

# Ordinary Council Meeting

*23 June 2020*



**Shire of Dalwallinu**

**NOTICE OF MEETING**

NOTICE is hereby given that the next Ordinary Meeting of Council of the Shire of Dalwallinu will be held on Tuesday, 23 June 2020 in the Council Chambers, Dalwallinu commencing at 3.30pm.

Signed:

  
\_\_\_\_\_  
Jean Knight

**Chief Executive Officer**

19/6/2020  
\_\_\_\_\_  
Date

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Dalwallinu for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Dalwallinu disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member of officer of the Shire of Dalwallinu during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Dalwallinu. The Shire of Dalwallinu warns that anyone who has an application lodged with the Shire of Dalwallinu must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Dalwallinu in respect of the application.



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## **SHIRE OF DALWALLINU**

**AGENDA** for the Ordinary Meeting of Council to be held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday 23 June 2020 at 3.30pm.

### **1 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (President) opened the meeting at \_\_\_\_\_pm.

### **2 ANNOUNCEMENTS OF PRESIDING MEMBER**

### **3 ATTENDANCE RECORD**

#### **3.1 Present**

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr MM Harms
	Cr KM McNeill
	Cr NW Mills
	Cr BH Boys
	Cr AR Dickins
	Cr KJ Christian

Chief Executive Officer	Ms JM Knight
Executive Assistant	Ms EJ Dutton

#### **3.2 Apologies**

#### **3.3 Leave of Absence Previously Granted**

### **4 DECLARATIONS OF INTEREST**

### **5 PUBLIC QUESTION TIME**

#### **5.1 Response to Previous Public Questions Taken on Notice**



**5.2 Public Question Time**

**6 MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Council Meeting – 26 May 2020**

**MOTION**

Moved Cr

Seconded Cr

That the Minutes of the Ordinary Meeting of Council held 26 May 2020 be confirmed.

**7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES/REPORTS/SUBMISSIONS**

**7.1 Petitions**

**7.2 Presentations**

**7.3 Deputations**

**7.4 Delegates Reports/Submissions**

**8 METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands)**



**9**                    **REPORTS**  
**9.2**                    **PLANNING & DEVELOPMENT**  
**9.2.1**                **Proposed Workplace Accommodation (DA 121920)\***

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Co-operative Bulk Handling P/L (CBH)
<b>File Ref</b>	A680
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Supporting Documentation

**Purpose of Report**

Council is requested to consider an application for approval to allow for the proposed development of the extension and enhancement of the existing workforce accommodation infrastructure on the subject land as submitted by the applicant on 14 May 2020.

The proposed development requires discretionary approval from the Council.

It is recommended that the proposed development be approved subject to given conditions.

**Background**

Subject Property:	Lot 157 Sanderson Terrace, Kalannie
Land Use Zoning:	Railway Reserve
Property Owner:	Public Transport Authority
Applicant:	CBH
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Workforce accommodation
Value of Development:	\$600K
Outside Consultation:	Nil required under Part 3 of the Shire of Dalwallinu Local Planning Scheme N° 2

The proposal is for the construction of a new site for accommodation to service the existing CBH grain handling depot at Kalannie.





The proposed additional dwellings and amenities will be located to the north-west of the existing dwelling building on Roche Street. The proposed permanent expansion includes the construction of the following facilities:

- Four additional dwelling buildings
- One shared laundry and kitchen
- One shared common room
- Associated verandas and outdoor communal undercover areas
- Clothes drying area, and
- Light vehicle parking for twenty-two vehicles.

***Workforce Accommodation is defined under the Planning and Development (Local Planning Schemes) Regulations 2015 as being:***

premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.



Site of proposed development

The subject property is zoned 'reserve - Railway' under the *Shire of Dalwallinu Planning Scheme N° 2*. Development cannot be carried out on a Local Reserve without first obtaining planning approval under



the Planning Scheme. Part 3.4 of the Planning Scheme states that in determining an application for planning approval the local government is to have due regard to:

- a) The matters set out in Part 10.2

Comment: Part 10.2 does not exist in the current edition of the Planning Scheme

- b) The ultimate purpose intended for the Local Reserve

Comment: The Reserve is owned by the Public Railway Authority of Western Australia and is used as a conduit for the transportation of goods. Kalannie is an end-of-line depot for the conveyance of grain by rail. The plot of land identified for the proposal is already developed for CBH activities on land leased from the Public Transport Authority.

- c) The objectives for the Local reserves as listed in clause 3.4.4

Comment: Clause 3.4.4 does not exist in the current edition of the Planning Scheme

### Consultation

Nil

### Legislative Implications

#### State

#### *Planning and Development Act 2005*

The *Planning and Development Act 2005* directs that that any development referred to within the Scheme is not to be commenced or carried out without approval being obtained. Any determination of an application for such development is to be considered under those matters referred to in the *Planning and Development (Local Planning Schemes) Regulation 2015*.

