



MINUTES

ORDINARY COUNCIL MEETING

Tuesday
26 September 2017

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SHIRE OF DALWALLINU

MINUTES of the Ordinary Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday, 26 September 2017.

1 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 3.30pm.

2 ANNOUNCEMENTS OF PRESIDING MEMBER

The Chairperson welcomed the new Strategic Projects & Marketing Officer, Ms Jo Guest and acknowledged Cr Robert Nixon for his contributions over the past sixteen years serving as President & Councillor of the Shire of Dalwallinu.

3 ATTENDANCE RECORD

3.1 Present

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr RS Nixon
	Cr GH Sanderson JP
	Cr NW Mills
Chief Executive Officer	Ms JM Sutherland
Deputy Chief Executive Officer	Mr KT Jones
Strategic Projects & Marketing Officer	Ms J Guest (3.30pm – 3.52pm)
Manager Works & Services	Mr WJ Taylor (4.09pm – 4.42pm)
Executive Support Officer	Mrs BGC Matias

3.2 Apologies

Cr KM McNeill JP
Cr KJ Christian

3.3 Leave Of Absence Previously Granted

Cr AR Dickins

4 DECLARATIONS OF INTEREST

- 4.1** Cr RS Nixon – Item 9.3.1 – Supply of Wet Mixing and Cement Stabilisation – Financial Interest
- 4.2** Cr NW Mills – Item 9.1.2- Purchase of Lot 555 Bell Street, Dalwallinu from Department of Lands – Proximity Interest
- 4.3** Ms JM Sutherland – Item 9.4.1 – CEO Annual Performance Review – Financial Interest

5 PUBLIC QUESTION TIME

5.1 Response to Previous Public Questions Taken on Notice

Nil

5.2 Public Question Time

Nil

6 MINUTES OF PREVIOUS MEETING/S

6.1 Ordinary Council Meeting – 22 August 2017

MOTION 8999

Moved Cr RS Nixon
Seconded Cr GH Sanderson

That the Minutes of the Ordinary Meeting of Council held 22 August 2017 be confirmed.

CARRIED 5/0

7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES REPORTS/SUBMISSIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

7.4 Delegates Reports/Submissions

Nil

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

9 REPORTS

9.1 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES & ECONOMIC DEVELOPMENT COMMITTEE

9.1.1 Strategic Community Plan 2017 - 2027

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	GR/10 – Local & Regional Liaison
Previous Meeting Reference:	Council workshop – 29 August 2017; CS&ED Committee meeting -19 August 2017
Author:	Keith Jones – Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Strategic Community Plan 2017-2027

Purpose of Report

To adopt the Shire of Dalwallinu Strategic Community Plan 2017 -2027.

Background

A detailed survey questionnaire was prepared and circulated. The community consultation period concluded on 31 May 2017 with a total of 104 responses received.

The following actions were taken to encourage community engagement:

- All dwellings mailed a paper questionnaire
- Survey available on Shire website
- Survey on available Shire Facebook page
- A unique email address was created for responses from Community
- Additional copies of the paper questionnaire were made available in Kalannie, the Gull Service Station, The Dalwallinu Discovery Centre and the Shire Office
- Posters advertising the survey were provided to local businesses
- Advertising in the local newspaper “Totally Locally”
- Advertising in the local newspaper “Kalannie Kapers”
- The local district high school was approached for youth involvement

A special workshop was held on 29 August 2017 and facilitated by the Deputy CEO to assist the councillors in reviewing the structure of the Strategic Community Plan document.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 section 5.56(1) and (2)

Local Government (Administration) Regulations 1996 section 19C & 19D

Strategic Implications

This document will be the guide and set the strategic direction for the Shire for the next 10 years.

Sustainability Implications

Environment

Environmental issues have been addressed in the Strategic Community Plan.

Economic

Economic issues have been addressed in the Strategic Community Plan.

Social

Social issues have been addressed in the Strategic Community Plan.

Financial Implications

Nil

Comment

Even though the response from the community was lower than expected, 100 percent of the community were given the opportunity to participate in the feedback process. The responses indicated a need to update some of the previous outcomes and maintain others.

