



SHIRE OF
DOWERIN
TIN DOG TERRITORY

MINUTES

Ordinary Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 20 October 2020



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Shire of Dowerin
Ordinary Council Meeting
Tuesday 20 October 2020



1. Official Opening / Obituaries

The President welcomed those in attendance and declared the meeting open at 2.06pm.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

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

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: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

Nil

5. Applications for Leave of Absence

Councillors Hagboom and Metcalf requested Leave of Absence for the November 2020 Council and Committee Meetings.

Voting Requirements



Simple Majority



Absolute Majority

Councillor's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Holberton

- 0283** That, in accordance with Section 2.25 of the *Local Government Act 1995*, Council grants Leave of Absence to Councillors Hagboom and Metcalf for the November 2020 Council and Committee Meetings.

CARRIED 7/0

6. Petitions and Presentations

Nil

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

7.1 Ordinary Council Meeting held on 15 September 2020

Attachment 7.1A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Trepp

Seconded: Cr Sewell

- 0284** 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 15 September 2020, as presented in Attachment 7.1A, are a true and correct record of proceedings.

CARRIED 7/0

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

Nil

9. Announcements by the President Without Discussion

The President advised Council that he officiated over the citizenship ceremony for the Scheepers family in Cadoux at the beginning of the month, which the Deputy President and CEO also attended. The President added that the ceremony was very well attended, with the support and facilitation for the event being a credit to the Cadoux community.

10. OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES

10.1 Financial Activity Statements

<h1>Corporate & Community Services</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	14 October 2020	
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
SharePoint Reference:	Organisation / Financial Management / Reporting / Financial Statements / 2020-2021 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.1A - Financial Activity Statements	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents the Statement of Financial Activity to Council for the period ending 30 September 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

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

Risk Implications

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

Financial Implications

Nil

Voting Requirements

Simple Majority Absolute Majority


Officer's Recommendation/Resolution

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

0285 That, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, Council receives the statutory Financial Activity Statement report, as presented in Attachment 10.1A, for the period ending 30 September 2020.

CARRIED 7/0

10.2 List of Accounts Paid

<h1>Corporate & Community Services</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	8 October 2020	
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Jasmine Pietrocola, Accounts Finance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
SharePoint Reference:	Organisation / Financial Management / Reporting / Financial Statements and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.2A - List of Accounts Paid	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents the List of Accounts Paid, paid under delegated authority, for September 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

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

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 Ward

Seconded: Cr Sewell

0286

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:

List of Accounts Paid - September 2020	
EFT7995 to EFT8064	\$208,942.44
Cheques 10840 to 10847	\$15,691.08
DD11062; NAB Credit Card; August 2020	\$5,693.03
DD11081; Puma Energy Fuel; August 2020	\$741.14
DD11053, 11058, 11068 & 11078; Superannuation	\$21,842.40
DD130870 & 130871; Bank Fees	\$844.00
Net Payroll; PPE 02 September 2020	\$65,807.18
Net Payroll; Interim Pay 08 September 2020	\$1,886.20
Net Payroll; PPE 16 September 2020	\$48,012.10
Net Payroll; PPE 30 September 2020	\$54,380.03
TOTAL	\$423,839.60

CARRIED 7/0

10.3 Recalcitrant Rates Debtors – September 2020

<h2>Corporate & Community Services</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	1 October 2020	
Location:	Various	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Sheldon Cox, Rates Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Rates and Evaluations/Reporting/2020 Recalcitrant Rates Debtors	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.3A – Recalcitrant Rates Debtors	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

The Shire of Dowerin recalcitrant rates debtors report for September 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

Instalment reminders and final notices have been sent to all outstanding ratepayers, including those on special arrangements.

Those on special arrangements who have upheld payments have been sent a letter attached to the notice, stating the notice is for records purposes only.

Those on special arrangements who have not upheld payments have been sent a letter stating the arrangement has been removed and legal action has recommenced. The outstanding total for these is now due immediately and accruing interest daily.

Various properties are being considered for the 3-year rule, and discussions with rates officers from other local governments has taken place to find similar situations and experiences to gather advice on the best course of action.

Contact has also been made with some other ratepayers who have not been paying on either arrangement or instalments.