In considering an application for development approval, Council is to have due regard to the following matters to the extent that, in the opinion of Council, those matters that are relevant to the development the subject of the application. In assessing the development application, the matters listed in Section 67 of the *Planning and Development (Local Planning Schemes) Regulation 2015* have been taken into consideration for the preparation of this report and are addressed as follows:

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	<p>The following Schemes are applicable:</p> <p><i>Shire of Dalwallinu Planning Scheme N<sup>o</sup> 2</i></p> <p>The applicable objective for the Rural land use zone is:</p> <p><i>'To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the location.'</i></p>





The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<p>There are no proposed amendments in progress that would affect a determination.</p> <p>There are no other planning instruments currently being considered.</p>
Any approved State planning policy	Nil identified
Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil identified.
Any policy of the Commission	Nil applicable
Any policy of the State	Nil applicable
Any local planning policy for the Scheme area	The Shire is currently advertising a draft 'Sea Container' Planning Policy that is envisioned to replace the current Planning Policy N° 5 – Moveable Buildings which would be revoked on the adoption of the proposed Planning Policy. The applicant has addressed the objectives to the Planning Policy with adequate design response.
Any structure plan, activity centre plan or local development plan that relates to the development	Nil applicable
Any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Nil applicable
In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	<p>Railway Reserve</p> <p>The Planning scheme does not denote any objectives, additional or permitted uses for this type of reserve.</p>



The built heritage conservation of any place that is of cultural significance;	No items of cultural significance noted
The effect of the proposal on the cultural heritage significance of the area in which the development is located;	Nil impact
The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the effect of the height, bulk, scale, orientation and appearance of the development	The proposed development is regarded as being ancillary to existing development on the site and suitable in the context of its siting.
<p>The amenity of the locality including the following —</p> <p>(i) environmental impacts of the development;</p> <p>(ii) the character of the locality;</p> <p>(iii) social impacts of the development</p>	Nil issues identified
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	The details provide with the application indicate that roof water catchment will be retained and used onsite for purposes of ablution and landscaping.
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	<p>Native vegetation was cleared from the site many years ago to enable railway related activities. There is no evidence of significant trees or other vegetation of note that should be retained.</p> <p>The site plan submitted with the application indicates landscaping to be undertaken on the western side of the development to soften the visual aspect as viewed from the street and adjacent public open space. (DRW N° 368-ENG-CI-DLP-001).</p>



The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The land does not have a history of experiencing these types of events.
The suitability of the land for the development taking into account the possible risk to human health or safety	<p>Nil issues pertaining to human health or safety have been identified.</p> <p>A new aerated waste water treatment system is proposed to be installed to service the existing and proposed development.</p>
<p>the adequacy of —</p> <p>(i) the proposed means of access to and egress from the site; and</p> <p>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles</p>	<p>Frontage to Roche Road which is a sealed road servicing the central business district of Kalannie and provides access to Dalwallinu and Burakin.</p> <p>Parking will be enhanced during the development of the site to accommodate 22 light vehicles. The accommodation provided is suitable for 22 occupants.</p>
The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	<p>Minimal given that the accommodation services the grain facility located on the same site.</p> <p>The site will only be utilised for the harvest season</p>
<p>The availability and adequacy for the development of the following —</p> <p>(i) public transport services;</p> <p>(ii) public utility services;</p> <p>(iii) storage, management and collection of waste;</p> <p>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</p> <p>(v) access by older people and people with disability</p>	<p>No public transport services available.</p> <p>Electricity and potable water are available.</p> <p>Solid waste can be adequately stored and removed from site.</p> <p>The development is not a public access facility and as such the provision of equitable access for pedestrians, cyclists and older people or those with a disability is not envisioned nor set as a requirement.</p>



The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Nil impact anticipated.
The history of the site where the development is to be located	The site (workforce accommodation) was first developed in 1999.
The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	Nil identified
Any submissions received on the application	Not advertised
The comments or submissions received from any authority consulted under clause 66	No other statutory, public or planning authority was identified as being necessary for further consultation.
Any other planning consideration the Council considers appropriate	Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Given the Council's resolution Motion 9543 in May 2020, the non-statutory fees for the application (\$1957) were waived.

#### **Strategic Implications**

Nil

#### **Site Inspection**

A site inspection was undertaken by the reporting officer with the aid of the site plan submitted.





Site of proposed development, Roche Road Kalannie

### **Triple Bottom Line Assessment**

#### *Economic implications*

There are no known significant economic implications associated with this proposal.

#### *Social implications*

There are no known significant social implications associated with this proposal.

#### *Environmental implications*

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Act and associated regulations;

A site inspection was conducted and consideration has been given to the potential impacts upon all lands adjoining or located nearby.

Council may determine an application for development approval by —

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

It is recommended that the proposed development be approved subject to given conditions.





### **Officer Recommendation**

That Council approve the development application (DA 121920) for Lot 157 Sanderson Terrace, Kalannie pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development (proposed expansion of the existing workforce accommodation facility) is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. Without further approval from Shire of Dalwallinu Council, in writing, this approval will lapse and have no force or effect after two years of the date of this permit.
3. The landscaping denoted on the site plan (DRW N° 368-ENG-CI-DLP-001) will need to be substantially completed prior to the occupation of the development.

### **Resolution**

Moved	Cr
Seconded	Cr



### 9.3 CORPORATE SERVICES

#### 9.3.1 Accounts for Payment for May 2020\*

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Christie Andrews, Senior Finance Officer
<b>Supervised by</b>	Hanna Jolly, Manager Corporate Services
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Summary of Accounts for Payment

#### **Purpose of Report**

Council is requested to consider the acceptance and approval of the Schedule of Accounts for Payment.

