



SHIRE OF
DOWERIN
TIN DOG TERRITORY

MINUTES

Ordinary Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 24 September 2019



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Shire of Dowerin
Ordinary Council Meeting
Tuesday 24 September 2019



1. Official Opening / Obituaries

The President welcomed those in attendance and declared the meeting open at 3.05pm. In opening the meeting the President and Councillors acknowledged the passing of Mr Michael Bruce and Mr Graeme Bass with a minute's silence.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

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

Staff

Ms R McCall	Chief Executive Officer
Mr G Brigg	Manager Works & Assets
Ms C Delmage	Manager Corporate & Community Services
Ms A Banks	Customer Service & Records Officer

Members of the Public: Mr J Sewell

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

Nil

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

7.1 Ordinary Council Meeting held on 20 August 2019

[Attachment 7.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Chatfield

Seconded: Cr Metcalf

0035 That Council, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, confirm the Minutes of the Ordinary Council Meeting held on 20 August 2019, as presented in Attachment 7.1A, as a true and correct record of proceedings.

CARRIED 7/0

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

8.1 Finance Committee Meeting held on 16 September 2019

[Attachment 8.1A](#)

Purpose of Report

Executive Decision

Legislative Requirement

Summary

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

Background

The Shire has established the following Committees of Council;

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

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

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

Comment

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

Consultation

Not Applicable

Policy Implications

Nil

Statutory Implications

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

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

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Trepp

Seconded: Cr Walsh

0036 That Council, by Simple Majority pursuant to Sections 3.18 and 5.22(2) of the *Local Government Act 1995*, receives the Minutes of the Finance Committee Meeting (unconfirmed) held on 16 September 2019, as presented in Attachment 8.1A.

CARRIED 7/0

9. Announcements by the President Without Discussion


The President advised there was no need for a postal election to be conducted following the Close of Nominations with 4 nominations received for the 4 positions available.

In making the announcement the President thanked Councillor Walsh, who chose not to re-nominate, for his time and efforts while on Council and congratulated Mr Jason Sewell, who was in the public gallery, on his successful nomination. The Councillors-elect would be sworn in at Council's October 2019 meeting.

The President reminded Councillors that the formal photo will be taken at Council's October meeting and formal wear was required to be worn for the occasion.

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:	10 September 2019	
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Susan Fitchat, Senior Finance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Financial Management/Reporting/Financial Statements/2018-2019 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.1A - Monthly Financial Activity Statements - July 2019 Attachment 10.1B - Monthly Financial Activity Statements - August 2019	

Purpose of Report

Executive Decision



Legislative Requirement

Summary

For the Finance Committee to receive the Statement of Financial Activity, which includes Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register for July and August 2019.

Background

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

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

At its August 2019 meeting the Finance Committee resolved to defer receiving the financial statements until its September 2019 Meeting (CMRef 0022), which was also subsequently resolved by Council at its August 2019 meeting (CMRef 0030).

Comment

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

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

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

Capital Acquisitions

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

Note 1 – Significant Accounting Policies

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

Note 2 – Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 5% or \$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.

Note 3 – Net Current Funding Position – Statutory Requirement

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

Note 4 – Cash and Investments

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

Note 5 – Budget Amendments

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

Note 6 – Receivables

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

Note 7 – Cash Backed Reserves

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

Note 8 – Capital Disposals

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

Note 9 – Rating Information

This note provides details of rates levied during the year.

Note 10 – Information on Borrowings

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

Note 11 – Grants and Contributions Received

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

Note 12 – Trust Funds

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

Note 13 – Capital Acquisitions

This note details the capital expenditure program for the year.

Consultation

Rebecca McCall, Chief Executive Officer

Policy Implications

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

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

Risk Implications

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

Financial Implications

The budgeted opening funding surplus as per the 2019/20 Budget adopted on 23 July 2019 presents as \$730,000 (Rate Setting Statement).

Voting Requirements



Simple Majority



Absolute Majority

Committee Resolution - 7.1

Moved: Cr Walsh

Seconded: Cr Hudson

0030 That, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*, the Finance Committee recommends to Council that it receives the statutory Financial Activity Statement reports, as presented in Attachment 7.1A, for July and August 2019.

CARRIED 3/0

Officer's Recommendation/Resolution


Moved: Cr Walsh

Seconded: Cr Trepp

0037 That Council, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement reports, as presented in Attachment 10.1A and Attachment 10.1B, for July and August 2019.

CARRIED 7/0

10.2 List of Accounts Paid

<h2>Corporate & Community Services</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	3 September 2019	
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 and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.2A - List of Accounts Paid - July 2019 Attachment 10.2B - List of Accounts Paid - August 2019	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

The purpose of this report is to consider the attached List of Accounts Paid for July and August 2019.

Background

At its August 2019, the Finance Committee recommended to Council (CMRef 0023):

'..... that it receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments, being cheque numbers 10702 to 10712 and eft6959 to eft7050 as presented in Attachment 7.2A, from the Municipal Fund in July 2019.'

Subsequent enquiries showed that the presented List of Accounts Paid was not a true and accurate record for payments made during the month of July 2019 as prior month amounts relating to cheques were included.

At its August 2019 meeting, Council resolved (CMRef 0031):

'That the matter of the List of Accounts Paid for July 2019 lay on the table until the September 2019 Ordinary Meeting of Council.'

The reason given by Council for this decision was:

'Council believed that to enable a thorough review of the compilation of the report to be undertaken, and due to the reduced timeframe between the Finance Committee Meeting and the Council Meeting in which to undertake that review, it was best that a resolution on the List of Accounts Paid be deferred.'

Further investigation has revealed that Officers were using the Shire's Municipal Bank general ledger to report on the List of Accounts Paid each period/month rather than the IT Vision Synergy system generated report. Reporting from the general ledger involved a significant amount of manual input with a result that differs from the system generated list of payments.

The Shire of Dowerin, like most organisations including all local governments, report all transactions using the accrual method. This means that all reporting occurs at the time the transaction is processed through the system and not through the bank. An example of this is the reflection of income when the rates are raised. If the Shire were to use the cash accounting process, rates revenue would only be recorded when rates were physically paid and not as they were raised.