Consultation

Sheldon Cox, Rates Officer

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, DLGSC

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

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Financial Impact
Risk Description	\$50,001 - \$200,000
Consequence Rating	Moderate (3)
Likelihood Rating	Likely (4)
Risk Matrix Rating	Moderate (8)
Key Controls (in place)	Financial Management Framework; Debt Recovery Procedures; Legislation
Action (Treatment)	Undertake debt recovery as per procedures and legislation
Risk Rating (after treatment)	Effective

Financial Implications

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

Cr Metcalf left 2.32pm in 2.33pm

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution


Moved: Cr Trepp

Seconded: Cr Sewell

0287 That Council receives the report of Recalcitrant Rates Debtors, as presented in Attachment 10.3A.

CARRIED 7/0

10.4 Policy Manual Review – Policy 3.13 – Recruitment & Selection Policy

<h2>Corporate & Community Services</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	5 October 2020	
Location:	Not applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995; Fair Work Act 2009; Equal Employment Opportunity Act 1984; Sex Discrimination Act 1984; Racial Discrimination Act 1975; Disability Discrimination Act 1992</i>	
Sharepoint Reference:	Organisation/Governance/Council Policies	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.4A – Policy 3.13 – Recruitment & Selection Policy	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents Policy 3.13 – Recruitment & Selection Policy to Council for rescission.

Background

Policy 3.13 – Recruitment & Selection Policy was adopted by Council in March 2014 and was reviewed in April 2018.

Staff have undertaken a further review of the Policy.

Comment

Management considers the policy surplus to requirements, as the principles that apply to a local government in respect of its employees are covered by legislation, as is fair work, discrimination and equal employment opportunity.

Further, the recruitment of employees is a function of the CEO therefore it is administrative and procedural in nature. The Officer’s Recommendation therefore suggests the policy be rescinded.

Consultation

Senior Management Team

Policy Implications

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

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 5.40 of the *Local Government Act 1995* is also applicable and states:

“5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees –

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) *employees are to be treated fairly and consistently; and*
- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.”*

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)

Risk Matrix Rating	Low (1)
Key Controls (in place)	Human Resource Management Framework
Action (Treatment)	Document Human Resource Management Framework
Risk Rating (after treatment)	Adequate

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Holberton

Seconded: Cr Trepp

0288

That, in accordance with Section 2.27(2)(b) of the *Local Government Act 1995*, Council rescinds Policy 3.13 - Recruitment and Selection Policy, as presented in Attachment 10.4A.

CARRIED 7/0

11. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

11.1 2021 Ordinary Council Meeting Dates

<h1>Governance & Compliance</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	11 September 2020	
Location:	Not applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995</i>	
SharePoint Reference:	Organisation/Governance/Council Meetings	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents the proposed dates for the 2021 Ordinary Council Meetings to Council for consideration and, if satisfactory, adoption.

Background

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* and Policy 1.7 – Council Meetings, at least once each year a local government is to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held in the next 12 months.

As such, the Shire of Dowerin is required to advertise the meeting dates for the Ordinary Meetings of Council for 2021.

Comment

Since November 2019, Council's Ordinary Meetings have been held on the third Tuesday of the month commencing at 2.00pm.

It should be noted that 2021 is an election year. Local Government Ordinary Elections are held on the third Saturday in October, being Saturday 16 October 2021. With the Ordinary Meeting of Council being held on the third Tuesday (Tuesday 19 October 2021) there will not be a need for a Special Meeting of Council to be called to swear in the Councillors-Elect.

Similarly, Easter 2021 is on Friday 2 April 2021 to Monday 5 April 2021 hence the Ordinary Council Meetings will not be affected.

Conducting the Ordinary Meetings of Council on the third Tuesday also avoids conflict with the Field Days therefore, in accordance with Council Policy 1.7 – Council Meetings, and as there has been no suggestion of a need to change the date or time of the Ordinary Meetings, the Officer's Recommendation suggests that the status quo remain.

Consultation

Nil

Policy Implications

Policy 1.7 – Council Meetings is applicable. The Policy states:

“Ordinary Meetings of Council shall be held on the third Tuesday of each month commencing at 2.00pm.

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 the Chief Executive Officer is to present an Item to Council no later than December each year requesting Council confirm the dates for the Ordinary Meetings of Council for the following year.

When considering the Ordinary Meetings of Council dates for the following year, Council will make a determination on whether or not to conduct a meeting in January.”

Should Council wish to change the date or time of its Ordinary Council Meetings, the Policy will also require a review.

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

Regulation 12 of the *Local Government (Administration) Regulations 1996* is applicable and states:

“12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO’s opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO’s opinion, is practicable.”*

Risk Implications

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

Financial Implications

Funds are included in the 2020/21 Budget to cover any costs associated with conducting Council Meetings, and to advertise and promote the dates of Ordinary Council Meetings.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Trepp

0289 That, in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, Council resolves to conduct its 2021 Ordinary Meetings of Council, commencing at 2.00pm, on the following dates:

Tuesday 19 January 2021	Tuesday 20 July 2021
Tuesday 16 February 2021	Tuesday 17 August 2021
Tuesday 16 March 2021	Tuesday 21 September 2021
Tuesday 20 April 2021	Tuesday 19 October 2021
Tuesday 18 May 2021	Tuesday 16 November 2021
Tuesday 15 June 2021	Tuesday 21 December 2021

CARRIED 7/0

11.2 Shire of Dowerin Christmas/New Year Opening Hours

Governance & Compliance



Date:	11 September 2020
Location:	Not applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	Nil
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents a proposal to close the Administration Office, Depot and Dowerin Home Care (DHC) Office over the Christmas/New Year period to Council for consideration and, if satisfactory, endorsement.

