	
Cr RI Trepp	
Cr BA Ward	

**Staff:**

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

**Members of the Public:** Mrs J Chatfield (until 2.10pm)

**Apologies:** Cr LG Hagboom

**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**

In accordance with Policy 1.2 – Recognising Council Service Policy, a presentation was made to ex-Councillor Mrs Julie Chatfield as official recognition of her service to the Shire of Dowerin as a Councillor for the period 2017-2020.

In making the presentation the President thanked Mrs Chatfield for her commitment and effort during her time on Council.

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation/Resolution

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

**0255** That, in accordance with Clause 12.3 of the Shire of Dowerin Standing Orders Local Law, Council adjourns the meeting.

**CARRIED 6/0**

2.10pm – the meeting was adjourned.

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation/Resolution

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

**0256** That, in accordance with Clause 12.3 of the Shire of Dowerin Standing Orders Local Law, Council recommences the meeting.

**CARRIED 6/0**

2.26pm – the meeting recommenced.

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

7.1 Ordinary Council Meeting held on 21 July 2020  
**Attachment 7.1A**

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation/Resolution

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

**0257** That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council confirms the Minutes of the Ordinary Council Meeting held on 21 July 2020, as presented in Attachment 7.1A, are a true and correct record of proceedings.

**CARRIED 6/0**

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

8.1 Local Emergency Management Committee Meeting held on 4 August 2020  
**Attachment 8.1A**

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation/Resolution

**Moved:** Cr Metcalf

**Seconded:** Cr Ward

**0258** That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Local Emergency Management Committee Meeting (unconfirmed) held on 4 August 2020, as presented in Attachment 8.1A.

**CARRIED 6/0**

### 9. Announcements by the President Without Discussion

Nil

## 10. OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES

### 10.1 Financial Activity Statements

<h1>Corporate &amp; Community Services</h1>		 <b>SHIRE OF DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	11 August 2020	
<b>Location:</b>	Not Applicable	
<b>Responsible Officer:</b>	Cherie Delmage, Manager Corporate & Community Services	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>SharePoint Reference:</b>	Organisation / Financial Management / Reporting / Financial Statements / 2020-2021 Monthly Financial Statements	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<b>Attachment 10.1A</b> - Financial Activity Statements	

#### Purpose of Report

Executive Decision



Legislative Requirement

#### Summary

For Council to receive the Statement of Financial Activity for the period ending 31 July 2020.

#### Background

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

Regulations 34 & 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

There have been several changes to the Australian Accounting Standards and the reporting template. The inclusion of a Summary Information - Graph page along with an Executive Summary page has been added as an easy to understand snapshot of the Shire's financials.

As July is the first month of the financial year and the budget was adopted at the end of July 2020, the attached financial statements provide only the basic statutory reporting requirements.

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

Megan Shirt, Consultant

Cherie Delmage, Manager Corporate & Community Services

#### **Policy Implications**

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

#### **Strategic Implications**

#### **Strategic Community Plan**

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

**Asset Management Plan**

Nil

**Long Term Financial Plan**

Nil

**Statutory Implications**

Council is required to adopt monthly statements of financial activity to comply with Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*.

**Risk Implications**

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

**Financial Implications**

Nil

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation/Resolution**

**Moved:** Cr Trepp

**Seconded:** Cr Metcalf

**0259** That, in accordance with Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*, Council receives the statutory Financial Activity Statement report for the period ending 31 July 2020, as presented in Attachment 10.1A.

**CARRIED 6/0**



## 10.2 List of Accounts Paid

<h1>Corporate &amp; Community Services</h1>		 SHIRE OF <b>DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	11 August 2020	
<b>Location:</b>	Not Applicable	
<b>Responsible Officer:</b>	Cherie Delmage, Manager Corporate & Community Services	
<b>Author:</b>	Jasmine Pietrocola, Accounts Finance Officer	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>SharePoint Reference:</b>	Organisation / Financial Management / Reporting / Financial Statements and Credit Cards	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<b>Attachment 10.2A</b> - List of Accounts Paid	

### Purpose of Report

Executive Decision

Legislative Requirement

### Summary

This Item presents the List of Accounts Paid, paid under delegated authority, for July 2020.

### Background

Nil

### Comment

The List of Accounts Paid as presented has been reviewed by the MCCA.

### Consultation

Rebecca McCall, Chief Executive Officer

Cherie Delmage, Manager Corporate & Community Services

Jasmine Pietrocola, Accounts 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 Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

#### Asset Management Plan

Nil

#### Long Term Financial Plan

Nil

#### Statutory Implications

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

#### Risk Implications

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

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

#### Financial Implications

Funds expended are in accordance with Council's adopted 2020/21 Budget.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Officer's Recommendation/Resolution

**Moved:** Cr Sewell

**Seconded:** Cr Holberton

**0260**

**That, in accordance with Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996*, Council 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 10.2A, and as detailed below:**

<b>List of Accounts Paid - July 2020</b>	
<b>EFT7845 to EFT7923</b>	<b>\$329,614.90</b>
<b>Cheque 10829 to 10832</b>	<b>\$11,171.64</b>
<b>DD11011; NAB Credit Card; June 2020</b>	<b>\$1,909.85</b>
<b>DD11016; Puma Energy Fuel; June 2020</b>	<b>\$856.96</b>
<b>DD11003 &amp; 11018; Superannuation</b>	<b>\$11,374.85</b>
<b>DD11022; Treasury Loan Repayments</b>	<b>\$4,719.44</b>
<b>DD130867 &amp; 130868; Bank Fees</b>	<b>\$791.55</b>
<b>Net Payroll; PPE 08 July 2020</b>	<b>\$43,330.63</b>
<b>Net Payroll; PPE 22 July 2020</b>	<b>\$51,863.49</b>
<b>TOTAL</b>	<b>\$455,633.31</b>

**CARRIED 6/0**

### 10.3 Recalcitrant Rates Debtors – July 2020

<h2>Corporate &amp; Community Services</h2>		 <b>SHIRE OF DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	3 August 2020	
<b>Location:</b>	Various	
<b>Responsible Officer:</b>	Cherie Delmage, Manager Corporate & Community Services	
<b>Author:</b>	Louise Sequerah – Acting Rates Officer	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>Sharepoint Reference:</b>	Organisation/Rates and Evaluations/Reporting/2020 Recalcitrant Rates Debtors	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<b>Attachment 10.3A</b> – Recalcitrant Rates Debtors	

#### Purpose of Report

Executive Decision  Legislative Requirement

#### Summary

The Shire of Dowerin recalcitrant rates debtors report for July 2020 details non-pensioner 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% of the rates levied outstanding at the end of the financial year. Council is currently not achieving this due to several assessments that are holding a large debt.

#### Comment

Apart from following up on the ratepayers that were not meeting their arrangements to pay off rates and charges, no debt recovery action has been undertaken in the month of July 2020. This is due to several reasons:

1. Awaiting confirmation from a Legislative Advisor at the Department of Local Government, Sport & Cultural Industries (DLGSC) as to what further actions the Council can take; and
2. In the current COVID-19 environment, DLGSC and Rates Officers have been advised to limit active debt recovery.