The same applies to payments; if a cheque is processed in July 2019 but not presented until September 2019, the reporting for that cheque applies to the July 2019 financials. Whilst our financial reporting is set up to report using the accrual methodology via period, on rare occasions, at the end of the month sometimes the payment batches will update into the next period or vice versa, which can result in an adjustment/or to the manual entry in the List of Payment reports.

The monthly presentation of the List of Accounts Paid is now set up to run a system generated report by payment date and not general ledger period.

Comment

At the time of writing this report, net payroll payments are still excluded from the Synergy system report and this error is being investigated by IT Vision. They have been accounted for in the List of Accounts Paid.

The List of Accounts Paid for July 2019 includes a reconciliation at the end of the List to reflect the variances between the initial report presented and this report.

The List of Accounts Paid for August 2019 shows the report as it will be going forward, excluding the correction to be made which will include Net Payroll payments in the system generated report.

Whilst the List of Accounts Paid as presented to the Finance Committee and Council have not been based on the appropriate reporting methodology, no concerns have been flagged in respect to either the misappropriation or mishandling of funds.

Consultation

Rebecca McCall, Chief Executive Officer

Susan Fitchat, Senior Finance Officer

Kathy Brigg, Finance Officer

Policy Implications

No Policy Implications have been identified at the time of writing this report although administrative procedures have now been implemented for accurate reporting and consistency.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

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

Risk Implications

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

Financial Implications

Funds expended are in accordance with Council's adopted 2019/20 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Committee Resolution - 7.2

Moved: Cr Hudson

Seconded: Cr Walsh

0031

That the Finance Committee recommends to Council that it receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Dowerin Municipal Fund, as presented in Attachment 7.2A, and as detailed below:

List of Accounts Paid - July 2019		List of Accounts Paid - August 2019	
EFT6961 to EFT7050	391,839.70	EFT7051 to EFT7115	355,514.33
DD10657 & DD10671 Superannuation	13,483.47	DD10687 & DD10702 Superannuation	13,014.86
Cheque 10694 to 10712	24,383.71	Cheque 10713 to 10721	56,612.24
DD130855; Loan Fees	4,497.86		
DD130855; Bank Fees	137.41	DD130856; Bank Fees	480.95
DD10666; NAB Credit Card; June 2019	6,190.57	DD10685; NAB Credit Card; July 2019	1,307.95
DD10668; Puma Energy; Fuel; June 2019	1,076.64	DD10683; Puma Energy; Fuel; July 2019	1,235.82
Net Payroll; PPE 10 July 2019	55,469.71	Net Payroll; PPE 7 August 2019	56,342.99
Net Payroll; PPE 24 July 2019	58,972.46	Net Payroll; PPE 21 August 2019	57,500.78
Total	\$556,051.82	Total	\$542,009.92

CARRIED 3/0

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Trepp

0038 That 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 Attachment 10.2B, and as detailed below:

List of Accounts Paid - July 2019		List of Accounts Paid - August 2019	
EFT6961 to EFT7050	391,839.70	EFT7051 to EFT7115	355,514.33
DD10657 & DD10671 Superannuation	13,483.47	DD10687 & DD10702 Superannuation	13,014.86
Cheque 10694 to 10712	24,383.71	Cheque 10713 to 10721	56,612.24
DD130855; Loan Fees	4,497.86		
DD130855; Bank Fees	137.41	DD130856; Bank Fees	480.95
DD10666; NAB Credit Card; June 2019	6,190.57	DD10685; NAB Credit Card; July 2019	1,307.95
DD10668; Puma Energy; Fuel; June 2019	1,076.64	DD10683; Puma Energy; Fuel; July 2019	1,235.82
Net Payroll; PPE 10 July 2019	55,469.71	Net Payroll; PPE 7 August 2019	56,342.99
Net Payroll; PPE 24 July 2019	58,972.46	Net Payroll; PPE 21 August 2019	57,500.78
Total	\$556,051.82	Total	\$542,009.92

CARRIED 7/0

10.3 Recalcitrant Rates Debtors as at 31 August 2019

<h2>Corporate & Community Services</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	31 August 2019	
Location:	Various	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Sam Williams, Rates Officer (in training)	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Rates and Evaluations/Reporting/2019 Recalcitrant Rates Debtors	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.3A - Recalcitrant Rates Debtors	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This month's recalcitrant rates debtors report details non-pensioner assessments with a balance of more than \$100. Ratepayers may be paying by Special Arrangement, which are not normally reported.

The Rates Officer under the guidance of the Chief Executive has commenced debt recovery on assessments where the ratepayer has made no attempt to pay off rates and charges.

Background

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

Comment

On-going debt recovery is occurring for assessments where debt recovery commenced last year or before. Some assessments are now at the stage where Property Sale and Seizure Orders have been placed on the properties.

In accordance with Council Policy, active recovery of current rates and charges will commence on 24 September 2019. It is anticipated as these charges will generally be less than 1 year overdue, that this action will be handled in-house. This will considerably reduce legal fees but may involve a higher number of assessments seeking Special Arrangement Payment Plans.

Consultation

Louise Sequerah, Acting Rates Officer

Susan Fitchat, Senior Finance Officer

Cherie Delmage, Manager Corporate & Community Services

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

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

Policy Implications

Sundry Debt Collection Policy

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Local Government Act 1995

Risk Implications

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

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

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Committee Resolution - 7.3

Moved: Cr Hudson

Seconded: Cr Walsh

0032 That the Finance Committee reviews the report of Recalcitrant Rates Debtors, as presented in Attachment 7.3A, in accordance with Council Policy.

CARRIED 3/0

Officer's Recommendation/Resolution

Moved: Cr Holberton

Seconded: Cr Walsh

0039 That Council reviews the report of Recalcitrant Rates Debtors, as presented in Attachment 10.3A, in accordance with Council Policy.

CARRIED 7/0

10.4 A549 – Request to Write-off Legal Fees

Corporate & Community Services



Date:	4 September 2019
Location:	20-24 Stewart Street, Dowerin WA 6461
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Louise Sequerah, Rates Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Summary

In accordance with Council Policy and local government best practice, debt recovery on outstanding rates and charges commenced in February 2019.