Background

For a number of years the Administration, Depot and DHC (the Offices) have closed during the Christmas/New Year period as it is an extremely quiet period with minimal visitations and phone enquiries. It is also common for many residents of the Shire to travel elsewhere at this time of year with other businesses also closing.

Comment

The Christmas Day public holiday will be observed on Friday 25 December 2020 with the Boxing Day public holiday being observed on Monday 28 December 2020, meaning the Offices would be closed on both those days. The New Year's Day public holiday will be observed on Friday 1 January 2021 and again, the Offices would be closed on that day. There are three business days during that week which the Offices could be open.

However, to allow time for staff to spend Christmas and New Year with family or friends it is requested that the Offices close from 4.00pm on Wednesday 23 December 2020 to Friday 1 January 2021. The Offices will reopen as usual on Monday 4 January 2021.

2020 has been a challenging, unprecedented and unpredictable year. Whereas much as possible, with the closure, it is hoped that staff are able to get time away from work and to spend Christmas and New Year with family, friends and loved ones.

The opening times over the Christmas/New Year period will be extensively advertised and circulated to the community in advance.

Consultation

Senior Management Team

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

Nil

Risk Implications

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

Financial Implications

Funds are included in the 2020/21 Budget to cover the costs of advertising and promoting the closure.

Staff will be required to take time in lieu, annual leave or accrued rostered days off. These costs are also contained within the 2020/21 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Holberton

Seconded: Cr Sewell

- 0290** That Council resolves to close the Administration Office, Depot and Dowerin Home Care Office for the Christmas/New Year period from 4.00pm on Wednesday 23 December 2020 to Friday 1 January 2021, reopening on Monday 4 January 2021, with the hours of operation and emergency contacts being advertised to the community.

CARRIED 7/0

11.3 Freedom of Information - Information Statement 2020/21

<h1>Governance & Compliance</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	22 September 2020	
Location:	Not applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995</i>	
SharePoint Reference:	Organisation/Information Management/Freedom of Information	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.3A - Information Statement 2020/21	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents the reviewed Information Statement to Council for consideration and, if satisfactory, adoption.

Background

The *Freedom of Information Act 1992* (FOI Act) requires that agencies must prepare and publish an Information Statement which informs the public about the agency's operations, describes the types of documents that can be inspected, purchased or obtained with or without charge, and it also provides an outline of the Freedom of Information (FOI) process, including how to make an FOI application. It is a requirement to undertake an annual review of the Information Statement.

Council last considered its Information Statement at its November 2019 meeting (CMRef 0088).

As required by the FOI Act, a review of the Information Statement has been undertaken and the reviewed document is included as an Attachment.

Comment

There have been no major amendments to the Information Statement during this review, rather some aspects of the content have been 'fleshed out' a little more in order to provide more information to staff and applicants regarding the process, and to detail how FOI is managed and applicable at the Shire of Dowerin.

There are unfortunately some formatting issues in the document (page breaks etc) as a result of the tracked changes, however these will be resolved in the final document that is released for publication.

Consultation

Senior Management Team

Policy Implications

Nil

Statutory Implications

Section 94 of the FOI Act stipulates the information which must be included in an Information Statement and states:

“94. Term used: information statement

*A reference in this Act to an **information statement**, in relation to an agency, is a reference to a statement that contains —*

- (a) a statement of the structure and functions of the agency;*
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;*
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the performance of the agency’s functions;*
- (d) a description of the kinds of documents that are usually held by the agency including —*
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and*
 - (ii) which kinds of documents can be purchased; and*
 - (iii) which kinds of documents can be obtained free of charge;*
- (e) a description of the agency’s arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;*
- (f) a description of the agency’s procedures for giving members of the public access to the documents of the agency under Part 2 including —*
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and*
 - (ii) the address or addresses at which access applications can be lodged;*
- (g) a description of the agency’s procedures for amending personal information in the documents of the agency under Part 3 including —*
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and*
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.”*

The Information Statement as presented complies with the above requirements.