#### Consultation

Louise Sequerah, Acting Rates Officer  
Cherie Delmage, Manager Corporate & Community Services  
Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery  
Association of Rates Officers

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

**Policy Implications**

Nil

**Statutory Implications**

*Local Government Act 1995; Local Government (Financial Management) Regulations 1996*

**Strategic Implications**

**Strategic Community Plan**

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

**Asset Management Plan**

Nil

**Long Term Financial Plan**

Nil

**Risk Implications**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Financial Impact
<b>Risk Description</b>	\$5,001 - \$50,000
<b>Consequence Rating</b>	Moderate (3)
<b>Likelihood Rating</b>	Likely (4)
<b>Risk Matrix Rating</b>	Moderate (8)
<b>Key Controls (in place)</b>	Financial Management Framework; Debt Recovery Procedures; Legislation
<b>Action (Treatment)</b>	Undertake debt recovery as per procedures and legislation
<b>Risk Rating (after treatment)</b>	Effective

**Financial Implications**

It is estimated that \$64,422.28 of the outstanding balance will be considered an unrecoverable bad debt.

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation/Resolution**

**Moved:** Cr Trepp

**Seconded:** Cr Metcalf

**0261** That Council receives the report of Recalcitrant Rates Debtors, as presented in Attachment 10.3A.

**CARRIED 6/0**

## 10.4 Dowerin Events Management – Project Support Proposal

<h1>Corporate &amp; Community Services</h1>		 SHIRE OF <b>DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	11 August 2020	
<b>Location:</b>	Dowerin Sport Recreation Precinct	
<b>Responsible Officer:</b>	Rebecca McCall, CEO	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>Sharepoint Reference:</b>	Community Development/Community Groups Liaison/2020-Dowerin Events Management	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<p><b>Attachment 10.4A</b> - Project Support Proposal – Site Development August 2020</p> <p><b>Attachment 10.4B</b> - Draft Forward Infrastructure Plan 2020-2024</p> <p><b>Attachment 10.4C</b> - Quotes</p>	

### Purpose of Report



Executive Decision



Legislative Requirement

### Summary

This Item presents a project support proposal to provide financial assistance for the Dowerin GWN7 Machinery Field Days to Council for consideration and, if satisfactory, adoption.

### Background

The inaugural Dowerin GWN7 Machinery Field Days (DMFD) was held in 1965 and the two-day agricultural expo has continually expanded over the past 55 years to become the largest and most successful event of its kind in WA. With a strong reputation, which is widely recognised throughout Australia, the DMFD are classed as being among the three largest agricultural machinery events in the country. The DMFD attracts approximately 770 exhibitors and 25,000 visitors throughout the two-days.

The event plays a critical role in Dowerin's economy and overall health and wellbeing of the community.

### Comment

The DMFD has been cancelled for 2020. The Board of Dowerin Events Management (DEM) wish to take the opportunity to focus on updating identified infrastructure and site planning in preparation for the 2021 event scheduled for 25-26 August 2021.

The partnership between the Shire of Dowerin and DEM has resulted in the successful implementation of community projects such as the Dowerin Community Club and Dowerin Short Stay Accommodation.

An allocation is included in Council's 2020/21 Budget each year to support the DMFD with onsite works in preparation for the event. In addition, the Administration Office is closed on the Wednesday to allow staff to work as volunteers at the event.

DEM are planning on hosting busy bees in the coming months to maintain volunteer connectivity whilst providing an opportunity for community groups to fundraise through the DMFD Volunteer Program.

The attached Project Support Proposal for site development seeks financial assistance from Council. The 2020/21 Budget includes an allocation of \$15,000 for this purpose. For Council's consideration the following proposal is recommended:

Project	Total Cost	Support Request	Proposed Support	Comment
Motor Arena Upgrade	\$20,647	\$10,150	\$10,000 (cash)	
Update of Power Boxes	\$26,563	\$26,563	\$0	Survey of oval in budget
Oval Perimeter Maintenance (not stated in proposal)	\$5,000 (approx.)	\$5,000	\$5,000 (in kind)	Removal of grassed outside of the perimeter fence, level, and fill with crack dust
East Gate Upgrade	\$25,400	Nil	Coordinate Work Camp if required	
Hockey Oval Bridge	\$540	Nil	Nil	
Field Day Office Exterior Painting	\$2,700 + labour	Labour	Coordinate Work Camp	If the Work Camp are unable to undertake the task, staff could complete the job with the intent of invoicing DEM to recover labour costs

The proposed projects are all within the Dowerin Recreation Precinct, a Reserve under the control of the Shire of Dowerin. It is suggested the projects are approved under the following conditions:

Project	Conditions
Motor Area Upgrade	<ol style="list-style-type: none"> <li>1. Site works are planned and prepared in liaison with the Manager Works &amp; Assets</li> <li>2. Site works are approved by the Manager Works &amp; Assets</li> <li>3. Drainage specifications and works approved by the Manager of Works &amp; Assets</li> <li>4. Additional costs incurred will be met by DEM</li> <li>5. Shire of Dowerin contribution capped at \$10,000 to be reimbursed after works have been completed upon submission of invoices</li> <li>6. DEM responsible for ongoing maintenance and renewal</li> </ol>



Update of Power Boxes	<ol style="list-style-type: none"> <li>1. Liaison with the Manager Works &amp; Assets to coordinate project with identified works (perimeter fence renewal and irrigation project)</li> <li>2. Provision of certified completion of certificate of works from electrician</li> <li>3. DEM responsible for ongoing maintenance and repairs</li> <li>4. Full cost of project to be covered by DEM</li> </ol>
East Gate Upgrade	<ol style="list-style-type: none"> <li>1. Painting of DMFD logo across roadway is completed in liaison with the Manager Works &amp; Assets</li> <li>2. Logo is to be maintained by DEM</li> <li>3. DEM responsible for ongoing maintenance and repairs of East Gate</li> <li>4. Full cost of project to be covered by DEM</li> </ol>
Hockey Oval Bridge	<ol style="list-style-type: none"> <li>1. Project specifications provided to the Manager Works &amp; Assets for approval, certification may be required</li> <li>2. DEM responsible for ongoing maintenance and repairs</li> <li>3. Full cost of project to be covered by DEM</li> </ol>
Field Day Office Exterior Painting	<ol style="list-style-type: none"> <li>1. Ongoing maintenance and renewal of external painting the responsibility of DEM</li> <li>2. Full cost of project to be covered by DEM</li> </ol>

### Proposed Support Summary

It is proposed that the \$15,000 allocated in the 2020/21 Budget is utilised to support the site development upgrades:

1. Motor Area Upgrade \$10,000 (cash)
2. Perimeter of Oval \$5,000 (in kind)

It is also proposed that a Service Agreement between the Shire of Dowerin and DEM be established to outline roles and responsibilities.

It should be noted that if the above proposal is approved, funding will not be available for the provision of preparation works for the 2021 event until adoption of the 2021/22 Budget in July 2021.