Included in this process was Assessment A549, 20-24 Stewart Street, Dowerin with all details sent to the Shire's Debt Collection Agent, AMPAC.

The Ratepayer is now requesting that the debt recovery fees be waived and written off.

Background

Council's Sundry Debt Collection Policy, adopted in October 2017, outlines the procedure required for the recovery of overdue rates and charges.

This includes, under delegated authority to the Chief Executive Officer, appropriate action in accordance with Sections 6.54-6.75 of the *Local Government Act 1995*.

On 22 February 2019, AMPAC was directed to lodge a General Procedure Claim for the debt owed against this Assessment A549. This action incurred costs of \$519.60 which were then on-charged to the assessment in accordance with Council Policy.

The ratepayer contacted the CEO on 21 March 2019 and agreed to an arrangement to pay off the overdue charges.

On 2 July 2019 the ratepayer requested that the legal fees be waived.

Comment

Despite the ratepayer's financial hardship, the ratepayer has made considerable effort to pay off the rates and charges.

Additionally, they have continued to provide a service to the community whilst undergoing this financial hardship.

As at 4 September 2019 the ratepayer has \$82.41 arrears outstanding.

Consultation

Louise Sequerah, Acting Rates Officer

Rebecca McCall, Chief Executive Officer

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

Policy Implications

Sundry Debt Collection Policy

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Section 6.47 of the *Local Government Act 1995* states:

"Subject to the Rates & Charges (Rebates & Deferments) Act 1995, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge."

An Absolute Majority decision of Council is required.

Risk Implications

Writing off legal fees may set a precedent for other assessments to have the legal fees waived. Given the special circumstances of the business, this action is considered a low risk.

Financial Implications

An expense of \$519.60 will be charged to GL 20118 Rates - Rates Write Off which has a budget of \$1,000 for the 2019/20 year.

Voting Requirements



Simple Majority



Absolute Majority

Committee Resolution - 7.4

Moved: Cr Hudson

Seconded: Cr Walsh

0033

That the Finance Committee, by Absolute Majority pursuant to Section 6.47 of the *Local Government Act 1995*, recommends to Council that it resolves to write off the legal fees of \$519.60 raised against Assessment A549 and allocate the expense against GL 20118 Rates - Rates Write Off.

CARRIED BY ABSOLUTE MAJORITY 3/0

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Holberton

0040 That Council, by Absolute Majority pursuant to Section 6.47 of the *Local Government Act 1995*, resolves to write off the legal fees of \$519.60 raised against Assessment A549 and allocate the expense against GL 20118 Rates - Rates Write Off.

CARRIED BY ABSOLUTE MAJORITY 7/0

10.5 A225 – Debt Recovery Action

Corporate & Community Services



Date:	3 September 2019
Location:	4 Dowall Street, Minnivale WA 6462
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Louise Sequerah, Rates Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Summary

In accordance with Council Policy and local government best practice, debt recovery on outstanding rates and charges commenced in January 2018 on assessment A225, 4 Dowall Street, Minnivale for overdue rates and charges.

Background

The debt recovery action was followed through to the stage of Property Sale & Seizure Order (PSSO). The auction of the property attracted no bidders and the property was passed in at auction.

Comment

In summary:

1. Assessment A225, 4 Dowall Street, Minnivale was passed in at auction without a bid;
2. As at 29 August 2019 an outstanding balance of \$13,581.43 remains;
3. The last payment was made on 23 October 2012; and
4. AMPAC have advised the Shire's next course of action is to invoke the three year rule in accordance with Sections 6.74 and 6.75 of the *Local Government Act 1995*.

In AMPAC's email dated 21 June 2019 it was advised:

'Unfortunately providing a cost analysis for 3 years is difficult. We can only provide an estimate from our Solicitor to make sure the council have met criteria first. As you've been to Public Auction on this one already, it will be a case of giving this file to our Solicitor now for next steps to meet criteria under the Act, depending on what decision the Shire makes, i.e. transfer to itself or the Crown.

If you Transfer to the Crown the Shire cannot get it back.

We also do not recommend writing off as the rates outstanding as the Property will still be in the rate-payers name and therefore re-rated and you're back to square one.

Transferring to the Shire or the Crown is approximately \$1000-\$5000.00 This procedure is very similar to settlement of a property. However, this is also an estimate as there may be a series of requisitions made by the Minister to get the process over the line. In those circumstances, the fees will exceed \$5000.00 however we will keep you informed as best we can.

We can refer this to Price Sierakowski for an estimate and there is also an AMPAC Debt Recovery Pty Ltd 3-year Transfer administration fee of \$1500.00.'

In addition to the above information the following is provided:

1. Council must hold the transferred land for 12 months after it is transferred. It can then sell the land if the market in the area has picked up.
2. In order to proceed with the 3-year rule the following is required:
 - a. A decision from Council;
 - b. A valuation from a Local Agent stating the estimated valuation of the property at sale, less any outstanding Water or Council rates; and
 - c. Based on this valuation Council can state it is unequitable to proceed to a second auction.
3. The property is vacant land in Minnivale. The prospect of Council selling this land in the future is very low.

Whilst the property in question is of little to no value to Council and does not form part of its strategic plans, the result of the land becoming Council property will result in no further debt being incurred.

Consultation

Consultation has occurred with the following:

Louise Sequerah, Acting Rates Officer; Susan Fitchat, Senior Finance Officer; Cherie Delmage, Manager Corporate & Community Services; Rebecca McCall, Chief Executive Officer; Lauren Marsh and Jodie Earney, Senior Account Managers - AMPAC Debt Recovery.

The above Officers have been part of the ongoing consultation as to the process along with consideration of relevant Council policies in relation to the recovery of outstanding rates and charges.

Policy Implications

Sundry Debt Collection Policy

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Local Government Act 1995

Risk Implications

The two risk implications associated with this report are:

1. If Council decide to invoke the three year rule, the sale of the land, if it occurs, is likely to result in little to no cost recovery; or
2. If Council decide not to invoke the three year rule, the property will continue to incur rates and overdue interest.