Section 96 of the FOI Act stipulates that an agency is to review its Information Statement annually, and states:

“96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —*
 - (a) within 12 months after the commencement of this Act; and*
 - (b) at subsequent intervals of not more than 12 months.*

- (2) *In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.*
- (3) *In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.*
- (4) *A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.”*

In considering this Item, Council is complying with this requirement.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Document Management Processes
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Management Framework; Information Management Framework
Action (Treatment)	Document Information Management Framework
Risk Rating (after treatment)	Adequate

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Trepp

0291 That, in accordance with Sections 94 and 96 of the *Freedom of Information Act 1992*, Council adopts the reviewed Information Statement 2020/21, as presented in Attachment 11.3A.

CARRIED 7/0

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

Governance & Compliance



Date:	30 September 2020
Location:	Not applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995; Planning & Development (Local Planning Schemes) Regulations 2015</i>
Sharepoint Reference:	Organisation/Governance/Council Policies Compliance/Development & Building/Planning Scheme/Local Planning Policies
Disclosure of Interest:	Nil
Attachments:	Attachment 11.4A – Proposed Local Planning Policies

Purpose of Report

Executive Decision

Legislative Requirement

Summary

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

Background

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

The last lot of policies to be reviewed are those relating to planning. At its August 2020 Meeting, Council considered the matter of the local planning policies and resolved (CMRef 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.”**

The policies were subsequently advertised in the Dowerin Despatch on 3 September 2020 as well as the Shire's website and Facebook page, with the statutory advertising period closing at 12.00pm on Tuesday 29 September 2020.

Comment

At the close of the statutory advertising process no public submissions had been received.

Council must now resolve:

1. To proceed with the policies without modification; or
2. To proceed with the policies with modification; or
3. Not to proceed with the policies.

The following comment was provided to Council at its August 2020 meeting and details the proposed amendments to the policies:

Policy	Comment
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>

It is believed these amendments are justified and bring the policies into line with current day standards, therefore the Officer's Recommendation is for Council to proceed with the policies without modification.

Should Council adopt the policies, local public notice will be required and the policies will need to be included on the Shire's website in accordance with Part 2, Division 2, Clauses 4 and 6 of the *Planning & Development (Local Planning Schemes) Regulations 2015*.

Consultation

Local Public Notice period 3 September 2020 to 29 September 2020

Council Meeting 18 August 2020
Council Workshop 21 July 2020
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 5 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.*

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact

Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Management Framework
Action (Treatment)	Document Governance Framework
Risk Rating (after treatment)	Adequate

Financial Implications

There will be advertising costs associated with the public notice of adoption 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 Holberton

0292 That:

1. In accordance with Section 2.27(2)(b) of the *Local Government Act 1995* and Schedule 2, Part 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council notes there were no public submissions received and resolves to proceed with the following local planning policies without modification:
 - 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;
2. In accordance with Schedule 2, Part 2, Clauses 4(4) and 4(6) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council publishes local notice of the local planning policies referenced in Part 1 a, b and c above; and
3. In accordance with Section 2.27(2)(b) of the *Local Government Act 1995*, Council rescinds the following policies from the 2007 Policy Manual as they have been superseded by Part 1 b and c above:
 - a. Secondhand Buildings (4/98); and
 - b. Sea Containers (3/07).

CARRIED 7/0

11.5 Local Law Review

Governance & Compliance



Date:	5 October 2020
Location:	Not applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Helen Westcott, BHW Consulting Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
Sharepoint Reference:	Organisation/Governance/Local Laws
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item presents a proposal to formally commence the eight year review of a number of current local laws to Council for consideration and, if satisfactory, adoption.

Background

The *Local Government Act 1995* (the Act) requires that a local government must every eight years, after adoption of any local law, or the last review, conduct a review of the local law to ensure that it still retains currency.

Section 3.16 of the Act requires that Council initiate the review following which it is to conduct local advertising detailing the local laws to be reviewed and inviting submissions within a period of 6 weeks (42 days). A copy of each local law is to be made available for inspection.

In developing the 2020/21 Budget, staff sought quotes from suitably qualified external consultants to assist with the review process. Following adoption of the Budget, BHW Consulting were appointed to assist in conducting the review.

Comment

The current list of local laws included in the review is as follows:

Name of Local Law	Date Adopted	Date Gazetted
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law Adopted by reference to the <i>Shire of Donnybrook/Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</i>	16 October 2001	8 January 2002

Dowerin and Minnivale Cemeteries (Reserves 16736 and 14985) Bylaws (Local Laws)	17 June 1969	9 February 1970
Fencing Local Law 2008 Adopted by reference to the <i>Shire of Goomalling Local Law Relating to Fencing 2007</i>	16 September 2008	30 September 2008
Local Law (Standing Orders) 2001 Adopted by reference to the <i>Shire of Coolgardie Local Law Relating to Local Law (Standing Orders) 2000</i>	16 October 2001	8 January 2002

According to the Local Laws Register on the Department of Local Government, Sport and Cultural Industries website (accessed 4 October 2020) the Shire has several other local laws as follows:

1. Dogs Local Law 2018;
2. Health Local Law (gazetted 1998);
3. Local Government Property Local Law 2018; and
4. Parking and Parking Facilities Local Law 2018.