#### **Background**

A list of invoices paid for the month of May 2020 from the Municipal Account, to the sum of \$45,398.78 paid by cheque and \$615,329.77 paid by EFT are attached together with a list of bank fees, payroll, direct debit payments and transfers to reserves & term deposit. These payments total \$922,865.94. There were no payments from the Trust Account. Total payments from all accounts being \$922,865.94 have been listed for Council's ratification.

#### **Consultation**

In accordance with the requirements of the *Local Government Act 1995* a list of accounts paid, by approval of the Chief Executive Officer under Council's delegated authority, is to be completed for each month showing:

- The payees names
- The amount of the payments
- Sufficient information to identify the payment
- The date of the payment

The attached list meets the requirements of the Financial Regulations,

In addition to the above statutory requirements, Financial Management Regulation Section 13(4) requires 'the total of the other outstanding accounts be calculated and a statement be presented to Council at the next Council meeting'.

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*



## Policy Implications

Nil

## Financial Implications

Payments are in accordance with the revised budget for 2019/20.

## Strategic Implications

Nil

## Site Inspection

Site inspection undertaken: Not applicable

## Triple Bottom Line Assessment

### Economic implications

There are no known significant economic implications associated with this proposal.

### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## Officer Comment

Accounts for Payments are in accordance with the revised budget for 2019/20 or authorised by separate resolution.

## Officer Recommendation

That Council, in accordance with the requirements of sections 13(1), 13(3), and 13(4) of the Local Government (Financial Management) Regulations 1996 a list of payments made in May 2020 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

1. Municipal Fund Account totalling \$922,865.94 consisting of:

Cheque Numbers 35211 - 35212	\$45,398.78
EFT Payments (EFT 10708 – EFT 10788)	\$615,329.77
EFT Payments (Payroll)	\$118,865.00
Direct Debit – Superannuation (DD15544.1-8, DD15561.1-8 And DD15586.1-9)	\$24,324.12
Direct Debit – Credit Card (DD15575.1)	\$5,136.17
Direct Debit – Bond Administrator (DD15576.1-2, DD15599.1) And DD15600.1)	\$2,116.00
Direct Debit – Payments to Dept of Transport	\$110,538.55
Direct Debit – Fines Enforcement	\$280.00
Bank Fees	\$877.55



**Resolution**

Moved	Cr
Seconded	Cr



### 9.3.2 Monthly Financial Statements for May 2020\*

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Manager Corporate Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Monthly Statements of Financial Activity, Variance Report, Investments Held and Bank Reconciliations

#### **Purpose of Report**

Council is requested to receive and accept the Financial Reports for the month end 31 May 2020.

#### **Background**

There is a statutory requirement that Financial Reports be recorded in the Minutes of the meeting to which they are presented. The financial Reports, as circulated, give an overview of the current financial position of the Shire and the status of capital income and expenditure.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996 s34(1), s19(1)(2) and s34(2)*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.





### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

Financial Reports as at last day of business of the previous month are appended, for the period ending 30 April 2020.

Attached for council's consideration are:

1. Statement of Financial Activity
2. Variance Reports
3. Investments Held
4. Bank Reconciliations

As per Council resolution, all items that have a variance of more than \$10,000 have been noted on the variance reports.

### **Officer Recommendation**

That the Council accept the Financial Reports as submitted for the month ending 31 May 2020.

### **Resolution**

Moved           Cr  
Seconded       Cr



**9.4 CHIEF EXECUTIVE OFFICER**  
**9.4.1 Local Government Legislation Amendment Act 2019\***

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/4 – Government Relations - WALGA
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simply Majority
<b>Attachments</b>	1. DRAFT Local Government Regulations Amendment (Consequential) Regulations 2020

**Purpose of Report**

Council is requested to note the proposed amendments to a number of Local Government Regulations as part of the overall review of the Local Government Act.

**Background**

The *Local Governments Legislation Amendment Act 2019* was proclaimed in July 2019 and provided for numerous amendments to the Local Government Act, some of which have commenced including universal training and amendments to gift provisions.

Consequential amendments to regulations are now required to effect further change and the Department of Local Government, Sport and Cultural Industries has released the *Local Government Regulations Amendment (Consequential) Regulations 2020* for this purpose. The Department has also prepared Explanatory Notes as an aid to understanding the effect of the proposed regulations.

The Department advises that the regulating principally relate to:

- the harmonisation of the appointment of authorised persons across multiple pieces of legislation;
- local and statewide public notices: and
- improved access to information, including through publication on Local Government websites.

**Consultation**

Nil

**Legislative Implications**

State

*Local Government Act 1995 and regulations*

**Policy Implications**

Nil

**Financial Implications**

Nil



**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Triple Bottom Line Assessment***Economic implications*

There are no known significant economic implications associated with this proposal.

*Social implications*

There are no known significant social implications associated with this proposal.

*Environmental implications*

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

WALGA is conducting a consultation process on these amendments and seeks feedback from Member Local Governments by 4pm, Friday 3 July 2020.