Officer/Committee Recommendation/Resolution

MOTION 9000

Moved Cr KL Carter

Seconded Cr NW Mills

That Council adopt the Shire of Dalwallinu Strategic Community Plan 2017-2027 as presented.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachment 9.1.1](#)

Cr NW Mills declared a proximity interest and left the Council Chambers at 3.35pm.

9.1.2 Purchase of Lot 555 Bell Street, Dalwallinu from Department of Lands

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	PR/1 – Council Reserves
Previous Meeting Reference:	Ordinary Meeting 26 June 2012 (Motion 7451), Ordinary Meeting 25 July 2017 (Motion 8863), CS&ED Committee meeting -19 August 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Copy of Transfer of Land

Purpose of Report

Council is requested to authorise the signing and affixing of the Shire of Dalwallinu Common Seal to the Transfer of Land document for the purchase of Crown Land Lot 555 Bell Street, Dalwallinu from the Department of Lands.

Background

At the Ordinary Meeting of Council held 25 July 2017, Council resolved the following:

'MOTION 8863

Moved *Cr KM McNeill*
Seconded *Cr KJ Christian*

That Council authorise the Shire President and Chief Executive Officer to sign the Contract of Sale with the Department of Lands for Lot 555 Bell Street, Dalwallinu (C/T 3168/111) for the amount of \$42,500 including GST.

CARRIED 6/0'

The documentation to finalise the purchase of the land has been received and the Transfer of Land document requires the Shire of Dalwallinu Common Seal.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – Section 9.49(A)
Land Administration Act 1997

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Unknown

Social

Nil

Financial Implications

Nil

Comment

In order to finalise the purchase of Lot 555 Bell Street, Dalwallinu, the Common Seal is required to be placed on the Transfer of Land document.

The settlement date is scheduled for 30 October 2017.

Officer/Committee Recommendation/Resolution

MOTION 9001

Moved Cr KL Carter
Seconded Cr RS Nixon

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Transfer of Land document for Lot 555 Bell Street, Dalwallinu, between the Department of Lands and the Shire of Dalwallinu.

CARRIED 4/0

[Click here to access the attachment 9.1.2](#)

Cr NW Mills returned to the Council Chambers at 3.36pm.

9.1.3 Dalwallinu Recreation Centre Upgrade

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	CP/5 Design and Construction - Sports Centres
Previous Meeting Reference:	CS&ED Committee 18 February 2014, 18 March 2014, 19 August 2014, 9 Dec 2014, 4 April 2015, 16 August 2016, 21 March 2017; 19 September 2017 Full Council Meeting 25 Feb 2014 (Motion 7939), 25 March 2014 (Motion 7968), 26 Aug 2014 (Motion 8110), 16 Dec 2014 (Motion 8210), 23 August 2016 (Motion 8676), 28 February 2017 (Motion 8764)
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Building Inspection Summary Report - Feedback from Community2. Final design from Site Architecture3. Loan Repayment Schedule4. Notes from Site/Council meeting5. User Group Workshop Reports July 20166. User Group Workshop Reports April 20177. User Group Workshop Reports May 2017

Purpose of Report

Council is requested to consider the options for the upgrade to the Dalwallinu Recreation Centre.

Background

During the 2013-2014 budget round, Council identified that the Dalwallinu Recreation Centre was due for an upgrade and some funds were set aside for the concept plan to be developed. Many community members contributed ideas, opinions and wishes for how the facility could be improved. MCG Architects were engaged and provided a design that was based on the communities ideas and opinions. Preliminary costings were obtained, and there was much deliberation as to how to fund the upgrade, and any sources of grant funds available. Changes in local and state government funding necessitated a review of the project and reprioritisation of upgrades.

In May 2016 the Shire engaged the main user groups of the Recreation Centre to determine a more robust case for improvements based on the current and projected future use of the facility; addressing functional and building issues and future prioritised needs of all users.