Financial Implications

The two financial implications associated with this report are:

1. If Council decide to invoke the three year rule, the process will result in an additional amount between \$2,500 and \$7,000 depending on the work involved; or
2. If Council decide not to invoke the three year rule, the property will continue to incur rates and charges of approximately \$310 per year and overdue interest at approximately \$35 per month (and increasing).

Voting Requirements



Simple Majority



Absolute Majority

Committee Resolution - 7.5

Moved: Cr Hudson

Seconded: Cr Walsh

0034

That the Finance Committee, by Absolute Majority pursuant to Sections 6.74 and 6.75 of the *Local Government Act 1995*, recommends to Council that:

1. A valuation of 4 Dowall Street, Minnivale WA 6462 be obtained; and
2. A decision be made to invoke the three year rule with the intent to transfer the property into the Shire of Dowerin's name.

CARRIED BY ABSOLUTE MAJORITY 3/0

Officer's Recommendation/Resolution

Moved: Cr Trepp

Seconded: Cr Walsh

0041

That Council, by Absolute Majority pursuant to Sections 6.74 and 6.75 of the *Local Government Act 1995*:

1. Obtains a valuation for 4 Dowall Street, Minnivale WA 6462; and
2. Resolves to invoke the three year rule with the intent to transfer 4 Dowall Street, Minnivale WA 6461 into the Shire of Dowerin's name.

CARRIED BY ABSOLUTE MAJORITY 7/0

11. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

11.1 Policy Manual Review – Proposed Regional Price Preference Policy

<h2 style="color: red;">Governance & Compliance</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	2 September 2019	
Location:	Not applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Functions & General) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Governance/Council Policies/Policy Manual	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A – Proposed Regional Price Preference Policy	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This item brings a new Policy before Council for consideration and, if satisfactory, adoption.

Background

The *Local Government (Functions and General) Regulations 1996* allow for non-metropolitan local governments to offer a price preference to local and regional suppliers when assessing quotations or tenders for goods and/or services.

The intent of providing a price preference consideration to local and regional suppliers is to stimulate economic activity and growth within the region by ensuring that local businesses are able to remain competitive when supplying goods and/or services.

Comment

A Policy has been developed and is included as an Attachment. If the Policy is adopted an agreed price preference will be applied to any local or regional businesses/contractors to quotations or tenders received.

Adherence to the Shire of Dowerin's Purchasing Policy is still essential and informs all purchasing activities. The proposed Policy does not automatically allow for any regional or local organisation to be appointed regardless of whether the quotation or tender supplied becomes the lowest quote after the price preference has been applied.

Standard assessment, including all relevant and application selection criteria, will be taken into account when determining the final appointment of any provider.

The Shire of Dowerin recognises the following two regions for price preferences:

Region 1 - defined as a business or industry located within the district of the Shire of Dowerin; and

Region 2 - defined as a business or industry located within the districts of the Shire of Cunderdin, Shire of Goomalling, Shire of Koorda, Shire of Wongan-Ballidu and Shire of Wyalkatchem.

The proposed Policy will provide guidance to Elected Members, staff, contractors and businesses in respect to the provision of a preference to local suppliers when purchasing decisions are made.

Further, the proposed Policy will allow a quoted or tendered price from either a 'Local' or 'Regional' provider to be reduced for the purposes of comparison, with submissions outside the defined 'Local' or 'Regional' boundaries.

In accordance with Regulation 24G of the *Local Government (Functions & General) Regulations 1996*, a local government may choose not to apply the policy to a particular procurement process. However, the decision to not apply the policy must be specified in the scope of works or tender specifications.

Consultation

Council Workshop 20 August 2019

Senior Management Group

Policy Implications

The Policy Manual will be updated accordingly, should the policy be adopted.

Statutory Implications

Section 2.7 of the *Local Government Act 1995* stipulates that the role of Council is to determine policies.

Part 4A of the *Local Government (Functions & General) Regulations 1996* stipulates the requirements of a regional price preference policy and details the process under which such a policy can be adopted. Specifically, Regulation 24E requires Council to provide Statewide notice seeking submissions on its intention to consider the adoption of a Regional Price Preference 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

Risk Implications

Nil

Financial Implications

An estimated outlay of \$600-\$800 for Statewide advertising will apply.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Walsh

Seconded: Cr Metcalf

0042 That Council, by Simple Majority in accordance with Sections 2.7(2)(b) and 5.41 of the *Local Government Act 1995* and Part 4A of the *Local Government (Functions and General) Regulations 1996*, authorises the Chief Executive Officer to provide Statewide notice seeking public submissions on the proposed Regional Price Preference Policy, as presented in Attachment 11.1A, for a period of not less than 4 weeks, noting the policy can only become operative after Council considers any submissions received and provides Statewide notice of the policy's adoption.

CARRIED 7/0

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

Governance & Compliance



Date:	2 September 2019
Location:	Not Applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
Sharepoint Reference:	Organisation/Governance/Local Laws
Disclosure of Interest:	Nil
Attachments:	Attachment 11.2A - Local Government Property Amendment Local Law 2019

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This item presents to Council the Local Government Property Amendment Local Law 2019 for consideration and, if satisfactory, adoption.

Background

Following gazettal of the *Shire of Dowerin Local Government Property Local Law 2018* on 12 December 2018, the Joint Standing Committee on Delegated Legislation (JSC) wrote to the Shire seeking an undertaking to amend certain provisions of the Local Law. At its March 2019 meeting Council resolved to provide the following undertakings to the JSC (Item 13.1.2):

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

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

The necessary amendments were undertaken and Council considered the Local Government Property Amendment Local Law 2019 (Amendment Local Law) at its June 2019 meeting and resolved (Item 11.1):

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

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

Comment

Following the June 2019 resolution Statewide notice was provided in the West Australian on Wednesday 10 July 2019 with the public consultation period closing on Friday 23 August 2019. Local public notice was given in the Despatch on Thursday 11 July 2019 as well as notices on the Shire’s website and relevant notice boards. At the close of the advertising period there were no comments received from the community in respect to the Amendment Local Law.

In accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed Amendment Local Law and a copy of the Statewide notice was provided to the Minister for Local Government.

The Department of Local Government, Sports and Cultural Industries (DLGSCI) on behalf of the Minister for Local Government provided a response and comment in respect to the proposed Amendment Local Law. No significant issues were found with most of the suggested changes relating to drafting issues and subsequent correction of numerical and numbering errors.

The minor edits suggested by the DLGSCI are detailed below:

Clause	Change Suggested
Clause 1	Change the citation title to italics
Clause 3	After the citation title insert “as published in the <i>Government Gazette</i> on 12 December 2018”
Clause 4	Reword to read “In clause 9.2 delete “11.1” and replace with “9.1””
Clause 5	<ol style="list-style-type: none"> 1. Reword the first line to “Schedule 1 is amended as follows:” 2. Each of the amendments below the first line should be designated as paragraphs (a) to (d) 3. The Shire is amending one of the penalties so it applies to clause 5.7(a) of the principal local law. The Shire should ensure this reflects the Shire’s intentions. If the Shire intends the modified penalty to apply to the whole clause and not just paragraph (a), it should change “5.7(a)” to “5.7”
Clause 6	<ol style="list-style-type: none"> 1. Reword the first line to “In clause 1.2 amend the definition of “<i>building</i>” as follows:” 2. Each of the amendments below the first line should be designated as paragraphs (a) and (b) 3. Since the first amendment relates to subclause (b) and the second amendment refers to subclause (a), the amendments should be swapped around so they occur in order
General Comment	Move clause 6 before clause 4 so that the amendments to the principal local law occur in numeric order

Due to the minor nature of most of the above suggested changes they have been included in the proposed Amendment Local Law, which is provided as an Attachment.

In relation to the DLGSCI’s point 3 (above) for Clause 5, the wording of the clause in the adopted Local Government Property Local Law 2018 states:

“5.7 *While on a golf course, every player shall observe and comply with a -*
(a) direction of a controller in respect of any special conditions of play; and

(b) requirement of any notice erected to direct or control play.”

The Prescribed Offence included in Schedule 1 relating to this clause states “*Failure to comply with direction of controller or notice on golf course*”. It could therefore be argued that it would make some sense for the penalty to apply to the entire clause. However, as the clause relates to a golf course and the Shire of Dowerin does not manage such a facility it is recommended that it be left as 5.7(a). The main reason for this is because any change to extend the penalty to the entirety of the clause may be seen as a significant change, which will require the public consultation period (with subsequent Statewide advertising) and notice to the Minister’s office to be conducted again. Therefore, the clause has been left as 5.7(a).

The purpose and effect of the Local Government Property Amendment Local Law 2019 is as follows:

Purpose: To provide for the regulation, control and management of activities and facilities on Local Government Property within the Shire of Dowerin.

Effect: To establish the requirements with which any persons using or bring on Local Government Property within the Shire of Dowerin must comply.

Should the Amendment Local Law as presented be adopted the next steps include:

1. Advertise in the Government Gazette;
2. Provide written notification to the Minister for Local Government;
3. Advertise as a local advertisement;
4. Provide a copy on the Shire’s website; and
5. Submit to the JSC.

Consultation

James McGovern, Manager of Governance, WALGA
Bruce Wittber, BHW Consulting

Policy Implications

Nil

Statutory Implications

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

Section 3.12 of the *Local Government Act 1995* outlines the procedure to be followed for a local government to make a local law. An Absolute Majority decision of Council is required to make a local law.

Pursuant to Section 3.12(7) of the *Local Government Act 1995*, once the local law is published in the Government Gazette the Shire must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the JSC.

Section 6.8 of the *Local Government Act 1995* states that a local government cannot incur expenditure from the municipal fund for which no funds have been allocated in its annual budget. An Absolute Majority decision of Council is required to authorise such expenditure in advance.

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

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

Council would be contravening the *Local Government Act 1995* if this item was not presented to Council for decision.

Financial Implications

Costs associated with gazettal of the Amendment Local Law and the provision of local public notice (in the Despatch) are applicable and estimated at around \$500-\$700.

There is no allocation in the 2019/20 Budget for advertising costs under either Governance (GL 20540) or Administration (GL 25840). However, as there is now no need to conduct a postal election following the Close of Nominations (four nominations received for four positions available), the funds allocated to Members - Election Expenses (GL 20428) will not be wholly expended. It is therefore proposed that \$5,000 be taken from GL 20428 and reallocated to GL 20540 (\$2,500) and GL 25840 (\$2,500). This can be further captured in the budget review process and will have a nil effect on the 2019/20 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Metcalf

Seconded: Cr Ward

0043 That Council, by Absolute Majority in accordance with Sections 3.5, 3.12 and 6.8 of the *Local Government Act 1995*, resolves to:

1. note that no community submissions were received in relation to the Local Government Property Amendment Local Law 2019;
2. determine that the proposed changes outlined in the report and included in the Local Government Property Amendment Local Law 2019 are not considered significantly different to that which was originally advertised;
3. determine to accept all changes proposed and adopt the Local Government Property Amendment Local Law 2019, as presented in Attachment 11.2A;
4. authorise the President and the Chief Executive Officer to affix the Common Seal to the Local Government Property Amendment Local Law 2019;
5. provide statutory advertising of the Local Government Property Amendment Local Law 2019 in the Government Gazette with local public notice in the Despatch and inclusion on the Shire of Dowerin's website;
6. provide written notification of the Local Government Property Amendment Local Law to the Minister for Local Government;

7. submit the Local Government Property Amendment Local Law to the Joint Standing Committee; and
8. reallocate \$5,000 from GL 20428 Members - Election Expenses to GL 20540 Governance - Advertising (\$2,500) and GL 25840 Administration - Advertising.

CARRIED BY ABSOLUTE MAJORITY 7/0

11.3 Shire of Dowerin Christmas/New Year Opening Hours

Governance & Compliance



Date:	4 September 2019
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 seeks a Council resolution to close the Shire of Dowerin Administration for the 2019/20 Christmas/New Year period.