Regulation	Amends	Explanation	Theme/Comment
Regulation 4	<i>Caravan Parks &amp; Camping Grounds Regulations 1997</i> , Regulation 6	Regulation is being amended to implement a more streamlined and uniform method of appointing an <b>authorised person</b> across multiple pieces of legislation. All appointments will now be made under section 9.10(2) of the <i>Local Government Act 1995</i> . The CEO will appoint a person as an “authorised person” for the purpose of exercising functions conferred under the relevant piece of legislation and identity cards will be standardised.	Reducing Red Tape Introducing Administrative Efficiencies  <b>Comment</b> <i>Nil</i>
Regulation 5	Form 5	In addition to authorised officers appointed by the local government, the Department has the power to appoint an <b>authorised officer</b> under section 17(1)(a) of the <i>Caravan Parks &amp; Camping Grounds Act 1995</i> . The identity card in Form 5 is being modified so that it is only applicable to authorised officers appointed by the Department.	Reducing Red Tape Introducing Administrative Efficiencies  <b>Comment</b> <i>Nil</i>
Regulation 7-10	<i>Control of Vehicles (Off-road Areas) Regulations 1979</i> , Regulation 14,36,37 and First Schedule	All references to authorised officer are replaced by a reference to <b>authorised person</b> . This aligns the terminology across multiple pieces of legislation in the local government portfolio.	Introducing Administrative Efficiencies  <b>Comment</b> <i>Nil</i>
Regulation 10	First Schedule	In addition, Form 4 is being amended to make it clear that it is not the <b>authorised person</b> who has the power to withdraw an infringement notice but a person authorised by the local government. (A person who issues an infringement cannot withdraw it.) Form 5 will no longer be used by local governments for the appointment of authorised persons, this having been replaced by appointment under section 9.10(2) of the <i>Local Government Act 1995</i> , thus ensuring consistency across multiple pieces of legislation. Form 5 ‘Certificate of appointment of Authorised Person’ has been modified so it will only be used by the Minister for Local Government using the Minister’s power to appoint an authorised person. The form has also been modified to require a photograph.	Reducing Red Tape Introducing Administrative Efficiencies  <b>Comment</b> <i>Nil</i>



Regulation 12	<i>Dog Regulations 2013,</i> Regulation 35	Restatement of existing regulation 35(6) in plain English to enhance clarity. An <b>authorised person</b> cannot withdraw an infringement they have issued.	Drafting Improvement. <b>Comment</b> <i>Nil</i>
Regulation 13	Form 1	Form 1 will no longer be used by local governments for the appointment of <b>authorised persons</b> , this having been replaced by appointment under section 9.10(2) of the <i>Local Government Act 1995</i> , thus ensuring consistency across multiple pieces of legislation. Form 1 in Schedule 1 has been replaced and will be used by the local government to appoint registration officers under the <i>Dog Act 1976</i> .	Introducing Administrative Efficiencies  <b>Comment</b> <i>Nil</i>
Regulation 15	<i>Local Government (Administration) Regulations 1996,</i> Regulations 3A and 3B	<p>The definition of local public notice and statewide public notice are being amended in the <i>Local Government Act 1995</i> to recognise alternative and contemporary means of communication. These have been set out in new Part 1A of the Administration Regulations to provide flexibility to respond quickly to include future contemporary communication methods as and when necessary.</p> <p>The <i>Local Government Legislation Amendment Act 2019</i> amends section 1.7 of the Local Government Act so that <b>local public notice</b> will be given when notice is published on the official website of the local government and in at least three of the ways set out in regulation 3A. The new forms of communicating a <b>local public notice</b> include:</p> <ul style="list-style-type: none"> <li>• publication in a newspaper or newsletters circulating generally in the district or a newspaper in the State;</li> <li>• publication on the official website of a relevant State Government Department;</li> <li>• circulation by email or text; or</li> <li>• posting on a local government's social media account.</li> </ul> <p>This would allow, for example, a tender to be posted on TendersWA, or an election notice on the WAEC website as one of the three ways.</p>	<p>Introducing Administrative Efficiencies</p> <p>Recognising New Technology</p> <p><b>Comment</b> <i>Shire of Dalwallinu already uses the majority of these mediums for communications now.</i></p>





		<p>Notices that are posted need to remain available for at least the time specified in the Act or 7 days if no time specified.</p> <p>The new <b>state-wide public notice</b> provisions incorporate all of those methods that are available as a local public notice. In addition to the requirement to publish the notice on the local government's own website, regulation 3B states that the notice must be published either in a newspaper circulating generally throughout the State or on the official website of a State government agency.</p> <p>Certain adjustments are made when it is the Electoral Commissioner who is publishing the Statewide public notice, so that the website and social media account are those of the WAEC.</p>	
Regulation 16	Regulation 10	Regulation 10 deals with the process to <b>revoke or change a decision</b> made at a council or committee meeting, under section 5.25 of the Act. The change to this regulation recognises the requirement for a special majority decision, has been removed from the Act.	<p>Introducing Administrative Efficiencies</p> <p><b>Comment</b> <i>Nil</i></p>
Regulation 17	Regulation 11	To further the policy aims of transparency and accountability, an amendment to regulation 11 has been made to require a local government to include in the minutes all documents which are attached to a council or committee meeting agenda, except where that part of the meeting was closed to the public.	<p>Transparency Accountability</p> <p><b>Comment</b> <i>Nil</i></p>
Regulation 18	Regulations 12 and 13	<p>Regulation 12 currently provides the requirements for giving local <b>public notice of meetings</b>. The new regulation 12 provides for the same information to be published by the CEO of a local government on a local government's office website instead.</p> <p>Regulation 13 is being replaced to improve accessibility to information held by local government. The <b>unconfirmed</b></p>	<p>Transparency</p> <p>Recognising New Technology</p> <p><b>Comment</b> <i>Shire of Dalwallinu already advertises the meeting schedule</i></p>