The following groups and organisations were invited to participate;

Dalwallinu Football & Hockey Club (two (2) representatives)

Woodthorpe School (one (1) representative)

Dalwallinu District High School (one (1) representative)

Dalwallinu Agricultural Society (one (1) representative)

Liebe Group (one (1) representative)

Dalwallinu Netball Association (one (1) representative)

Dalwallinu Junior Basketball (one (1) representative)

Dalwallinu P&C (one (1) representative)

Creative Arts Group (one (1) representative)

Men's Shed (one (1) representative)

Sports Club (one (1) representative)

Lions Club (one (1) representative)

Change Fitness (one (1) representative)

Dally Scrappers scrapbooking group (one (1) representative)

Shire of Dalwallinu – Staff and Elected Members

In June 2016, a workshop was facilitated by Storybox Consulting to determine the following;

- Current membership, growth, trends and future plans and activities of each organisation
- How and when they use the Centre
- How the Centre could better meet their needs
- Ideas and alternative solutions to meet those needs
- How their organisation could contribute to any proposed upgrades

User groups collectively considered the current form and functionality of the facility, based on four criteria –

- Physical structure and functionality;
- Equipment and fit out;
- Amenity and services;
- Presentation.

As a result of the feedback gathered from that workshop, Council resolved the following at the Ordinary Meeting of Council held 23 August 2016:

MOTION 8676

Moved Cr KM McNeill JP

Seconded Cr NW Mills

That

1. *a full maintenance report (including the roof) be conducted on the Dalwallinu Recreation Centre;*
2. *the Dalwallinu Recreation Centre User Group Workshop report be received;*
 - 2.1 *the following be identified as priorities;*
 - *Internal and external aesthetic improvements and modernisation to create a more welcoming and attractive facility*
 - *Internal changes to some areas to improve accessibility and functionality including relocation of the kitchen and/or bar and an overhaul of the internal areas of the change rooms; and*
 - *An overhaul of the equipment, power, air conditioning and lighting provisions*
 - 2.2 *the following improvements and upgrades are recommended;*
 - a. *Change rooms and toilets (including outside toilets and showers) – complete internal overhaul*
 - b. *Playground, gardens and landscaping – replacement of playground equipment and sand, redevelopment of gardens*
 - c. *Bar – co-location with kitchen, new cool room and dual access*
 - d. *Building entry, car park, paths and pedestrian access – improvements to the entry, car park safety and lighting, pathways linking the oval, building and car park*
 - e. *Outdoor spectator areas – creation of an all-weather undercover area linking the oval room to the oval and a BBQ area*
 - f. *Oval Room and Meeting room – upgrade to fittings and furnishings, overhaul of lighting, power and air conditioning*
 - g. *Kitchen – co-location with bar, improvements to fit out, equipment and servery areas*
 - h. *Indoor Court area – dedicated club storage areas with dual access and improved air flow to court areas; and*
3. *development of concept designs be commenced upon receipt of the maintenance report.*

CARRIED 5/3

A defects and maintenance inspection was conducted by BCI Building Consultancy & Inspection on 20 September 2016. A copy of the summary of the building report is attached.

The User Group Report and Building Maintenance Inspection report formed the basis of subsequent development of conceptual design work from Site Architecture and MCG Architects.

On 27 March 2017, another User Group Workshop was held, facilitated by Storybox Consulting. Feedback was sought from the User Groups on the concept designs from both Site Architecture and MCG Architects.

The two concept plans were provided to each of the user groups for consideration prior to the workshop. Groups were asked to review the plans and prepare a considered response to the following:

- A. Aspects of the design/s you do like, and why;
- B. Aspects of the design/s you don't like, and why;
- C. Whether the functional improvements meet the priorities identified, specifically relating to the way your club/group/business use the facility.

User groups nominated a representative to attend the feedback workshop, which aimed to

- Provide an opportunity for user groups to discuss their ideas and preferences with other centre users;
- Determine the extent to which each plan met the brief and addressed the priorities identified at the June 2016 workshop;
- Identify the preferred concept plan; and
- Gather constructive user group feedback on both concept plans to enable Council's preferred architect to further refine the designs.

There were many similarities in design solutions from both architects, for example the relocation of the change rooms and the centralisation of the kitchen and bar. However, MCG omitted to provide for a significant element of the maintenance requirement within the brief thereby not providing a competitive quote. Site Architecture fulfilled the brief and was the preferred design of the User Groups.

At the Ordinary Council Meeting held in March 2017, Council appointed Site Architecture Studio to provide architectural services for the final schematic designs and documentation for the Recreation Centre Upgrade.