### Consultation

DEM:

- Ashley Jones, Chairperson
- Nadine McMorran, Event Coordinator and Marketing Manager
- Tracy Jones, Event Coordinator and Finance Manager

Mark Holberton, Holberton Earthmoving

Les Vidovich, MWA

Rebecca McCall, CEO

### Policy Implications

Nil

## Statutory Implications

*Local Government Act 1995*

## Strategic Implications

### Strategic Community Plan

Community Priority: Our Infrastructure

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

Outcome: 1

Reference: I1

### Asset Management Plan

The management of assets within the Dowerin Recreation Precinct is the responsibility of the Shire of Dowerin. Provision for Council-developed infrastructure is outlined in the Asset Management Plan. There is a need to identify infrastructure belonging to DEM in a service agreement outlining roles and responsibilities.

### Long Term Financial Plan

The Long Term Financial Plan includes an annual provision to support the DMFD each year. The management of assets outlined in the Asset Management Plan is reflected in the Long Term Financial Plan.

## Risk Implications

<b>Risk Profiling Theme</b>	Management of Facilities/Venues/Events
<b>Risk Category</b>	Property (Plant, Equipment, Buildings)
<b>Risk Description</b>	Inconsequential damage
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Unlikely (2)
<b>Risk Matrix Rating</b>	Low (2)
<b>Key Controls (in place)</b>	Building Maintenance Program/Reserves Management System
<b>Action (Treatment)</b>	Develop Recreational Reserves Management System
<b>Risk Rating (after treatment)</b>	Adequate

## Financial Implications

The 2020/21 Budget includes an allocation of \$15,000 (Job Number FEV016) as a contribution towards the 2021 DMFD. It is recommended that the allocation is utilised to financially support the following site development projects:

1. Motor Arena Upgrade - \$10,000 cash
2. Oval Perimeter Maintenance - \$5,000 in kind

It should be noted that if the above proposal is approved, funding will not be available for the provision of preparation works for the 2021 event until adoption of the 2021/22 Budget in July 2021.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

That, in accordance with the *Local Government Act 1995*, Council supports the Project Support Proposal submitted by Dowerin Events Management (DEM), as presented in Attachment 10.4A, in accordance with the following conditions:

Project	Conditions
Motor Area Upgrade	<ol style="list-style-type: none"> <li>1. Site works are planned and prepared in liaison with the Manager Works &amp; Assets</li> <li>2. Site works are approved by the Manager Works &amp; Assets</li> <li>3. Drainage specifications and works approved by the Manager of Works &amp; Assets</li> <li>4. Additional costs incurred will be met by DEM</li> <li>5. Shire of Dowerin contribution capped at \$10,000 to be reimbursed after works have been completed upon submission of invoices</li> <li>6. DEM responsible for ongoing maintenance and renewal</li> </ol>
Update of Power Boxes	<ol style="list-style-type: none"> <li>1. Liaison with the Manager Works &amp; Assets to coordinate project with identified works (perimeter fence renewal and irrigation project)</li> <li>2. Provision of certified completion of certificate of works from electrician</li> <li>3. DEM responsible for ongoing maintenance and repairs</li> <li>4. Full cost of project to be covered by DEM</li> </ol>
East Gate Upgrade	<ol style="list-style-type: none"> <li>1. Painting of Dowerin Machinery Field Days logo across roadway is completed in liaison with the Manager Works &amp; Assets</li> <li>2. Logo is to be maintained by DEM</li> <li>3. DEM responsible for ongoing maintenance and repairs of East Gate</li> <li>4. Full cost of project to be covered by DEM</li> </ol>
Hockey Oval Bridge	<ol style="list-style-type: none"> <li>1. Project specifications provided to the Manager Works &amp; Assets for approval, certification may be required</li> <li>2. DEM responsible for ongoing maintenance and repairs</li> <li>3. Full cost of project to be covered by DEM</li> </ol>
Field Day Office Exterior Painting	<ol style="list-style-type: none"> <li>1. Ongoing maintenance and renewal of external painting the responsibility of DEM</li> <li>2. Full cost of project to be covered by DEM</li> </ol>

## Resolution

**Moved:** Cr Ward

**Seconded:** Cr Trepp

**0262** That the request for support and approval for the Project Proposal from Dowerin Events Management (DEM) be supported in principal, however DEM be requested to provide the request for financial and in kind support for the Project Proposal as a minuted item through the DEM Committee, and that no decision from Council will be made on the Motor Area Upgrade until such time as appropriate investigations are conducted by the Manager Works & Assets.

**CARRIED 6/0**

## Reason

Council believed the proposal should have the endorsement of the full DEM Committee and that the implications on asset management and infrastructure should be appropriately considered prior to the commitment to and commencement of any works.

## 10.5 Location of Rusty the Tin Dog – Memorandum of Understanding

<h1>Corporate &amp; Community Services</h1>		 <b>SHIRE OF DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	11 August 2020	
<b>Location:</b>	No. 2060 (Lot 38) Goomalling-Merredin Road, Dowerin	
<b>Responsible Officer:</b>	Rebecca McCall, CEO	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>Sharepoint Reference:</b>	Legal Services/Agreements/Memorandum of Understanding	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<b>Attachment 10.5A</b> – Memorandum of Understanding	

### Purpose of Report



Executive Decision



Legislative Requirement

### Summary

To determine if Council enters into an agreement with Mr Murray Anderson to indemnify the owner against loss of or damage to the owner's property and claims in respect of personal injury or death or loss of, or damage to, any other property.

### Background

Rusty is the product of the Tin Dog Project undertaken by the Year 8, 9 and 10 students from Dowerin District High School in 2003 and 2004. The project was initiated, developed and commissioned by the students in partnership with several organisations.

Deciding to capitalise on one of Dowerin's distinguishing features, Tin Dog Creek, the students outlined their aims as:

1. To encourage people to stop and visit Dowerin instead of just passing through;
2. To encourage and develop better community partnerships;
3. To promote youth participation in the community; and
4. To develop their own entrepreneurial skills.

Having researched the history of Tin Dog Creek, the students set about designing their own Tin Dog and developing their project aims. Through partnerships and networks the students were able to gain community feedback and finalise the design before developing a detailed design brief, raising funds and commissioning artist Mr Peter Boylan-Knight to construct the five meter long, three metre high Tin Dog.

13 August 2004 marked the unveiling ceremony of Rusty where he remains standing on a portion of the property owned by Mr Murray Anderson. The location was the recommended position due to the visibility and prominence of the site to achieve maximum marketing benefit. As the site is located on a portion of the property belonging to Mr Anderson, permission was provided to mount Rusty at this location in good faith. At the time there was no formal agreement in place between Mr Anderson and the Shire of Dowerin to indemnify the owner against loss of, or damage

to, the owners property and claims in respect of personal injury or death or loss of, or damage to, any other property.

The lack of an agreement opens Mr Anderson and his family up to potential risk.

#### Comment

The Streetscape Committee raised concerns regarding the safety of pedestrians who cross the Main Roads WA-controlled Goomalling-Merredin Road (Goldfields Road) to take photos with Rusty. Near misses have been reported to the Shire of Dowerin on several occasions, raising the question of whether the current location of Rusty is a risk to the landowner and/or to the Shire of Dowerin.