Background

For the last few years the Administration Office has closed during the Christmas/New Year period as it is an extremely quiet period with minimal public 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 Wednesday 25 December 2019 with the Boxing Day public holiday being observed on Thursday 26 December 2019, meaning the Office will be closed on both those days. It is therefore requested that Office closes from Monday 23 December 2019 to Friday 27 December 2019 inclusive. The Office will reopen as usual on Monday 30 December 2019.

The New Year's Day public holiday will be observed on Wednesday 1 January 2020 and to enable staff to travel to family and friends it is requested that the Office close from 3.00pm on Tuesday 31 December 2019. The Office will reopen as usual on Thursday 2 January 2020.

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

Consultation

The CEO has undertaken consultation with staff.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Nil

Objective: Nil

Outcome: Nil

Reference: Nil

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

Staff will be required to take time in lieu, annual leave or accrued rostered days off. These costs are contained within the 2019/20 Budget.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation/Resolution


Moved: Cr Holberton

Seconded: Cr Chatfield

0044 That Council, by Simple Majority pursuant to Section 3.18 of the *Local Government Act 1995*, resolves to close the Administration Office for the Christmas/New Year period from Monday 23 December 2019 to Friday 27 December 2019 inclusive and from 3.00pm on Tuesday 31 December 2019 until 8.30am on Thursday 2 January 2020 with the hours of operation and emergency contacts being advertised to the community.

CARRIED 7/0

11.4 Review of Customer Service Charter

<h2>Governance & Compliance</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	5 September 2019	
Location:	Not applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995</i>	
Sharepoint Reference:	Organisation/Governance/Controlled Documents/Customer Service Charter	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.4A - Revised Customer Service Charter	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This item presents the revised Customer Service Charter (the Charter) to Council for consideration and, if satisfactory, adoption.

Background

The Charter demonstrates to the community and customers that the Shire of Dowerin is committed to providing high-level customer service. The Charter has been reviewed to ensure it remains relevant and aligns with current practice. A tracked-changes copy of the revised Charter is provided as an Attachment.

Comment

The Charter has been reviewed with the involvement of staff who are aware of the commitment to service contained within the Charter and the need to adhere to the service standards outlined.

No major changes have been identified with most of changes making the document more reader-friendly.

Once adopted the Charter will be publicised to the community and is embedded into the day to day operations of the Shire.

Consultation

Senior Management Group

Policy Implications

Nil

Statutory 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

Risk Implications

The purpose of the Charter is to outline how the organisation responds to customers. With staff committing to the Charter the risk of delivering unsatisfactory customer service is reduced.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Holberton

0045 That Council, by Simple Majority pursuant to Section 3.18 of the *Local Government Act 1995*, resolves to adopt the revised Customer Service Charter, as presented in Attachment 11.4A.

CARRIED 7/0

11.5 Reserve 33528 and Reserve 51705 – Request to Accept Management Orders

Governance & Compliance



Date:	11 September 2019
Location:	Lot 273 (Reserve 33528); Lot 300 (Reserve 51705)
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Land Administration Act 1997</i>
Sharepoint Reference:	Organisation/Corporate Management/Government Liaison/2019 Department of Planning, Lands & Heritage
Disclosure of Interest:	Nil
Attachments:	Attachment 11.5A - Correspondence

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This item presents a request to accept the management of two Reserves located in the Shire of Dowerin to Council for consideration and, if satisfactory, adoption.

Background

A request has been received from the Department of Planning, Lands & Heritage (DPLH) seeking Council consideration of taking over the Management Order for two Reserves located in the Shire of Dowerin. A copy of the correspondence is included as an Attachment.

Reserve 33528 (Lot 273 on Diagram 36566) is vacant land, with a purpose of Public Recreation and is located on Place Street.

Reserve 51705 (Lot 300 on Deposited Plan 70522) is also vacant land, with a purpose of Pedestrian Access Way and is located between Griffiths Street and Goldfields Road.

Comment

Reserve 33528 is located in a mostly residential area. The land is vacant with the Parks and Gardens crew providing basic maintenance (spraying, weeding, mowing etc) to ensure the land does not become a fire hazard.

In accepting the Management Order for the Reserve, the land could only be used for activities and uses that align with its purpose, being Public Recreation. It is unlikely that Council would undertake any development on the site, particularly given its proximity to other recreational facilities in town. However, due to its size there may be potential in the future for another agency or group to utilise the Reserve for that purpose (i.e. a nature park etc). An option to enable that to occur could be for Council to lease the Reserve to any such interested party. Should Council choose to accept the Management Order for Reserve 33528 it would therefore be recommended that Council request the condition that it be granted the Power to Lease the Reserve, which is otherwise a lengthy process.

There are no other conditions applicable to accepting the Management Order for the Reserve.

Reserve 51705 is located on the eastern boundary of the townsite and is surrounded by vacant land. As is the case with Reserve 33528, the Parks and Gardens crew provide basic maintenance to ensure the land does not become a fire hazard.

While the Reserve has a purpose of Pedestrian Access Way, it is essentially vacant, un-developed land which does not currently connect to any existing infrastructure and therefore it would be unlikely that Council would develop the land any further. Nor would it be worthwhile seeking Power to Lease over the Reserve.

There are no other conditions applicable to accepting the Management Order for Reserve 51705. As staff are already currently maintaining the sites, there are no costs associated with accepting the Management Order for both Reserves and any ongoing asset management implications are minimal it is recommended that Council accept the Management Orders for both Reserves.

Consultation

Nil

Policy Implications

Nil

Statutory Implications

Section 46 of the *Land Administration Act 1997* is applicable.

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: I1 & I2

Asset Management Plan

Neither Reserve is specifically listed in the AMP. Should Council resolve to accept the management of the two Reserves they will need to be included in the AMP.

As both Reserves are vacant land and are already being maintained to a basic level by the Parks & Gardens Crew any impact on the AMP is expected to be minimal.

Long Term Financial Plan

Neither Reserve is specifically listed in the LTFP. Should Council resolve to accept the management of the two Reserves they will need to be included in the LTFP.