A workshop was held with the User Groups and Stephen Hart from Site Architecture on 1 May 2017 to seek further feedback from the user groups on the draft concept design. Site Architects were provided with outcomes from both user group workshops and provided a design vision that included improving functionality, sustainability, appearance and connectivity. Key areas of focus were:

- Reduce running costs
- Upgrade internal and external appearance
- Present an entrance that is inviting and welcoming that creates a sense of 'arrival'
- Improved sustainability
- Improve functionality

Consideration of elements that will reduce the running costs of the facility and increase sustainability are embodied in the design process. Examples included:

- Upgrade or replacement of mechanical/electrical services to ensure compliance with current codes including energy provisions – this impacts on lighting (type, on/off timers) and mechanical services
- Solar collectors to offset power drawn from the grid
- Other elements that must comply with energy provisions of the code – such as being more energy efficient, use of hot water, type of hot water and the type of energy used to produce hot water.

On 18 July 2017, a workshop was held with Council facilitated by Stephen Hart from Site Architecture and Tess JoynerSlot from JoynerSlot Consulting. Feedback was sought from Council on a revised draft concept design following the previous user group meetings.

Following this workshop Site Architecture have been working on the final schematic design and preparation of tender documentation which will be finalised by the end of September 2017.

In December 2016, the Shire commenced preparation of an application for the Building Better Regions Funds (BBRF) which was submitted in February 2017. The cost of submitting this application was approximately \$112K excluding a considerable amount of Shire administration hours. On 4 August 2017, the Shire of Dalwallinu was notified that the application was unsuccessful. There were 545 applications for the funding round with only 110 projects receiving funding. Feedback on the grant application received indicated that the application met and exceeded the minimum requirements for all of the criteria. However it seems, was not competitive against other applications. One comment that should be noted from the feedback obtained by the grant writer in relation to Criteria 3, is as follows:

‘To improve this criteria, could provide more information and evidence detailing the need for funding – it was felt that the Shire had access to adequate funding to complete the project without grant assistance. More information regarding how the project outcomes could be improved with grant funding versus without grant funding.

There will be Round 2 of BBRF announced in the near future, however given the feedback we received there is no guarantee that we will be successful.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Shire of Dalwallinu – Strategic Community Plan

Outcome

1.2.3 – Enhance greater usage of facilities

1.4 – Improved youth activities and services

1.4.2 – Improve ambiance and management of Recreation Centres

1.7 – Improved and enhanced playground areas

2.1.2 – Advocate for more community facilities to attract people

Sustainability Implications

Environment

Nil

Economic

Nil

Social

There has been extensive community consultation throughout the entire process. Additional feedback from the community was sought at the Dalwallinu Agricultural Show. 36 community members provided feedback and from the feedback received 83% indicated that they wanted the Shire of Dalwallinu to fund the cost of the proposed upgrade. 11% indicated that the Shire of Dalwallinu should resubmit an application to Round 2 of BBRF and 6% were not sure which way to vote.

Further engagement from the User Groups has been undertaken with the following question being posed;

‘Due to not receiving the funding for the Recreation Centre, are you in favour of the Shire funding the project’ – Yes or No’

The following groups responded;

Dalwallinu Football & Hockey Club - YES

Dalwallinu Agricultural Society - NO

Liebe Group – YES (but with reduced scope & staged approach)

Creative Arts Group - YES

Sports Club - YES

Lions Club - YES

Change Fitness – YES

Dally Scrappers – YES

Coerco – Financial contributors - YES

Financial Implications

It is not intended to pay for the upgrade to the Recreation Centre through additional rate increases. It is understandable that annual rate increases do occur to keep up with rising costs of service provision however, no additional increase will be specifically applied to offset the Recreation Centre upgrade costs.

To date \$263,892 has been expended/committed on getting the project to where it is today:

Details	Amount
Facilitated Focus Groups	7,425
Grant Writer for BBRF application	4,090
Quantity Surveyor	8,500
Geotechnical Study	1,500
Structural Engineer	21,891
Electrical Consultant	14,878
Project Consultant	12,439
MCG Architects	1,750
Mechanical Services Consultant	28,200
Site Architecture	133,200
Shire Town Planning Fees	9,839
Acoustic Consulting Services	1,900
Building Surveyors	4,600
Compliance reports	2,380
Hydraulic Consultant	11,300
TOTAL	263,892

The 2017-2018 budget has the upgrade to the Recreation Centre funded as follows:

	Amount
Recreation Centre Upgrade	3,880,000
Recreation Centre Precinct	1,700,000
Total:	5,580,000
BBRF Grant Funding	2,502,871
Lotterywest	1,300,000
New Loan Funds	1,000,000
Transfer from Land & Buildings Reserve	700,000
Muni Funds	62,129
Community Contribution	15,000
Total:	5,580,000

Should Council wish to proceed with the project funding is proposed as follows:

	Amount
Recreation Centre Upgrade	4,200,000
Recreation Centre Precinct	1,380,000
Total:	5,580,000
Lotterywest	1,300,000
New Loan Funds	3,022,871
Transfer from Land & Buildings Reserve	800,000
Transfer from Recreation Reserve	300,000
Muni Funds	142,129
Community Groups	15,000
Total:	5,580,000

Note: Amounts for Rec Centre and Precinct have been altered however the total expense remains the same. This was an anomaly in the adopted budget figures.

Amendments proposed to be made to Original Budget:

Increasing the loan by \$2,022,871

Additional transfer from L&B Reserve of \$100,000

Additional transfer from Recreation Reserve of \$300,000

Anticipated Loan Repayments for \$3,022,871:

Loan – 20 years \$219,889 (estimated) per annum (no balloon payment)

Loan – 20 years \$172,231 (estimated) per annum with a balloon payment of \$1,464,670 after 20 years.

Should Council wish to proceed with the upgrade by increasing the borrowings, it would be anticipated that the loan would not be required to be drawn down until the 2018-2019 financial year with the first loan payment being due in early 2019. Reserve funds could be utilised for the first stages of construction.

As per Section 6.20 of the *Local Government Act 1995*, Council will need to give one month's public notice of the proposal to borrow.

The table below represents the expenditure on the Recreation Centre over the past five (5) years. The table indicates that very little has been spent on maintaining the centre.

With the introduction of Solar Power there would be significant benefits to the building and site. Based upon the expansion of the existing facility with new services and the projected increase in operational requirements for mechanical services (e.g. air conditioning systems), the system is likely to see a positive return in 5 – 6 years.

	2012-13	2013-14	2014-15	2015-16	2016-17
Operating Costs	58,623	54,690	39,615	45,778	47,729
Maintenance Costs	14,631	17,098	28,535	19,224	7,964
TOTAL	73,254	71,788	68,150	65,002	55,693

Comment

The upgrade of the Dalwallinu Recreation Centre has been a high priority for Council for many years. There has been considerable consultation with the user groups through their representatives on the focus group which has culminated in the final design.

The Shire has been successful in obtaining a grant from LotteryWest of \$1.3M for the upgrade to the Recreation Centre precinct. This will see upgrades to the entrance statement, lighting, car parking and establishment of a community hub area. These works are required to be completed by May 2018. It was originally hoped that the two projects would run parallel.

Recently the meeting room at the Recreation Centre has been condemned due to intrusion of stormwater that affects the ability for it to be used as a meeting space. This was condemned under environmental health grounds rather than structural grounds. Users of the meeting room have now been relocated to the Dalwallinu Discovery Centre.

There are also outstanding maintenance issues that have been held off while waiting the outcome of the funding application and these relate to the roof leaking, which is causing damage to the electrical wiring, structural integrity of the building and damage to carpets and furnishings.

It appears that there are two options for Council to consider:

Option 1 – The Shire to fund the entire upgrade to the Dalwallinu Recreation Centre through increased borrowings and transfers from reserves

Officer Comment:

The Shire has very low debt and borrowing the money at today's interest rate and spreading the burden over the next 20 plus years' is appropriate as the future generations who use the facility will pay for it not just the users of today. There has been no indication that there will be rate increases to cover the upgrade to the recreation centre. There will be rate increases annually but these will likely be in line with inflation and to cover the cost of service provision not the upgrade.

There is no guarantee that should another application be lodged in Round 2 of BBRF, that we would be successful considering the feedback provided on the unsuccessful application in Round 1.

Option 2 – Do not undertake any major upgrades to the Dalwallinu Recreation Centre

Officer Comment:

This project has been on Council's Strategic Plans for many years. Extensive consultation has been undertaken with the user groups of the facility and to a smaller extent the community via the survey at the Dalwallinu Show.