		<p><b>minutes</b> of each council or committee meeting open to members of the public are to be published on the local government's official website, rather than merely being available for inspection. If the meeting is closed to members of the public, then only that part of the unconfirmed minutes that are a record of the decision(s) made at that meeting will be available on the website.</p> <p>The wording of the timeframe has been changed in Regulation 13 from business days to days to align with the rest of the Act.</p>	<p><i>and unconfirmed minutes on the website.</i></p>
Regulation 19	Regulation 14	<p>Regulation 14 is being amended to improve accessibility to information held by local governments. The amendment provides that all <b>notice papers</b>, agendas, reports and other documentation produced for a local government or committee meeting must be published on the local government's official website at the time they are made available to council or committee members. This obligation will not apply, if, in the CEO's opinion, that part of the meeting to which the information refers is likely to be closed to the public.</p>	<p>Transparency</p> <p>Recognising New Technology</p> <p><b>Comment</b>  <i>Shire of Dalwallinu currently makes all documentation available to the public at the same time that it is available to Councillors.</i></p>
Regulation 20	Regulation 19B and 19CA	<p>Existing regulation 19B is being replaced to provide for additional information to be included in the <b>annual report</b>. In addition to the current requirement to report on the number of employees receiving salary over \$100,000 in \$10,000 bands, the annual report is now to include:</p> <ul style="list-style-type: none"> <li>the amount of money the local government has paid in Standards Panel costs for hearing a complaint regarding one of its council members and any amount that the Standards Panel orders to be reimbursed to the local government by the council member;</li> <li>the remuneration paid or provided to the CEO;</li> <li>the number of council and committee meetings attended by each council member; and</li> </ul>	<p>Transparency</p> <p>Accountability</p> <p><b>Comment</b>  <i>The Shire of Dalwallinu already includes the number of Council and committee meetings attended by each council member in its annual report.</i></p>



		<ul style="list-style-type: none"> <li>diversity data, including age ranges for council members.</li> </ul> <p>The requirement to provide details of modifications to the strategic community plan and corporate business plan, where significant, made during the financial year has been moved from regulation 19CA (which is being deleted) to be included in 19B.</p>	
Regulation 21	Regulation 19D	<p>The method by which the public has access to the <b>strategic community plan</b> in regulation 19D is being updated. The local government is to publish its strategic community plan on its official website. Local public notice is still required to be given of the adoption or modification of the plan.</p>	<p>Transparency</p> <p>Recognising New Technology</p> <p><b>Comment</b>  <i>The Shire of Dalwallinu already publishes its SCP on the website.</i></p>
Regulation 22	Regulation 29	<p>The information to be <b>available for public inspection</b> under regulation 29 is being amended to recognise that it is available in other forms.</p> <p>As Regulation 12 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> was deleted as part of the reforms introduced by the <i>Local Government Regulations Amendment (Gifts) Regulations 2019</i>, the redundant reference in sub regulation 29(1)(baa) is being deleted. The Act requires the gift register to be made available on the local government's website.</p> <p>Regulation 12 is being amended (see above) to provide that the unconfirmed minutes of each Council or Committee meeting that is open to the public is to be published on the local government's official website. The requirement in sub regulation 29(1)(c) is consequently unnecessary.</p> <p>As regulation 14 is being amended (see above) to require notice papers, agendas, reports and other documentation produced for a local government or committee meeting to be published on the</p>	<p>Reducing Red Tape</p> <p>Introducing Administrative Efficiencies</p> <p><b>Comment</b>  <i>The Shire of Dalwallinu already publishes its gift register on the website.</i></p>



		<p>local government's website, the requirement in sub regulation 29(1)(d) is unnecessary and is being deleted.</p> <p>Since sub regulations 29 (2)-(3) relate expressly to sub regulations 29(1)(c) and 29(1)(d) above then they are also being deleted.</p>	
Regulation 23	Regulation 29A	<p>Section 5.95(5) of the <i>Local Government Act 1995</i> was deleted by section 46(2) of the <i>Local Government Legislation Amendment Act 2019</i>, removing the requirement to make the <b>contract of the CEO</b> or a Senior Employee available for inspection. As a consequence, regulation 29A(1) is being deleted.</p> <p>Instead the remuneration paid or provided to the CEO is to be disclosed in the annual report (see 19B above).</p>	<p>Reducing Red Tape</p> <p><b>Comment</b> <i>Nil</i></p>
Regulation 24	Regulations 29C and 29D	<p>New regulation 29C imposes an obligation on the CEO of a local government to publish <b>information on the local government official website</b> (in addition to that information in section 5.96A(1) of the <i>Local Government Act 1995</i>). The additional information includes:</p> <ul style="list-style-type: none"> <li>Any adverse recommendation from an inquiry by an authorised person under section 8.13;</li> <li>Any adverse finding or recommendation made by an oversight body being the Corruption and Crime Commission, Public Sector Commissioner, State Administrative Tribunal, an Inquiry Panel, the standards panel or a Royal Commission, against the local government, the council, a council member or the CEO, once this is made available to the public;</li> <li>Current and previous versions of policies that relate to the deciding of applications made to the local government;</li> <li>The name of each council member who has lodged a primary or annual return for the financial year;</li> </ul>	<p>Accountability</p> <p>Recognising New Technology</p>