As both Reserves are vacant land and are already being maintained to a basic level by the Parks & Gardens Crew any impact on the LTFP is expected to be minimal.

Risk Implications

The acceptance of the Management Orders over the two Reserves will not involve a significant departure from current practices and is therefore considered low risk.

Financial Implications

There are no financial implications associated with the transfer of the Management Order for the Reserves.

There are cost implications associated with the ongoing maintenance of the Reserves. However, as both Reserves are vacant land and are already being maintained to a basic level by the Parks

& Gardens Crew those costs are minimal and can be absorbed into the operating expenditure of each annual budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation – 11.5

That Council, by Simple Majority pursuant to Section 46 of the *Land Administration Act 1997*, resolves to accept the management of:

1. Reserve 33528 for the purpose of Public Recreation. In accepting management of Reserve 33528 Council requests the Power to Lease over the Reserve to enable flexibility in any potential future use of the Reserve; and
2. Reserve 51705 for the purpose of Pedestrian Access Way.

Comment

This Item was deferred without resolution pending further investigation with the matter to be represented to Council at its October 2019 Meeting.

11.6 *Bush Fires Act 1954* - Appointment of Fire Control Officer / Authorised Person

Governance & Compliance



Date:	17 September 2019
Location:	Not applicable
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Bush Fires Act 1954</i>
Sharepoint Reference:	Compliance/Ranger/Fire Break Compliance
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This item presents a request to appoint the Ranger(s) as an Authorised Officer for administrative purposes relating to the inspection of fire breaks and other related matters.

Background

To streamline the process for inspecting fire-breaks, and issuing infringements in instances of non-compliance, it is recommended that a specific authorisation be granted to the Shire's Ranger(s) to enable the function to be undertaken within appropriate timeframes.

Comment

It is common practice amongst local governments for Rangers to undertake the inspection of fire-breaks and deal with matters generally associated with compliance. To provide clarity to Officers in carrying out their duties and functions, and to enable other staff otherwise appointed as Bush Fire Control Officers (CEO & MWA) to direct their attention to other matters it is considered appropriate that the Ranger(s) be appointed as Bush Fire Control Officers and/or Authorised Officers for the administrative purpose of inspecting fire-breaks, entering onto property to conduct such inspections, and issue infringements where non-compliance with the Firebreak Order is identified.

Council's Delegation Register does not contain the authority for the CEO to make such an appointment, hence the matter is presented to Council for decision.

Consultation

Chief Bush Fire Control Officer
Department of Fire & Emergency Services
WALGA
Rebecca McCall, CEO

Policy Implications

Nil

Statutory Implications

Section 33(4) of the *Bush Fires Act 1954* states:

"Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice –

- (a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and*
- (b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice."*

Sections 38(1) and (2A) of the *Bush Fires Act 1954* states:

- (1) "A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district."

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Holberton

Seconded: Cr Chatfield

0046 That Council, by Simple Majority pursuant to Section 38(1) of the *Bush Fires Act 1954*, resolves to appoint Ms Gloria Robinson and Ms Brooke Quinsee of Rural Ranger Services as Authorised Officers for the purposes of undertaking firebreak inspections and issuing infringement notices in accordance with Section 33(4)(a) of the *Bush Fires Act 1954*.

CARRIED 7/0

12. OFFICER'S REPORTS – WORKS AND ASSETS

12.1 Jones Street, Irvine Road, Rifle Range Road and Redding Road - Restricted Access Vehicle Route Determination

<h2>Works & Assets</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	13 September 2019	
Location:	Jones Street, Irvine Road, Rifle Range Road and Redding Road	
Responsible Officer:	Glen Brigg, Manager Works & Assets	
Author:	As above	
Legislation:	<i>Road Traffic Act 1974; Road Traffic (Vehicle) Regulations 2014</i>	
Sharepoint Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

Summary

For Council to consider a request to amend the Restricted Access Vehicle (RAV) rating for Jones Street, Irvine Road, Rifle Range Road and Redding Road.

Background

An application has been submitted to Main Roads Western Australia (MRWA) Heavy Vehicle Services (HVW) requesting to inspect for Jones Street, Irvine Road, Rifle Range Road and Redding Road for a route determination RAV Network 7.