The local laws that were adopted and gazetted in 2018 are not required to be reviewed as it is less than 8 years since they were approved. The Health Local Law is not being reviewed as it is proposed to be repealed and replaced as part of the implementation of the new *Public Health Act 2016*.

In addition, the Local Laws Register lists two further local laws being the Damage to Streets Draft Model No. 1 and Removal and Disposal of Obstructing Animals or Vehicles. Research has shown that these two local laws were superseded when the current Act was enacted.

It is proposed that the Shire conduct a review in accordance with Section 3.16 of the Act of the following local laws:

1. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;
2. Dowerin and Minnivale Cemeteries (Reserves 16736 and 14985) Bylaws (Local Laws);
3. Fencing Local Law 2008; and
4. Local Law (Standing Orders) 2001.

Section 3.16 of the Act outlines the process to be followed for a review of local laws. It is appropriate to point out that any outcomes from a review that result in amendments to an existing local law (or the repeal and replacement) outlined in this report must then be processed as though it was an amendment (or new local law) to the local law and formally adopted using the procedures outlined in Section 3.12 of the Act.

This, in effect, means there are two distinct processes to follow, the first being a review and the second being the implementation of the outcome of the review.

To commence the review process, the Shire is required to determine the local laws it wishes to review and approve local advertising, for a period of not less than 6 weeks, its intention to undertake the review.

During the advertising period BHW Consulting will undertake an examination of each local law to determine what amendments, if any, may be required to improve their effectiveness or whether a local law should be repealed and replaced.

Consultation

BHW Consulting
Senior Management Team
Executive & Governance Officer

The review process includes undertaking advertising seeking community comments on the local laws and, in particular, any views on deficiencies in their operation and whether some provisions need to be amended.

It is not necessary at this point to seek input from Government Agencies unless it is felt any of the agencies can add value to the process.

Policy Implications

Nil at this time.

Depending on the outcome of the review process, it may be that some policies will require a review or new policies may need to be developed and considered by Council.

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 3.16 of the *Local Government Act 1995* is applicable and states:

“ 3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give local public notice stating that –*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.”*

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)

Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Management Framework
Action (Treatment)	Document Governance Framework
Risk Rating (after treatment)	Adequate

Financial Implications

As mentioned above, the 2020/21 Budget includes an allocation for the conduct of the local law review at GL: 20552 GOV Other: Consultants – Regulation & Compliance.

It should be noted that this allocation includes costs associated with the review and the implementation of the outcome of the review, as well as advertising and gazettal costs associated with both processes within the review.

Voting Requirements

Simple Majority Absolute Majority

Officer’s Recommendation/Resolution

Moved: Cr Sewell **Seconded:** Cr Ward


0293 That, in accordance with Section 3.16 of the *Local Government Act 1995*, Council proceed with a review of its local laws and advertise the review of the following local laws:

1. **Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;**
2. **Dowerin and Minnivale Cemeteries (Reserves 16736 and 14985) Bylaws (Local Laws);**
3. **Fencing Local Law 2008; and**
4. **Local Law (Standing Orders) 2001.**

CARRIED 7/0

12. OFFICER'S REPORTS – WORKS AND ASSETS

12.1 Replacement of Existing 2003 Multi-tyre Roller

<h1>Works & Assets</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	13 October 2020	
Location:	Not applicable	
Responsible Officer:	Les Vidovich, Manager Works & Assets	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Functions & General) Regulations 1996</i>	
Sharepoint Reference:	Technical/Asset Management/Asset Acquisition & Disposal	
Disclosure of Interest:	Nil	
Attachments:	Confidential Attachment 12.1A – Evaluation, Report, Loan Documentation & draft 10 Year Plant Replacement Program	

Purpose of Report

Executive Decision



Legislative Requirement

Summary

This Item presents the quotations received for the replacement of the 2003 multi-tyred roller in accordance with the 2020/21 Budget to Council for consideration and, if satisfactory, adoption.