		<ul style="list-style-type: none"> <li>• The position of each employee who has lodged a primary or annual return for the financial year (the returns themselves will not be published); and</li> <li>• The type and amount or value of fees, expenses and allowances paid to each council member, mayor or president during the financial year. These will need to be detailed by person and type.</li> </ul> <p>Regulation 29C also includes timeframes for each class of information to be published on the local government's official website.</p> <p>New regulation 29D specifies the period for which information must be kept on the local government's official website. The following documents must be retained for a period of not less than 5 years beginning on the day the information is first published:</p> <ul style="list-style-type: none"> <li>• The annual report;</li> <li>• The annual budget;</li> <li>• Confirmed minutes of council and committee meetings;</li> <li>• Minutes of electro's meetings;</li> <li>• Notice papers, agendas, reports and other documents tabled or produced at council or committee meetings except where these were closed to the public; and</li> <li>• The information listed in 29C above.</li> </ul> <p>There is no requirement for local governments to publish the material listed above for years before these provisions come into effect.</p>	
Regulation 25	Regulation 34B	Regulation 34B sets out the <b>gift provisions for employees</b> . The amendment removes the CEO from the definition of an	Accountability  <i>Comment</i>



		"employee". The CEO is now captured under the gift provisions applying to council members contained in the Act.	<i>Nil</i>
Regulation 27	<i>Local Government (Elections) Regulations 1997</i> Regulation 30G	Regulation 30G requires the CEO of a local government to establish and maintain an <b>electoral gift register</b> . The amendment requires the CEO to publish an up-to-date version of the electoral gift register on the local government's official website. Rather than the full address, only the town or suburb of an individual is to be published.	Transparency  Accountability  Recognising New Technology  <b>Comment</b> <i>Nil</i>
Regulation 28	Regulation 30I	The definition of <b>publish</b> is being updated. This relates to electoral gift registers.	Drafting improvement  <b>Comment</b> <i>Nil</i>
Regulation 29	Regulation 43	A minor amendment is being made to regulation 43 (1)(ba) to correct the reference to <b>electoral gift register</b> .	Drafting improvement  <b>Comment</b> <i>Nil</i>
Regulation 30	Regulation 73	Regulation 73 deals with the <b>adjournment or postponement of a poll</b> . The changes require that the notice of adjournment or postponement is to be published on the local government's official website for at least 3 days. If the local public notice is published on another (government) website, a notice board or using social media, it must also be posted for at least 3 days.	Transparency  Recognising New Technology  <b>Comment</b> <i>Nil</i>
Regulation 32	<i>Local Government (Financial Management) Regulations 1996</i> Regulation 27	Regulation 27 sets out a list of notes to be included with the <b>annual budget</b> of a local government. Point (I) is being amended to clarify that itemised information in relation to the fees, expenses and allowances paid to each council member and mayor or president is required.	Transparency  Accountability  <b>Comment</b> <i>Nil</i>
Regulation 33	Regulation 44	Regulation 44 requires information about fees, expenses and allowances paid to council members, the mayor or the president to be included in the <b>annual financial report</b> . The amendment	Transparency  Accountability



		provides clarity that itemised information is required for each council member and mayor or president, rather than total figures.	<b>Comment</b> <i>Nil</i>
Regulation 35	Local Government (Functions and General) Regulations 1996 Regulation 15	Regulation 15 deals with the minimum time public <b>tenders</b> are required to be open. The amendment specifies that the closing date for submission of tenders will be at least 14 days after notice is published on the local government's official website and in the 3 other ways it is advertised under the public notice provisions. The latest publication date will determine the start of the 14 days. If a list of acceptable tenderers is being invited to submit tenders, the 14 days commences from the date notice was given to the last potential tenderer.	Accountability  Recognising New Technology  <b>Comment</b> <i>The Shire of Dalwallinu already complies with this.</i>
Regulation 36	Regulation 17	Regulation 17 provides for a <b>tenders register</b> to be kept by the CEO of a local government and for this to be available for public inspection. The CEO will now be required to also publish the tenders register on the local government's official website.	Transparency  Recognising New Technology  <b>Comment</b> <i>Nil</i>
Regulation 37	Regulation 22	Regulation 22 sets out the minimum time that must be provided for submitting an <b>expression of interest to quote</b> for a contract to supply goods or services to a local government. The 14 days will start from the last publication on the local government's official website or any of the other 3 ways notice must be given.	Accountability  Recognising New Technology  <b>Comment</b> <i>Nil</i>
Regulation 38	Regulation 24AE	Regulation 24AE sets the minimum time to be allowed for submitting an application to join a panel of <b>pre-qualified suppliers</b> of particular goods or services. The 14 days will start from the last of publication on the local government's official website or any of the other 3 ways notice must be given.	Accountability  Recognising New Technology  <b>Comment</b> <i>Nil</i>