The Shire President and Chief Executive Officer met with Mr Anderson, Mrs Andrea Anderson and Mr Robert Anderson on Monday 10 August 2020 to discuss the location of Rusty. The Anderson family have undertaken due diligence and as a result have requested the relocation of Rusty as soon as possible, as the family does not wish to be burdened with additional public liability costs and/or possible litigation.

Staff sought advice from Council's insurers, LGIS, and the response is quoted below:

*"There are two options the Shire can look at and both should be in writing:*

- 1. Written Lease agreement (peppercorn) to be put in place with the Shire & Owner of the Land - preferred option, however*
- 2. If the Owner of the land does not agree to the above - a signed written agreement to be put in place where the Shire shall indemnify the Owner against loss of or damage to the Owners property, and claims in respect of personal injury or death or loss of, or damage to , any other property.*

*It must be stipulated in the agreement:*

- 1. Who is responsible to the insurance*
- 2. Who is responsible for the upkeep and maintenance of the area involved.*
- 3. Who is responsible for any display of any signage to the trail, road etc.*

*In the case above and if Rusty were to continue to remain at the same location or land not owned or controlled by the Shire, I would assume that the Shire would negotiate to be responsible for all of the above.*

*In addition, should any legal document or contractual agreement be put in place, we would also suggest you refer these to your legal advisors for review and commenting prior to finalisation of the agreement.*

*Trust this has assisted with your query, however any further questions please let me know."*

Relocating Rusty requires time to determine the best alternative site and arranging the logistics. It is recommended that the Shire enters into an agreement, by way of a Memorandum of Understanding (MoU), with Mr Anderson to indemnify the owner against loss of, or damage to, the owner's property and claims in respect of personal injury or death or loss of, or damage to, any other property. This arrangement would be in place commencing immediately, finishing upon the relocation of Rusty. A copy of the proposed MoU is included as an Attachment.

#### Consultation

Mr Murray Anderson

Mrs Andrea Anderson

Mr Robert Anderson

Ms Sandra Clohessy, Account Manager Member Services, LGIS

Cr Darrel Hudson, Shire President

Streetscape Committee

Les Vidovich, Manager Works & Assets

Ashlee Banks, Community Development Officer

Mal Smith, Parks & Gardens Team Leader

## Policy Implications

Nil

## Statutory Implications

Section 9.49A of the *Local Government Act 1995* is applicable and states:

### **“9.49A. Execution of documents**

- (1) *A document is duly executed by a local government if –
  - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of –
  - (a) the mayor or president; and
  - (b) the chief executive officer or a senior employee authorised by the chief executive officer,each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.”*

## Strategic Implications

### **Strategic Community Plan**

Community Priority: Our Leaders

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

Outcome: 1 & 3

Reference: L1 & L5

### **Asset Management Plan**

The Asset Management Plan does not accommodate the lifecycle costs of maintaining and/or the renewal of Rusty. The matter will be considered during the review of the AMP.

### **Long Term Financial Plan**

The Long Term Financial Plan reflects insurance coverage to replace or repair Rusty if required.

### Risk Implications

<b>Risk Profiling Theme</b>	Safety & Security Practices
<b>Risk Category</b>	Property (Plant, Equipment, Buildings)
<b>Risk Description</b>	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions
<b>Consequence Rating</b>	Extreme (5)
<b>Likelihood Rating</b>	Unlikely (2)
<b>Risk Matrix Rating</b>	High (10)
<b>Key Controls (in place)</b>	Nil
<b>Action (Treatment)</b>	Relocation of Rusty
<b>Risk Rating (after treatment)</b>	Adequate

### Financial Implications

There will be financial implications to relocate Rusty, the cost of which can be covered within the Pioneers' Pathway Project budget allocation specified in the 2020/21 Budget (Job Code OC009). The expected cost would be in the vicinity of \$7,000.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

That, in accordance with Section 9.49A of the *Local Government Act 1995*, Council:

1. Agrees to enter into a Memorandum of Understanding, as presented in Attachment 10.5A, between the Shire of Dowerin and Mr Murray Anderson indemnifying him as the owner of a portion of Lot 38 (No. 2060) Goomalling-Merredin Road, Dowerin against loss of, or damage to, the owner's property and claims in respect of personal injury or death or loss of, or damage to, any other property for a suitable period of time to accommodate the arrangements to relocate Rusty the Tin Dog to a suitable and safe location; and
2. Authorises the President and Chief Executive Officer to execute the Memorandum of Understanding, as presented in Attachment 10.5A, between the Shire of Dowerin and Mr Murray Anderson subject to any variations (of a minor nature).

### Resolution

**Moved:** Cr Ward

**Seconded:** Cr Holberton

**0263**

**That Council provide Mr Murray Anderson written notice indemnifying him as the owner of a portion of Lot 38 (No. 2060) Goomalling-Merredin Road, Dowerin against loss of, or damage to, the owner's property and claims in respect of personal injury or death or loss of, or damage to, any other property for a suitable period of time (not exceeding 30 June 2021) to accommodate the arrangements to relocate Rusty the Tin Dog to a suitable and safe location.**

**CARRIED 6/0**



## Reason

Since the release of the Agenda further discussions had been held with Mr Anderson who is now not willing to enter into a Memorandum of Understanding and instead requested a letter from Council providing the indemnity.

## 11. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

### 11.1 Review of Representation

<h1>Governance &amp; Compliance</h1>		 SHIRE OF <b>DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	28 July 2020	
<b>Location:</b>	Not applicable	
<b>Responsible Officer:</b>	Rebecca McCall, Chief Executive Officer	
<b>Author:</b>	Vanessa Green, Executive & Governance Officer	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>Sharepoint Reference:</b>	Organisation/Governance/Wards/2020 Review of Representation	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<b>Attachment 11.1A</b> - Submissions	

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Summary

This Item presents a proposal to reduce Councillor numbers to Council for consideration and, if satisfactory, adoption.

#### Background

Council considered this Item at its July 2020 meeting and resolved (CMRef 0250):

***“That the matter of the Review of Representation lay on the table until the August 2020 Council Meeting.”***

With the unexpected apologies of Councillor Sewell and Councillor Ward prior to the July meeting, Council believed it was appropriate that all Councillors were provided with an opportunity to participate in the debate and vote on the matter, hence the resolution to lay the matter on the table.

As a result, the Item is reproduced below in its entirety for Council’s consideration, with additional Officer’s Comment as applicable.

Schedule 2.2 of the *Local Government Act 1995* requires local governments to carry out reviews of their ward boundaries and representation on a regular basis. At its May 2020 Meeting Council resolved to initiate a Review of Representation and endorsed the distribution of a Discussion Paper for public consultation (CMRef 0198).

A statutory 6 week public consultation period is required hence the Review was advertised in the Dowerin Despatch on Thursday 28 May 2020 (and again on Thursday 4 June 2020, Thursday 25 June 2020 and Thursday 9 July), as well as on the Shire’s website and Facebook page.

The closing date for submissions was Monday 13 July 2020 at 4.00pm.

## Comment

At the close of the public consultation process, two submissions had been received and these are included as an Attachment. Both submissions suggest retaining the current level of representation at eight Councillors is appropriate for the community.