Background

The 2020/21 Budget includes an allocation for the changeover of Council's existing multi-tyre roller. In most cases, local governments are required to tender for supplies or contracts over \$250,000 in value. However, there is a regulatory exemption under the *Local Government (Functions & General) Regulations 1996*, where members can access WALGA's list of preferred suppliers without the need to independently tender, irrespective of the value of the purchase. The preferred supplier arrangement was established to combine the purchasing power of local governments to deliver both a financial saving and administrative efficiency to the sector.

Multi-tyre rollers use pneumatic-tyred wheels that overlap, providing a rolling, kneading action that compacts and seals the surface. With a lower compaction rate than a smooth drum roller with vibs, this type of compactor is used for most of the year as part of winter maintenance grading, road construction for compaction, water binding and bitumen surface sealing works along with shoulder maintenance and grading.

As a guide, the Institute of Public Works and Engineering Australia (IPWEA) specifies that the optimum replacement/changeover time for a multi-tyre roller is 10 years or 5,000 hours, whichever comes first. Council currently owns a 2003 Multi Pac multi-tyre roller with approximately 7,000 hours on the machine. The cost to hire the equivalent multi-tyre roller is approximately \$250 per day plus mobilisation costs. Below is a photo of Council's existing roller.



Comment

At the close of submissions on 23 September 2020, six quotations were received from five suppliers. The confidential Attachment shows the assessment of each item of plant against the pre-determined specification inventory.

To assist in the evaluation and in addition to the qualitative criteria, the Manager Works & Assets and Construction Leading Hand travelled to Perth to inspect the multi-tyre rollers on offer. A copy of these results are included in the confidential Attachment.

If the Officer's Recommendation is endorsed by Council, the purchase will be funded via an approved loan through the Western Australian Treasury Corporation over a period of eight years.

A copy of the confidential loan repayments schedule is included in the Attachment, along with a Draft 10 Year Plant Replacement Program. It must be noted that the Draft Ten Year Plant Replacement Program is still being finalised and has included the proposed 2020/21 Budget purchases along with an additional \$45,000 in sundry depot plant purchases.

As it is possible some of the proposed 2020/21 plant purchases will be deferred, this will then move through to the next year and impact each year going forward.

Consultation

Rebecca McCall, Chief Executive Officer
Les Vidovich, Manager Works & Assets
Gavin Rickwood, Construction Leading Hand
Works Plant Operators

Policy Implications

This report complies in accordance with Council Policy 4.11 – Purchasing Policy:

“An exemption to publicly invite tenders may apply in the following instances:

- 1. The supply of goods or services is associated with a state of emergency;*
- 2. Where the contract is a renewal or extension of the terms of the original contract in certain circumstances related to a state of emergency;*
- 3. The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supplier Program or State Government Common Use Arrangement;*
- 4. The purchase is from a Regional Local Government or another Local Government;*

5. *The purchase if from a pre-qualified supplier under a Panel established by the Shire of Dowerin;
or*
6. *Any of the other exclusions under Regulation 11 of the Regulations apply.”*

Strategic Implications

Strategic Community Plan

Community Priority:	Our Infrastructure
Objective:	Our infrastructure will drive economic and population growth, be a key enabler of the digital economy and support reliable, efficient service delivery
Outcome:	1
Reference:	I2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Regulation 11(2)(b) of the *Local Government (Functions & General) Regulations 1996* is applicable and states:

11. When tenders have to be publicly invited

(1A) *In this regulation –*

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

(1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*

(a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*

(aa) *the supply of the goods or services is associated with a state of emergency; or*

(b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*

[(ba) *deleted*]

(c) *within the last 6 months –*

(i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*

(ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

or

(d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*

- (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*
- (ea) *the goods or services are to be supplied –*
 - (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
 - (ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*

or
- (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are –*
 - (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines;*

or
- (h) *the following apply –*
 - (i) *the goods or services are to be supplied by –*
 - (I) *a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or*
 - (II) *a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;*

and
 - (ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*
 - (iii) *the local government is satisfied that the contract represents value for money;*

or
- (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
- (j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where –*
 - (i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
 - (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
 - (iii) *the original contract contains an option to renew or extend its term; and*
 - (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*

or
- (ja) *the contract is a renewal or extension of the term of a contract (the **original contract**) where –*
 - (i) *the original contract is to expire within 3 months; and*

- (ii) *the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*
 - (iii) *the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*
 - or
 - (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*
- (3) *For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if –*
 - (a) *the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and*
 - (b) *the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.”*

Regulation 30(3) of the *Local Government (Functions & General) Regulations 1996* is also applicable and states:

“30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if –*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and –*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or
 - (b) *the land is disposed of to a body, whether incorporated or not –*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;*
 - or
 - (c) *the land is disposed of to –*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*
 - or
 - (d) *it is the leasing of land to an employee of the local government for use as the employee’s residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been –*

- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including –*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if –*
- (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.”*

Risk Implications

Risk Profiling Theme	Asset Management Practices
Risk Category	Project Budget
Risk Description	\$50,001 - \$200,000
Consequence Rating	Moderate (3)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Plant Asset Management Program
Action (Treatment)	Review Plant Management Plan
Risk Rating (after treatment)	Adequate

Financial Implications

The 2020/21 Budget includes a provision of \$170,000 (excluding GST) for the purchase of a multi-tyre roller and a trade-in of Council’s existing 2003 multi-tyre roller of \$10,000 (excluding GST).