Regulation 39	Regulation 24E	Regulation 24E deals with <b>regional price preference policies</b> . The amendment will require the proposed regional price preference policy to be published on the local government's official website.	Transparency  Recognising New Technology  <b>Comment</b> <i>Nil.</i>
Regulation 40	Regulation 24F	Regulation 24F deals with the adoption of a <b>regional price preference policy</b> . The amendment will require the local government to publish a copy of the adopted policy on their official website.	Transparency  Recognising New Technology  <b>Comment</b> <i>Shire of Dalwallinu policies are already available for viewing on our website.</i>
Regulation 41	Regulation 30	Regulation 30 deals with disposal of property (including land) that is excluded from the application of section 5.38 'Disposing of property' in the <i>Local Government Act 1995</i> . Regulations 30(2a) deals with a disposition of property that is an exempt disposition because it has been disposed of within 6 months of a public tender or auction process. Currently information on the disposal of property under regulation 30 (2a) is to be made available for public inspection for at least 12 months. This amendment extends this to also require the publication of details of this disposal on the local government's official website.	Transparency  Recognising New Technology  <b>Comment</b> <i>Nil</i>
Regulation 43	<i>Local Government (Regional Subsidiaries) Regulations 2017</i> Regulation 18	The effect of this amendment is to require a regional subsidiary to report on the salary bands of employees receiving \$100,000 or more, and the remuneration of the CEO.	Transparency  Accountability  <b>Comment</b> <i>Nil</i>





The majority of the amendments all relate to transparency and accountability. There are no amendments that should be of any concern to Council. Some of the amendments, the Shire of Dalwallinu is already undertaking and the remainder will be addressed once the amendments are passed.

#### **Officer Recommendation**

That Council directs the Chief Executive Office to advise WALGA that they note the proposed DRAFT *Local Government Regulations Amendment (Consequential) Regulations 2020* and do not wish to provide any feedback.

#### **Resolution**

Moved	Cr
Seconded	Cr



#### 9.4.2 Elected Members Representation\*

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/22 – Governance - Councillors
<b>Previous Meeting Reference</b>	OCM – 28 April 2020 (M9546)
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Discussion Paper 2. DRAFT Executive Summary

#### Purpose of Report

Council is requested to consider the options with regards to Elected Members representation (Councillor Numbers) for the Shire of Dalwallinu.

#### Background

Cr Janine Huggett resigned from the position of Councillor with the Shire of Dalwallinu on 11 February 2020. Her term was due to expire in October 2021.

An extra-ordinary election was scheduled for 16 May 2020 for the vacant position. All statutory advertising was undertaken in line with the Western Australian Electoral Commission Election Timetable.

The Call for Nominations advertisement was placed in the Totally Locally, Kapers and advertised regularly on the Shire's Facebook page and the Shire website. At the close of the nomination period at 4pm, Thursday 9 April 2020, no nominations were received.

From discussions with Department Local Government Sports & Cultural Industries, there are two (2) options for Council to consider:

1. Reduce Elected member representation for the October 2021 election;
2. Request to Western Australian Electoral Commission to hold over filling the vacancy until the October 2021 election and continue with the eight (8) existing members.

At the Ordinary Council meeting held 28 April 2020, Council resolved the following:

#### **'MOTION 9546**

*Moved* Cr KM McNeill

*Seconded* Cr KL Carter

*That Council:*

1. Gives local public notice of its intention to carry out a review of Elected Member representation and invites submissions as required under Clause 6(1) of Schedule 2.2 of the Local Government Act 1995;
2. Endorses the Elected Member Representation Discussion Paper for the purposes of seeking public submissions.

**CARRIED BY 8/0 BY ABSOLUTE MAJORITY'**



## **Consultation**

Councillors

Community via Public Notices

## **Legislative Implications**

### State

*Local Government Act 1995 – section 2.2*

## **Policy Implications**

Nil

## **Financial Implications**

There would be a savings in Elected Members fees if numbers were reduced.

## **Strategic Implications**

Nil

## **Site Inspection**

Site inspection undertaken: Not applicable

## **Triple Bottom Line Assessment**

### Economic implications

There are no known significant economic implications associated with this proposal.

### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## **Officer Comment**

Following the Ordinary Council Meeting in April 2020, public notices were placed in Totally Locally on 6,20,27 May 2020 and 3 June 2020, Kalannie Kapers on 5 and 18 May 2020, uploaded to the Shire of Dalwallinu Website on 29 April 2020 and advertised on the Shire of Dalwallinu Facebook Page on 1, 15, 29 May and 10, 16 June 2020 and the Shire Newsletter. Advertising was undertaken for a period of seven (7) weeks.

At the conclusion of the submission period on 19 June 2020 no submissions were received.