In considering the submissions and whether, or not, to propose a change to the number of offices of councillor, Council is to have regard to the following:

### **Community of Interests**

The term “community of interests” has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on shared facilities in an area as reflected in catchment areas of local schools and sporting teams or the circulation areas of the local newspaper.

Neighbourhoods are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

For a district the size of Dowerin, it could be argued that Community of Interests may mostly apply to districts which contain wards as otherwise, with all Councillors elected to represent all aspects and constituents of the district, the “community of interest” is the whole district.

One of the submissions suggest that some community members may only feel confident in contacting certain Councillors. While the reasons for that are not detailed in the submission, this could relate to personality conflicts, personal perceptions of any of the Councillors or where a community member does not share the same beliefs, values or principles of any of the Councillors.

However, it would not be expected that either retaining the current level of representation, or decreasing the level of representation, would have a significant or critical effect on these community of interests.

### **Physical and Topographic Features**

These may be natural or man-made features. Water features, such as water courses and catchment boundaries, may be relevant considerations. Farmland, parks and reserves may be relevant, as may other man-made features, such as the rail line and other major and minor roads.

Dowerin is trans versed with a number of both natural and man-made features with the salt lakes and water courses including Tin Dog Creek running through various areas of the district as well as the rail line running north-south and a number of major roads such as the Dowerin-Kalannie Road running north-south and the Goomalling-Merredin Road running east-west.

However, as mentioned above, these may also be insignificant when considering that the main real divide would be between rural and town areas and so where all Councillors are elected to represent all aspects and constituents of the district, the physical and topographic features are across the whole district.

It would not be expected that either retaining the current level of representation, or decreasing the level of representation, would have a significant effect on these physical and topographic features.

### **Demographic Trends**

Several measurements of the characteristics of human population size and its distribution by age, sex, occupation and location provide important demographic information. Current and projected characteristics will be relevant, as well as similarities and differences between areas within the Shire.

The 2016 Census detailed the population of Dowerin as 690 persons made up of 50.2% male and 49.8% female with a median age of 43 years. This compares to the 2011 Census which detailed the population of Dowerin as 678 persons made up of 348 males and 330 females with a median age of 43 years. Therefore, Dowerin’s population is expected to remain mostly static with no major increases or decreases.

Again, the main difference within the district will be those within the rural areas and those within the townsite, as well as those who are employed and those who are not.

With Dowerin’s population not expected to change significantly it would not be expected that either retaining the current level of representation, or decreasing the level of representation, would have a considerable effect on the Shire’s demographic trends.

Having said that, there could be an argument for whether sufficient diversity on Council could be maintained with either the same level of representation, particularly when new Councillors are not elected to office, or where there is less representation, allowing specific interest groups to control Council's activities.

### **Economic Factors**

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in an area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

The main industry within the district is agriculture which is spread across the rural areas with the farms themselves and into the townsite areas for businesses catering to agricultural needs such as machinery dealerships, seed cleaning, engineering, agribusiness consultants and suppliers as well as the usual retail, food and hospitality type businesses.

It would not be expected that either retaining the current level of representation, or decreasing the level of representation, would have a significant effect on the economic factors of the district aside from where there are changes to the diversity of Council, and the individual Councillor's alliances.

### **Councillor to Elector Ratio**

It is expected that each local government will have similar ratios of electors to elected members across its municipality. The Local Government Advisory Board (LGAB) stipulates the importance of keeping the councillor/elector ratio preferably within plus or minus 10%, although that is only applicable to districts which contain wards, which Dowerin does not currently.

Dowerin currently has a councillor/elector ratio of 62:1 being 495 electors (as at the 2019 election) to eight councillors. Reducing the number of Councillors to seven would result in a ratio of 71:1 which is within the 10% variance allowed by the LGAB.

The **advantages** of a reduction in the number of councillors may include:

1. The decision making process may be more effective and efficient if the number of councillors is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
2. The cost of maintaining councillors is likely to be reduced.
3. The increase in the ratio of councillors to electors is unlikely to be significant.
4. Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local councillor.
5. A reduction in the number of councillors may result in an increased commitment from those elected reflected in greater interest and participation in Council's affairs.
6. Fewer councillors are more readily identifiable to the community.
7. With legislated training requirements both prior to nomination and within the first 12 months of election, potential candidates may be deterred from nominating for Council.
8. With less offices on Council to fill, there may not be a need for a costly extraordinary election should the number of nominations not match the number of vacant offices on Council.
9. Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
10. There is a State-wide trend for reductions in the number of councillors and many local governments have found that fewer councillors works well.

The **disadvantages** of a reduction in the number of councillors may include:

1. A smaller number of councillors may result in an increased workload and may lessen effectiveness. A demanding role may discourage others from nominating for Council.
2. There is the potential for dominance in the Council by a particular interest group.
3. A reduction in the number of councillors may limit the diversity of interests around the Council table.
4. Opportunities for community participation in Council's affairs may be reduced if there are fewer councillors for the community to contact.

5. A significant increase in the ratio of councillors to electors may place too many demands on councillors.

In considering all the above, perhaps it would be more pertinent to a local government such as Dowerin to consider the longer-term implications of being able to attract the necessary number of interested candidates to nominate for election to Council. This may be particularly true in light of the newly introduced, mandatory training which is required to be undertaken online prior to nomination and, for those successfully elected, the completion of five core modules within the first 12 months of their election. This, in addition to the current legislative, compliance and audit obligations to be adhered to by both Councillors and staff, may result in less candidates being willing to nominate or re-nominate for Council.

In those situations, it would be expected that an extra-ordinary election would need to be conducted. With the restraints on staff time and resources it is not possible for an election to be conducted in-house, hence the WA Electoral Commission would be required to conduct the election, which is a relatively expensive exercise (around \$12,000-\$14,000 per election which is the equivalent of around a 1% rate rise). In addition, conducting an extra-ordinary election is no guarantee that a suitable candidate(s) will nominate and could essentially result in Council having to conduct two or more election processes to fill all vacancies.

Should Council not wish to reduce its level of representation at this time, an alternative may be that should the abovementioned scenario arise without a satisfactory outcome (i.e. all positions on Council filled) Council could again consider conducting another review of its representation with those factors taken into account.

Should Council wish to make a recommendation to the LGAB to reduce its level of representation, the changes, if endorsed by the LGAB and agreeable by the Minister, will be published in the Government Gazette and come into effect for the next local government election of October 2021.

The Officer's Recommendation takes into account the potential for interested and capable candidates nominating for Council in future years, and the significant costs to Council and the community in conducting extra-ordinary elections when the appropriate number of candidates cannot be achieved.

#### Additional Officer's Comment

As a result of Council's July 2020 resolution on the resignation of ex-Councillor Chatfield (CMRef 0254):

***"That, in accordance with Section 4.17(3) and (4A)(a) of the Local Government Act 1995, Council requests the approval of the Electoral Commissioner to allow the vacancy created by the resignation of Councillor Julie Chatfield to remain unfilled until the October 2021 Ordinary Local Government Elections."***

staff wrote to the WA Electoral Commission (WAEC) requesting the Commissioner's approval for the vacancy to remain unfilled. On 24 July 2020 correspondence was received from the WAEC advising the request had been approved.