If the Officer’s Recommendation is endorsed, the purchase will exceed the budget allocation by \$10,000 (excluding GST). This shortfall will be addressed in the 2020/21 Budget Review.

Voting Requirements

- Simple Majority
 Absolute Majority

Officer's Recommendation

That, in accordance with Regulation 11(2)(b) and Regulation 30(3) of the *Local Government (Functions & General) Regulations 1996*, Council:

1. Accepts the quote from Westrac Pty Ltd for the purchase of one new Caterpillar Multi-Tyre Roller (CW34) for \$179,000 excluding GST;
2. Authorises the trade-in of Council's existing 2003 VP2000 Multi Pac Multi-tyre Roller, registration D-014, for \$10,000 excluding GST; and
3. Approves the draw-down of approved Loan 103 from the Western Australian Treasury Corporation to proceed with the purchase of a new Multi-tyre Roller in accordance with the 2020/21 Budget.

Resolution

Moved: Cr Metcalf

Seconded: Cr Ward

0294 That, in accordance with Regulation 11(2)(b) and Regulation 30(3) of the *Local Government (Functions & General) Regulations 1996*, Council:

1. **Accepts the quote from BT Equipment Pty Ltd for the purchase of one new BOMAG Multi-Tyre Roller (BW28RH) for \$166,950 excluding GST;**
2. **Authorises the trade-in of Council's existing 2003 VP2000 Multi Pac Multi-tyre Roller, registration D-014, for \$20,000 excluding GST; and**
3. **Approves the draw-down of approved Loan 103 from the Western Australian Treasury Corporation to proceed with the purchase of a new Multi-tyre Roller in accordance with the 2020/21 Budget.**

CARRIED 7/0

Reason

Council resolved to accept the quote from BT Equipment because it does not exceed the allocation for the purchase in the 2020/21 Budget.

12.2 Purchase of New Smooth Steel Vibrating Drum Roller

Works & Assets



Date:	13 October 2020
Location:	Not applicable
Responsible Officer:	Les Vidovich, Manager Works & Assets
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Functions & General) Regulations 1996</i>
Sharepoint Reference:	Technical/Asset Management/Asset Acquisition & Disposal
Disclosure of Interest:	Nil
Attachments:	Confidential Attachment 12.2A – Evaluation, Report, Loan Documentation & draft 10 Year Plant Replacement Program

Purpose of Report

Executive Decision



Legislative Requirement

Summary

This Item presents the quotations received for the purchase of a new smooth steel vibrating drum roller in accordance with the 2020/21 Budget to Council for consideration and, if satisfactory, adoption.

Background

As per [Item 12.1](#) regarding the multi-tyre roller, quotations were sought through the Western Australian Local Government Association (WALGA) Preferred Supplier Panels. These panels are provided under the *Local Government (Function & General) Regulations 1996* which provides a tender exemption to Preferred Supplier Contracts. WALGA claim that most brands are represented and discounted prices can be obtained on machinery below market price.

A smooth steel vibrating drum roller is used in road construction to create a hard, smooth and flat surface. This is achieved by combining pressure and vibration to compress and compact gravel, asphalt, rocks and sand to a required dry density percentage. They are commonly used and recommended for the purpose of construction and road works as a result of their achievable compaction rates.

The Institute of Public Works and Engineering Australia (IPWEA) states that the annual utilisation benchmark to justify the purchase of a smooth steel vibrating drum roller is 500 hours. Last financial year the Shire of Dowerin hired this type of machine through Mayday and Sherrin Plant Rentals to construct sections of the Dowerin-Koorda, Dowerin-Kalannie and Dowerin-Meckering Roads. The drum roller was rented at a total cost of \$38,755 inclusive of mobilisation excluding GST.

Road construction activities including gravel sheeting, reconstruction or rehabilitation works usually commence mid-September through to mid-April each year. This seven-month period for construction will require the use of a smooth steel vibrating drum roller for compaction purposes during this time. The daily dry hire rate for a drum roller is around \$250 per day, which will equate to a total hire cost of \$32,500 plus any mobilisation costs.