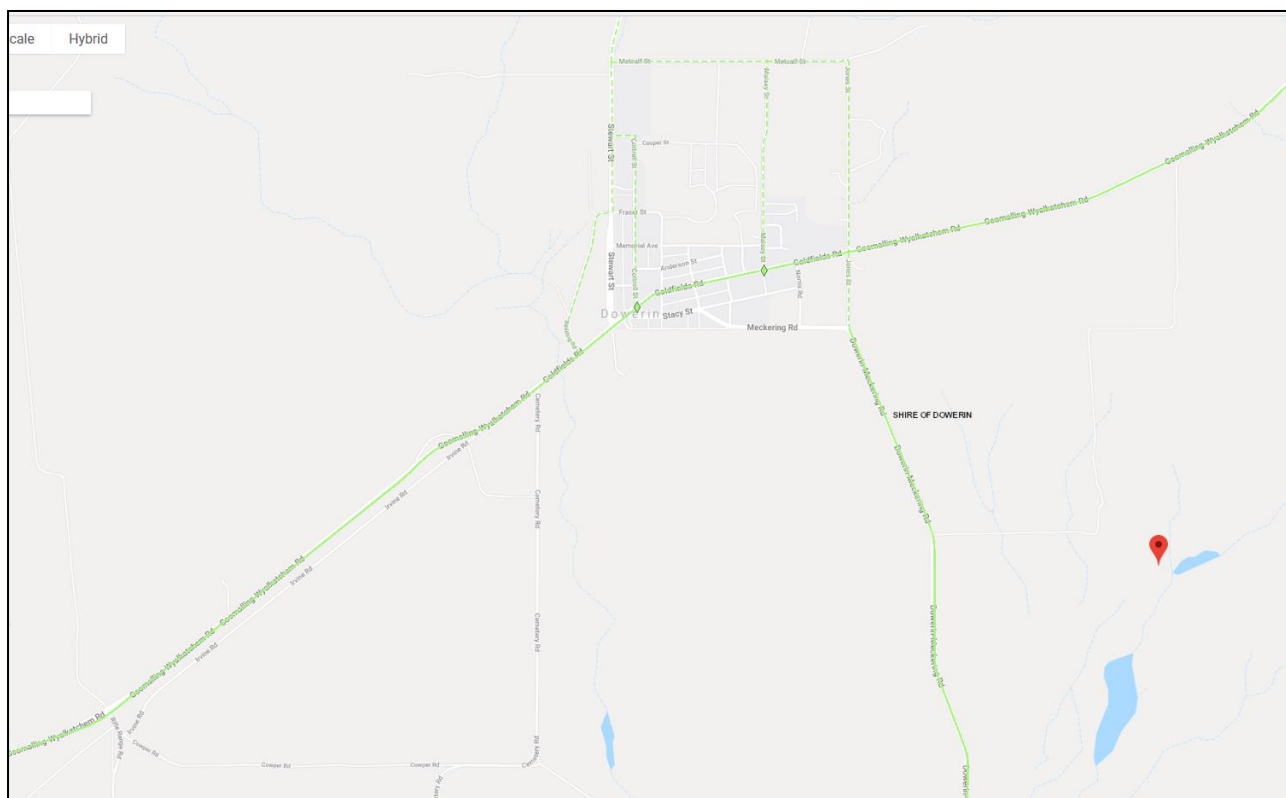
Road Owner	Road No.	Road Name	From (SLK)	Location	To Location (SLK)	Current Network	Requested Network
Shire of Dowerin	4070112	Jones St	Goldfields Rd (1.05)		Dowerin - Meckering Rd (1.48)	RAV 5	RAV 7
Shire of Dowerin	4070045	Rifle Range Rd	Goomalling Wyalkatchem Rd (0.00)		Irvine Rd (0.08)	None	RAV 7
Shire of Dowerin	4070067	Irvine Rd	Goomalling Wyalkatchem Rd (0.00)		Rifle Range Rd (2.68)	None	RAV 7
Shire of Dowerin	4070002	Redding Rd	Goldfields Rd (0.00)		Stewart St (0.90)	RAV 5	RAV 7

Council's RAV policy provides the CEO authorisation to allow HVS to inspect roads up to a RAV 4 without a formal Council decision. RAV Network 5 and above requires a Council decision.

Comment

The Manager Works & Assets contacted HVS to discuss the Goomalling-Wyalkatchem Road inspection for the route determination Network RAV 7 and the connectivity with Council owned roads within this application. HVS will inspect all the roads at the same time, they cannot comment if Goomalling-Wyalkatchem Road is suitable for RAV 7 at this stage. MRWA Wheatbelt Region has given support for the HVS inspection on Goomalling-Wyalkatchem Road.

If Goomalling-Wyalkatchem Road is not approved for RAV 7, HVS will not approve Council owned roads for a higher network without suitable connectivity. It would be preferred if HVS could have a response from Council prior to conducting the onsite assessments, it can be subject to



Goomalling-Wyalkatchem Road being approved for RAV 7.

1. Currently part of Rifle Range Road and Irvine Road do not have the appropriate Network RAV when accessing CBH Dowerin 2 Bin.
2. Goomalling-Wyalkatchem Road is currently RAV 5.
3. Network RAV 5 vehicles do not need to use the northern section of Jones Street, Metcalf Street or Stewart Street to access CBH bins. Network RAV 5 vehicles can now turn left or right onto the Goomalling-Wyalkatchem Road when accessing this road from the north or south.
4. The inclusion of Redding Road is for RAV 7 vehicles to access the CBH Dowerin 1 Bin from the intersection of Goomalling-Wyalkatchem Road if suitable for RAV 7.
5. Dowerin-Meckering Road is currently a Network RAV 7 without conditions. This Network RAV 7 terminates at the start of Jones Street and has no further connectivity with Jones Street, only Network RAV 5.

Network RAV 5	Combinations are between 27.5m to 36.5m in length, with a total mass of 87.5 tonnes
Network RAV 7	Combinations are between 27.5m to 36.5m in length, with a total mass of 107.5 tonnes

There are no changes in length of the combinations from RAV 5 to RAV 7, however there are increases in the mass weight from 87.5 tonnes to 107.5 tonnes which is equal to one extra triaxle group. The Network RAV 7 will still be tandem drive (no tri axle drives).

If the current turning radius for each of the intersections are suitable for Network RAV 5 they should meet the Network RAV 7 guidelines.

All intersections included in this application are controlled by MRWA. All hold and give way lines are installed and maintained by MRWA. Any signage upgrades required on Council owned roads will be the responsibility of the Shire of Dowerin.

Consultation

MRWA HVW

Rebecca McCall, CEO

Council Workshop 20 August 2019

Policy Implications

Request to Access Roads

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

RAV Road Reclassification

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

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

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

Statutory Implications

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

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure

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

Outcome: 1

Reference: I2

Asset Management Plan

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

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Walsh

0047 That Council, by Simple Majority in accordance with the *Road Traffic Act 1974* and Section 3.53(2) of the *Local Government Act 1995*, advises Main Roads Western Australia Heavy Vehicles Services:

1. That it agrees with the application for Heavy Vehicle Services to inspect Jones Street, Irvine Road, Rifle Range Road and Redding Road for Route Determination RAV Network 7;
2. If the Goomalling-Wyalkatchem Road is deemed unsuitable for Network RAV 7 Council withdraws its support for Network RAV 7 on Council owned roads within this application; and
3. That if any roads within this application are deemed unsuitable for Network RAV 7, Council still requires a route determination Network RAV 5 on Irvine Road and Rifle Range Road to provide connectivity to Dowerin CBH 2 Bin when leaving Goomalling-Wyalkatchem Road.

CARRIED 7/0

13.	Urgent Business Approved by the Person Presiding or by Decision
	Nil
14.	Elected Members' Motions
	Nil
15.	Matters Behind Closed Doors
	Nil
16.	Closure

There being no further business the President thanked those in attendance and declared the meeting closed at 3.46pm.