This means that at the 2021 Ordinary Local Government Elections there will be five positions on Council to fill, being:

1. Councillor Hudson;
2. Councillor Hagboom;
3. Councillor Holberton;
4. Councillor Ward; and
5. The vacancy created by the resignation.

In determining whether, or not, to reduce its representation, Council will need to have regard for the likelihood of all five vacancies being filled in, preferably, the one election process. Otherwise additional costs will be incurred to conduct extra-ordinary election(s) and these could be significant.

It is the Administration's belief that a reduction in representation from eight to seven will still adequately serve and represent the interests of Dowerin and its ratepayers.

#### Consultation

A mandatory 6 week public notice consultation period began on 28 May 2020 and closed on 13 July 2020. Two submissions were received by the close of the consultation period.

Should Council wish to recommend a reduction in representation numbers, following the Ministers response on such a proposed reduction, a public notice will be issued to update the community of any changes to the Shire of Dowerin's Representation.

Council Meeting 21 July 2020

Council Budget Workshop 13 July 2020

Senior Management Team

Executive & Governance Officer

### Policy Implications

Nil

### Strategic Implications

#### Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

#### Asset Management Plan

Nil

#### Long Term Financial Plan

Nil

### Statutory Implications

Clauses 6-12 of Schedule 2.2 of the *Local Government Act 1995* are applicable and state:

#### 6. **Local government with wards to review periodically**

- (1) *A local government the district of which is divided into wards is to carry out reviews of –*
  - (a) *its ward boundaries; and*
  - (b) *the number of offices of councillor for each ward,**from time to time so that not more than 8 years elapse between successive reviews.*
- (2) *A local government the district of which is not divided into wards may carry out reviews as to –*
  - (a) *whether or not the district should be divided into wards; and*
  - (b) *if so –*
    - (i) *what the ward boundaries should be; and*
    - (ii) *the number of offices of councillor there should be for each ward,**from time to time so that not more than 8 years elapse between successive reviews.*
- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*

#### 7. **Reviews**

- (1) *Before carrying out a review a local government has to give local public notice advising –*
  - (a) *that the review is to be carried out; and*

(b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*

(2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

**8. Matters to be considered in respect of wards**

*Before a local government proposes that an order be made –*

(a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*

(b) *to specify or change the number of offices of councillor for a ward,*

*or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to –*

(c) *community of interests; and*

(d) *physical and topographic features; and*

(e) *demographic trends; and*

(f) *economic factors; and*

(g) *the ratio of councillors to electors in the various wards.*

**9. Proposal by local government**

*On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

*\* Absolute majority required.*

**10. Recommendation by Advisory Board**

(1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is –*

(a) *one of a minor nature; and*

(b) *not one about which public submissions need be invited,*

*the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*

(2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*

(3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause –*

(a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*

(b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.*

*\* Absolute majority required.*

(4) *Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*

*\* Absolute majority required.*

**11. Inquiry by Advisory Board**

- (1) For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.
- (2) The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.

**12. Minister may accept or reject recommendation**

- (1) The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.
- (2) If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.

**Risk Implications**

<b>Risk Profiling Theme</b>	Misconduct
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Code of Conduct
<b>Action (Treatment)</b>	Review Code of Conduct
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications**

Minimal costs were applicable for advertising the Review which are accommodated within Council's operating expenditure.

Should Council resolve to reduce its level of representation from eight to seven Councillors, the cost of Councillors will reduce by approximately \$5,800 per annum.

There could be significant financial implications to Council in the scenario where an ordinary election is held and insufficient nominations are received for the available positions on Council. This would trigger an extra-ordinary election(s) which would cost between \$4,000-\$14,000 depending on the number of vacancies and nominations received.

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation/Resolution**

**Moved:** Cr Trepp

**Seconded:** Cr Metcalf

**That, in accordance with Schedule 2.2 of the Local Government Act 1995, Council:**

- 1. Notes the two public submissions made during the Review of Representation process, as presented in Attachment 11.1A;**
- 2. Endorses the proposal to reduce the number of Councillors from eight to seven to be effective from the 2021 Ordinary Local Government Elections; and**



- 3. Authorises the Chief Executive Officer to write to the Local Government Advisory Board to seek endorsement of the reduction in Councillors and submission to the Minister for Local Government.**

**LOST 2/4**

Councillor Metcalf Sewell requested that all votes be recorded:

<b>For</b>	<b>Against</b>
Councillor Sewell	Councillor Hudson
Councillor Trepp	Councillor Metcalf
	Councillor Holberton
	Councillor Ward

\*NB\* Correction to the above made at Council's September 2020 meeting (CMRef 0267).

## 11.2 Councillor Representation on Committees

### Governance & Compliance



<b>Date:</b>	27 July 2020
<b>Location:</b>	Not applicable
<b>Responsible Officer:</b>	Rebecca McCall, Chief Executive Officer
<b>Author:</b>	Vanessa Green, Executive & Governance Officer
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>Sharepoint Reference:</b>	Organisation/Governance/Committees/Council Committee - General File
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 11.2A</b> - Councillor Representation on Committees

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Summary

This Item presents a review of Councillor representation on Committees to Council for consideration and, if satisfactory, adoption.

#### Background

As a result of the resignation of ex-Councillor Chatfield effective from 24 July 2020 it is necessary to review Councillor representation on Committees, specifically those Committees on which ex-Councillor Chatfield was a representative.

Ex-Councillor Chatfield was a representative on the WALGA Great Eastern Country Zone (GECZ), the Goomalling Medical Surgery Advisory Committee and the Australia Day Honours Committee.

Additionally, Councillor Metcalf has expressed a wish to resign as Council's representative to the Dowerin Events Management (DEM) Board.

#### Comment

The following table provides information on the purpose, meeting cycle and membership of the above-mentioned four committees:

Committee	Purpose	Meeting Cycle	Previous Membership
GECZ	<ol style="list-style-type: none"> <li>To provide a united voice for Local Governments in the GECZ;</li> <li>To work collectively to enhance the sustainable social, environmental and economic development of the GECZ at strategic and project levels;</li> <li>To promote the profile of Local Government within the region encompassed within the GECZ;</li> </ol>	Bi-monthly alternating between Merredin and Kellerberrin	Cr Hudson Cr Chatfield Deputy: Cr Trepp