Council is now requested to consider two (2) options:

### ***OPTION 1 – Reduce Elected Member Representation***

#### **Advantages of reducing Councillor numbers:**

1. The decision making process may be more effective and efficient if the number of elected members is reduced. There is more scope for team spirit and co-operation amongst a smaller number of people;



2. The cost of maintaining elected members would be reduced. Budgeted costs for attendance fees in 2019-2020 were \$45,239. The attendance fees would be reduced if there was a reduction in numbers;
3. A reduction in the number of elected members may result in an increased commitment and interest and participation in Council's affairs by elected members generally;
4. Fewer elected members are more readily identifiable to the community;
5. The increase in the ratio of Councillors to Electors is not significant (1:90 to 1:116);
6. Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community;
7. There is a state wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has improved their decision making process.

**Disadvantages of reducing Councillor numbers:**

1. A reduction may limit diversity around the table;
2. There is potential for dominance in a Council by a particular interest group;
3. A smaller number of elected members may lead to an increased workload.

The October 2021 election will see five (5) vacancies. Given that the extraordinary election did not attract one (1) nomination, it may be difficult to attract enough nominations to force an election or even fill the vacancies unopposed.

It is the Officer's recommendation to reduce the number of Councillors from nine (9) to seven (7). Council could consider reducing the number from nine (9) to eight (8) but that may put undue pressure on the Presiding Member should votes be tied and he be called upon to have the casting vote on each occasion.

***OPTION 2 – Request approval to leave vacancy unfilled***

To leave the vacancy unfilled, would require a request to be made to the Western Australian Electoral Commission seeking to leave the position unfilled until the October 2021 ordinary election and continue with the eight (8) existing members.

Should Council decide to remain with the nine (9) Elected Members, a report is required to be presented to the Local Government Advisory Board noting that the status quo is to remain.

The process to reduce Elected Member representation is as follows:

- Council resolves to undertake the review; **(Completed)**
- The review is to be advertised for public submissions; **(Completed)**
- The community are to be given at least six (6) weeks to make a submission; **(Completed)**
- Council to consider all submissions and relevant factor and makes a decision;
- Council submits a report to the Local Government Advisory Board for its consideration;



Given that no public submissions were received, it is evident that a reduction in Councillor numbers would not have a negative effect on the community and also the change in Councillor to Elector ratio from 1:90 to 1:116 would have no material effect on the community or to the level of service provided to the community. For example the City of Stirling has a councillor to elector ratio of 1:9,787.

It is the Officer's recommendation that the Councillor numbers be reduced from nine (9) to seven (7) as there are no perceived disadvantages in doing so.

Should Council support the Officer Recommendation, a draft Executive Summary which is required to be presented to the Local Government Advisory Board, is attached to this agenda item.

Should Council not support the Officer Recommendation an Executive Summary is still required to be presented to the Local Government Advisory Board advising that Council has decided to keep the status quo.

### **Officer Recommendation**

That Council:

1. Notes that no public submissions were received regarding Elected Member Representation;
2. Recommends to the Local Government Advisory Board that an order be made under s2.18(3) of the *Local Government Act 1995* to reduce the number of offices of Councillor on the Shire of Dalwallinu Council from nine (9) to seven (7).

### **Resolution**

Moved	Cr
Seconded	Cr



## 10 APPLICATIONS FOR LEAVE OF ABSENCE

### **MOTION**

Moved Cr

Seconded Cr

That the application for leave of absence of Cr \_\_\_\_\_ to the Ordinary Meeting of Council to be held on \_\_\_\_\_ 2020 be approved.

## 11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

## 12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

## 13 NEW BUSINESS OF AN URGENT NATURE (INTRODUCED BY DECISION OF THE MEETING)

## 14 MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT, 1995, SECTION 5.23(2)

### **PROCEDURAL MOTION**

Moved Cr

Seconded Cr

That Council moves into a confidential session to discuss:

14.1 CONFIDENTIAL: Award of RFT2020-04

and

14.2 CONFIDENTIAL: Sale of Surplus Plant

under the terms of the *Local Government Act 1995, Section 5.23(2)*:

e. *a matter that if disclosed, would reveal-*

(ii) *information that has a commercial value to a person; or*

(iii) *information about business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”-*



**14 CONFIDENTIAL**

**14.1 Award of RFT2020-04 Bell St Subdivision Civil Works & Infrastructure\***

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/28 – Financial Management - Tendering
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Will Taylor, Manager Works and Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Tender Matrix

**Resolution**

Moved	Cr
Seconded	Cr

**14.2 Sale of Surplus Plant- Komatsu Grader & Mack Tip/Water Truck\***

<b>Report Date</b>	23 June 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/28 – Financial Management - Tendering
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Will Taylor, Manager Works and Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Tenders received

**Resolution**

Moved	Cr
Seconded	Cr



**PROCEDURAL MOTION**

Moved            Cr  
Seconded       Cr

That the meeting come from behind closed doors.

**15       SCHEDULING OF MEETING**

The next Ordinary Meeting of Council will be held on 28 July 2020 at Council Chambers, Dalwallinu commencing at 3.30pm.

**16       CLOSURE**

There being no further business, the Chairperson closed the meeting at \_\_\_\_\_pm.