Comment

At the close of submissions on 23 September 2020, eight quotations were received from seven suppliers for the purchase of a new smooth steel vibrating drum roller. The confidential Attachment shows the assessment of each item of plant against the pre-determined specification inventory.

To assist in the evaluation and in addition to the qualitative criteria, the Manager Works & Assets and Construction Leading Hand travelled to Perth to inspect the various smooth steel vibrating drum rollers on offer. A copy of these results are included in the confidential Attachment.

If the Officer's Recommendation is endorsed by Council, the purchase will be funded via an approved loan through the Western Australian Treasury Corporation over a period of eight years.

A copy of the confidential loan repayments schedule is included in the Attachment, along with a Draft 10 Year Plant Replacement Program. It must be noted that the Draft Ten Year Plant Replacement Program is still being finalised and has included the proposed 2020/21 Budget purchases along with an additional \$45,000 in sundry depot plant purchases.

As it is possible some of the proposed 2020/21 plant purchases will be deferred, this will then move through to the next year and impact each year going forward.

Consultation

Rebecca McCall, Chief Executive Officer
Les Vidovich, Manager Works & Assets
Gavin Rickwood, Construction Leading Hand
Works Plant Operators

Policy Implications

This report complies in accordance with Council Policy 4.11 – Purchasing Policy:

“An exemption to publicly invite tenders may apply in the following instances:

- 1. The supply of goods or services is associated with a state of emergency;*
- 2. Where the contract is a renewal or extension of the terms of the original contract in certain circumstances related to a state of emergency;*
- 3. The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supplier Program or State Government Common Use Arrangement;*
- 4. The purchase is from a Regional Local Government or another Local Government;*
- 5. The purchase if from a pre-qualified supplier under a Panel established by the Shire of Dowerin; or*
- 6. Any of the other exclusions under Regulation 11 of the Regulations apply.”*

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure

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

Outcome: 1

Reference: I2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Regulation 11(2)(b) of the *Local Government (Functions & General) Regulations 1996* is applicable and states:

11. **When tenders have to be publicly invited**

(1A) *In this regulation –*

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

(1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*

(a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*

(aa) *the supply of the goods or services is associated with a state of emergency; or*

(b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*

[(ba) *deleted*]

(c) *within the last 6 months –*

(i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*

(ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

or

(d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*

(e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*

(ea) *the goods or services are to be supplied –*

(i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*

(ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*

or

(f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*

(g) *the goods to be supplied under the contract are –*

(i) *petrol or oil; or*

(ii) *any other liquid, or any gas, used for internal combustion engines;*

or

- (h) *the following apply –*
- (i) *the goods or services are to be supplied by –*
 - (I) *a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or*
 - (II) *a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;*
- and*
- (ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*
 - (iii) *the local government is satisfied that the contract represents value for money;*
- or*
- (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
 - (j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where –*
 - (i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
 - (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
 - (iii) *the original contract contains an option to renew or extend its term; and*
 - (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*
- or*
- (ja) *the contract is a renewal or extension of the term of a contract (the **original contract**) where –*
 - (i) *the original contract is to expire within 3 months; and*
 - (ii) *the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*
 - (iii) *the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*
- or*
- (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*
- (3) *For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if –*
- (a) *the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and*
 - (b) *the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.”*

Risk Implications

Risk Profiling Theme

Asset Management Practices

Risk Category	Project Budget
Risk Description	\$50,001 - \$200,000
Consequence Rating	Moderate (3)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Plant Asset Management Program
Action (Treatment)	Review Plant Management Plan
Risk Rating (after treatment)	Adequate

Financial Implications

The 2020/21 Budget includes a provision of \$150,000 (excluding GST) for the purchase of a smooth steel vibrating drum roller. If the Officer's Recommendation is endorsed, the purchase will exceed the budget allocation by \$4,500 (excluding GST). This shortfall will be addressed in the 2020/21 Budget Review.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Trepp

Seconded: Cr Hagboom

0295 That, in accordance with Regulation 11(2)(b) of the *Local Government (Functions & General) Regulations 1996*, Council:

1. Accepts the quote from Westrac Pty Ltd for the purchase of one new Caterpillar CS68B Smooth Steel Vibrating Drum Roller for \$154,500 (excluding GST); and
2. Approves the draw-down of approved Loan 104 from the Western Australian Treasury Corporation to proceed with the purchase of a new Smooth Steel Vibrating Drum Roller in accordance with the 2020/21 Budget.

CARRIED 7/0

13.	Urgent Business Approved by the Person Presiding or by Decision
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Nil

14.	Elected Members' Motions
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Nil

15.	Matters Behind Closed Doors
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Nil

16.	Closure
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There being no further business the President thanked those in attendance and declared the meeting closed at 3.34pm.