	<ol style="list-style-type: none"> <li>4. To speak on behalf of Local Governments in the GECZ;</li> <li>5. To elect, nominate and appoint Committees and representatives of the Zone to other organisations,</li> <li>6. To enter into agreements, formal or informal, with organisations having similar aims and objectives,</li> <li>7. To represent the views of Local Governments within the GECZ at the State Council of the Association;</li> <li>8. To do all and any such other things as in the opinion of the Zone may conveniently be carried on by the Zone or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the Zone; and</li> <li>9. To use the property and income of the Zone solely for the promotion of the objects or purposes of the Zone. No part of the property or income of the Zone may be paid or otherwise distributed, directly or indirectly, to members of the Zone, except in good faith in the promotion of those objects or purposes.</li> </ol>		
<p>Goomalling Medical Surgery Advisory Committee</p>	<p>To provide input into the management and operation of the medical surgery based on the Shire's contribution of 33% (up to a maximum of \$25,000) per annum.</p>	<p>Bi-annually in Goomalling</p>	<p>Cr Ward (Chair)                  Cr Chatfield                  CEO</p>
<p>Dowerin Events Management</p>	<ol style="list-style-type: none"> <li>1. For community service purposes to benefit any one or more of the communities within the Dowerin District community, including promoting, providing and carrying out all activities, facilities and projects for the benefit or welfare of the Dowerin District community, or any member or members of the Dowerin District who have a particular need by reason of youth, age, infirmity or disablement, poverty, social or economic circumstances.</li> <li>2. To organise and conduct field days, to promote agricultural education &amp; professions and the display of farming services, machinery equipment, vehicles, and allied products and to organise other displays and events including such activities offering cultural, social and community orientated programs.</li> <li>3. To do all things necessary and generally for the purposes set out above, including to assume and maintain the conduct and operation of the Association, to</li> </ol>	<p>Monthly</p>	<p>Cr Metcalf</p>

	maintain all assets of the Association, to arrange other activities offering cultural, social and community oriented programs to own and lease land, to provide recreation facilities, buildings, accommodation and other resources for the benefit of any one or more of the communities within the Dowerin District, as deemed appropriate by the Board from time to time.		
--	--	--	--

Included as an Attachment is the full listing of both Council and external Committees and the representatives appointed to each.

Council are requested to appoint new representatives to the above four Committees.

**Consultation**

Nil

**Policy Implications**

Nil

**Strategic Implications**

**Strategic Community Plan**

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

**Asset Management Plan**

Nil

**Long Term Financial Plan**

Nil

**Statutory Implications**

Section 5.10 of the *Local Government Act 1995* is applicable for the appointment of representatives to Council Committees (which does not include external committees) and states:

**“5.10. Committee members, appointment of**

- (1) A committee is to have as its members –
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –*
- (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee."*

An Absolute Majority decision of Council is required to appoint members to Council Committees.

### Risk Implications

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

### Financial Implications

With the exception of the Australia Day Honours Committee there are no financial implications as there are no meeting sitting fees to be paid.

Section 5.98 of the *Local Government Act 1995* states a Councillor who attends a Council or Committee meeting is entitled to be paid the fee determined for attending a Council or Committee meeting. In accordance with Council's July 2020 resolution CMRef 0242 relating to the payment of meeting sitting fees for Councillors, Council Committee Members are entitled to be paid \$75 per Australia Day Honours Committee meeting attended. The 2020/21 Budget includes an allocation for this purpose at GL 20425: MEMBERS – Sitting Fees.

### Voting Requirements

Simple Majority

Absolute Majority

**Officer's Recommendation/Resolution**

**Moved:** Cr Metcalf

**Seconded:** Cr Holberton

**0264** That, in accordance with Section 5.10 of the *Local Government Act 1995*, Council appoints the following representatives to the following Committees:

<b>Western Australian Local Government Association</b>	<b>Councillor Metcalf</b>
<b>Goomalling Medical Surgery Advisory Committee</b>	<b>Councillor Sewell</b>
<b>Australia Day Honours Committee</b>	<b>Councillor Sewell</b>
<b>Dowerin Events Management Board</b>	<b>Chief Executive Officer</b>

**CARRIED BY ABSOLUTE MAJORITY 6/0**

### 11.3 Policy Manual Review – Proposed Common Seal & Document Signing Policy

## Governance & Compliance



<b>Date:</b>	28 July 2020
<b>Location:</b>	Not applicable
<b>Responsible Officer:</b>	Rebecca McCall, Chief Executive Officer
<b>Author:</b>	Vanessa Green, Executive & Governance Officer
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>Sharepoint Reference:</b>	Organisation/Governance/Council Policies
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 11.3A</b> – Proposed Policy

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Summary

This Item presents a proposed Common Seal & Document Signing Policy to Council for consideration and, if satisfactory, adoption.

#### Background

Council does not currently have a policy outlining which documents require the common seal to be affixed and which documents can be delegated to officers to sign, nor the authority level of which officers can sign on behalf of the organisation.

A proposed policy has been developed to provide consistency and certainty both inside and outside the organisation as to the execution requirements. This will in turn result in further business efficiency and faster turnaround times in having, among other things, legal documents executed.

#### Comment

The policy has provided for instances where an authorised officer is absent. In these cases, the acting officer is provided the same authority to sign documents that is granted to the absent officer. This will assist in reducing delays in document execution due to absence. The policy also provides certainty to staff as to what documents can be signed by whom.

The Shire of Dowerin's Standing Orders Local Law, stipulates that the common seal of the local government may only be used on the authority of Council given either generally or specifically. In essence, the proposed policy enables a general Council resolution to determine which documents the common seal can be applied to and who is authorised to sign it (although the latter is also stipulated in the Local Law). Otherwise, each time a document is to be executed under common seal, an item would need to be presented to Council for a resolution, and the document would not be able to be signed until such time as a resolution is made. Therefore, the policy enables time efficiency in those instances.

The policy will provide clarity in relation to who can authorise documents and contracts, and, without requiring a specific Council resolution for the execution of certain documentation, reducing the time required for the processing of such documentation.

## Consultation

Council Workshop 21 July 2020  
WALGA Governance Team  
Senior Management Team  
Executive & Governance Officer

## Policy Implications

The Policy Manual will be updated accordingly, should Council resolve to adopt the policy.

## Strategic Implications

### Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

### Asset Management Plan

Nil

### Long Term Financial Plan

Nil

## Statutory Implications

Section 2.27(2)(b) of the *Local Government Act 1995* is applicable and states:

### **“2.7. Role of council**

(1) *The council –*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to –*

(a) *oversee the allocation of the local government's finances and resources; and*

(b) *determine the local government's policies.”*

Section 9.49A of the *Local Government Act 1995* is also applicable and states:

### **“9.49A. Execution of documents**

(1) *A document is duly executed by a local government if –*

(a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*

(b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

(2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*

(3) *The common seal of the local government is to be affixed to a document in the presence of –*

(a) *the mayor or president; and*

(b) *the chief executive officer or a senior employee authorised by the chief executive officer,*



*each of whom is to sign the document to attest that the common seal was so affixed.*

- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown."*

**Risk Implications**

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

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority  Absolute Majority

**Officer's Recommendation/Resolution**

**Moved:** Cr Ward **Seconded:** Cr Holberton

**0265** **That, in accordance with Section 2.27(2)(b) and 9.49A of the Local Government Act 1995, Council adopts the Common Seal and Document Signing Policy, as presented in Attachment 11.3A.**

**CARRIED 6/0**

## 11.4 Town Planning Scheme No. 2 – Local Planning Policies

# Governance & Compliance



<b>Date:</b>	28 July 2020
<b>Location:</b>	Not applicable
<b>Responsible Officer:</b>	Rebecca McCall, Chief Executive Officer
<b>Author:</b>	Vanessa Green, Executive & Governance Officer
<b>Legislation:</b>	<i>Local Government Act 1995; Planning &amp; Development (Local Planning Schemes) Regulations 2015</i>
<b>Sharepoint Reference:</b>	Organisation/Governance/Council Policies Compliance/Development & Building/Planning Scheme/Local Planning Policies
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 11.4A</b> – Proposed Local Planning Policies <b>Attachment 11.4B</b> – Communication Structures Policy

### Purpose of Report



Executive Decision



Legislative Requirement

### Summary

This Item presents reviewed and proposed Local Planning Policies to Council for consideration and, if satisfactory, adoption for advertising purposes.

### Background

During the past 12 months staff have been working to review the “policies” included in the 2007 Policy Manual with the aim of either rescinding the policies or reviewing and incorporating them into the current Policy Manual.

The latest lot of policies to be reviewed are those relating to Health/Building (as titled from the 2007 Policy Manual).

The policies are in fact more aligned with planning and development as opposed to health or building. It would also appear that the policies have not been adopted as Local Planning Policies as required under the Town Planning Scheme or Planning & Development legislation.

As such it will be ultimately recommended that the policies from the 2007 Policy Manual be rescinded and the proposed reviewed policies be adopted in accordance with the requirements of the Town Planning Scheme No. 2 and the *Planning & Development (Local Planning Schemes) Regulations 2015*.

The policy review has also identified a number of other amendments to the policies to align them with current day standards.

### Comment

In consultation with the Manager Planning & Development at the Shire of Toodyay, who are contracted to provide planning and development services to the Shire of Dowerin, the following policies have been reviewed:

1. Communication Structures;
2. Sea Containers; and
3. Secondhand & Moveable Buildings.

In addition, it is proposed to adopt an Outbuildings in Residential Areas policy.

Comment on the policy reviews follows:

Policy	Comment
Communication Structures	<p>It is recommended that this policy be rescinded as technology has moved on a great deal since the time the policy was originally adopted.</p> <p>In addition, the policy seems to suggest that both domestic and commercial use structures are to be considered by Council, however it is not a requirement, nor would it be plausible, for Council to consider a request for a personal/domestic use structure such as a satellite or Foxtel dish on a person's dwelling.</p> <p>Any commercial structure would require development approval through the relevant legislation, both Commonwealth and State, depending on the structure and its intended use. For these occasions an Item can be presented to Council for consideration on each application's merits.</p>
Sea Containers & Similar Storage Containers	<p>The use of sea containers, particularly in rural-residential areas, is becoming more common place in recent years with a number of local governments now allowing their use subject to certain conditions being met.</p> <p>Whereas previously the policy prohibited the use of sea containers in Residential, Commercial and Rural Townsite lots, the amendments to the Policy would enable that to occur, subject to Council approval. This enables Council to consider each application on its merits and apply conditions to the development approval (such as screening, painting or landscaping) where it sees fit.</p> <p>The amendments bring the policy into line with that of similar and/or surrounding Shire's regarding the use of sea containers and similar storage containers.</p>
Secondhand & Moveable Buildings	<p>This is a fairly major review, with many aspects of the policy expanded upon to provide clarity to both the applicant and staff in assessing applications.</p> <p>The increase of the bond amount takes into account the current costs of moving or "making good" a structure which has not be done in accordance with the policy or Council's planning approval. Those costs have increased significantly since the policy's original adoption.</p> <p>Similarly with the sea containers policy, it also enables Council to consider each application on its merits and apply conditions to the development approval where it sees fit.</p>
Outbuildings in Residential Areas	<p>This is a proposed new policy which provides guidance to staff on the approved sizes and dimensions of outbuildings (excluding garden sheds) in residential areas. The policy would enable staff to determine building applications for these structures under delegated authority without the need for presentation to Council where the proposed structure meets the criteria in the policy.</p> <p>Doing so will enable timely processing of such applications.</p>

There is a process which must be followed for a local government to review and adopt local planning policies in accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*.

Council must first resolve to advertise the policy/policies for public consultation for a period of not less than 21 days, after which time Council must review the policy/policies in light of any submissions made and then it may resolve to adopt the policy either with or without amendments.

### Consultation

Council Workshop 21 July 2020

Mr Kobus Nieuwoudt, Manager Planning & Development, Shire of Toodyay

Senior Management Team

Executive & Governance Officer

### Policy Implications

The Policy Manual will be updated accordingly, should Council resolve to adopt the policies.

### Strategic Implications

#### Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

#### Asset Management Plan

Nil

#### Long Term Financial Plan

Nil

### Statutory Implications

Section 2.27(2)(b) of the *Local Government Act 1995* is applicable and states:

#### **"2.7. Role of council**

(1) *The council –*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to –*

(a) *oversee the allocation of the local government's finances and resources; and*

(b) *determine the local government's policies."*

Part 2, Division 2, Clauses 3 to 6 of the *Planning & Development (Local Planning Schemes) Regulations 2015* is also applicable and states:

#### **"Division 2 – Local planning policies**

##### **3. Local planning policies**

(1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*

(2) *A local planning policy –*

- (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
- (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) *The local government may amend or repeal a local planning policy.*
- (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

**4. Procedure for making local planning policy**

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows –*
  - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of –*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *where the proposed policy may be inspected; and*
    - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must –*
  - (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to –*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government –*
  - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

**5. Procedure for amending local planning policy**

- (1) *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
- (2) *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*

## 6. **Revocation of local planning policy**

A local planning policy may be revoked –

- (a) by a subsequent local planning policy that –
  - (i) is prepared in accordance with this Part; and
  - (ii) expressly revokes the local planning policy;
- or
- (b) by a notice of revocation –
  - (i) prepared by the local government; and
  - (ii) published in a newspaper circulating in the Scheme area.”

### **Risk Implications**

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

### **Financial Implications**

There will be advertising costs associated with the public notice period for the policies and this can be accommodated within Council’s operating expenditure via GL 25840: ADMIN O/HEADS – Advertising.

### **Voting Requirements**



Simple Majority



Absolute Majority

### **Officer’s Recommendation/Resolution**

**Moved:** Cr Ward

**Seconded:** Cr Sewell

**0266 That:**

1. In accordance with Section 2.27(2)(b) of the *Local Government Act 1995* and Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council prepares the following local planning policies:
  - a. **Outbuildings in Residential Areas**, as presented in Attachment 11.4A;
  - b. **Second-hand Moveable Buildings**, as presented in Attachment 11.4A; and
  - c. **Sea Containers and Similar Storage Containers**, as presented in Attachment 11.4A; and
2. In accordance with Schedule 2, Part 2, Clause 4(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council adopts for

**advertising purposes the local planning policies referenced in Part 1 a, b and c above in accordance with Clause 4(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**

- 3. In accordance with Section 2.27(2)(b) of the *Local Government Act 1995* and Schedule 2, Part 2, Clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council rescinds the Communication Structures Policy, as presented in Attachment 11.4B.**

**CARRIED 6/0**

## **12. OFFICER'S REPORTS - WORKS AND ASSETS**

Nil items to report.



<b>13.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision</b>
------------	--

Nil

<b>14.</b>	<b>Elected Members' Motions</b>
------------	---------------------------------

Nil

<b>15.</b>	<b>Matters Behind Closed Doors</b>
------------	------------------------------------

Nil

<b>16.</b>	<b>Closure</b>
------------	----------------

There being no further business the President thanked those in attendance and declared the meeting closed at 3.25pm.