Considering the time and money spent on progressing the project to the stage where it is now, (that being at the stage to call for tenders) it would be disappointing for the project not to proceed.

There is no doubt that the funding of this project entirely through Shire funds will not be acceptable to all ratepayers. However, there has been very minimal maintenance on the building in the last twenty (20) years, the structure is dated and borrowing the funds at today's rates and ensuring that today's users and users into the future pay for the project over the next forty (40) years would appear to be a reasonable outcome.

Officer Recommendation

That Council:

1. proceed with the upgrade to the Dalwallinu Recreation Centre as per the final design submitted by Site Architecture as attached;
2. fund the proposed upgrade by amending the 2017-2018 budget during the budget review as follows:
 - a. Increase borrowings from \$1,000,000 to \$3,022,871, with the loan being for a period of twenty (20) years with a balloon payment;
 - b. Increase the transfer from Land & Buildings Reserve from \$700,000 to \$800,000;
 - c. Include an additional transfer from the Recreation Centre Reserve of \$300,000.

Committee Recommendation

That Council:

1. proceed with the upgrade to the Dalwallinu Recreation Centre as per the final design submitted by Site Architecture as attached;
2. fund the proposed upgrade by amending the 2017-2018 budget during the budget review as follows:
 - a. Increase borrowings from \$1,000,000 to \$3,022,871, with the loan being for a period of twenty (20) years with a balloon payment of 22%;
 - b. Increase the transfer from Land & Buildings Reserve from \$700,000 to \$800,000;
 - c. Include an additional transfer from the Recreation Centre Reserve of \$300,000.

Resolution

PROCEDURAL MOTION 9002

Moved Cr NW Mills
Seconded Cr RS Nixon

That the item lay on table until the November 2017 Ordinary Council Meeting to allow time to investigate financial implications.

CARRIED 5/0

Click to access respective attachment:

[Attachment 9.1.3.1](#)

[Attachment 9.1.3.2](#)

[Attachment 9.1.3.3](#)

[Attachment 9.1.3.4](#)

[Attachment 9.1.3.5](#)

[Attachment 9.1.3.6](#)

[Attachment 9.1.3.7](#)

Ms Jo Guest left the Council Chambers at 3.52pm.

9.2 MATTERS FOR CONSIDERATION – FINANCE

9.2.1 Accounts for Payment for August 2017

Date of Report:	26 September 2017
Applicant:	Shire of Dalwallinu
File Reference:	FM/6 – Expenditure Reports
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Mrs Hanna Jolly, Accounting Officer
Senior Officer:	Mr Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Summary of Accounts for Payment

Purpose of Report

To consider the acceptance and approval of the Schedule of Accounts for Payment.

Background

A list of invoices paid for the month of August 2017 from the Municipal Account, to the sum of \$31,338.64 paid by cheque and \$721,885.78 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 \$975,586.25. In addition, payments of \$78,976.74 were made from the Trust Account. The total payments from all accounts being \$1,054,562.99 have been listed for Council's ratification.

Comment

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

- a) The payees names
- b) The amount of the payments
- c) Sufficient information to identify the payment
- d) The date of the payment

The attached list meets the requirements of the Financial Regulations.

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

Policy Requirements

Nil

Legislative Requirements

Local Government (Financial Management) Regulations Act 1996, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Account payments are in accordance with the adopted budget for 2017/18 or authorised by separate resolution.

Officer/Committee Recommendation/Resolution

MOTION 9003

Moved Cr NW Mills
Seconded Cr KL Carter

That in accordance with the requirements of section 13(1), 13(3) and 13(4) of the Local Government (Financial Management) Regulations 1996 a list of payments made in August 2017 under the CEO's delegated authority is endorsed in respect to the following Bank accounts:

(a) Municipal Fund Account totalling \$975,586.25 consisting of:	
Cheque Numbers 35101 – 35111	\$31,338.64
Electronic Fund Transfers 7018 – 7142 (excluding Trust EFT 7104)	\$721,885.78
Direct Debit Payments – Credit Card DD13589.1	\$5,63
Electronic Fund Transfers Payroll	\$158,157.00
Bank Fees	\$863.
Loan Payment Loan 156	\$29,319.88
Direct Debit Payments (Superannuation)	\$28,381.73

(b) Trust Account payments totalling \$78,976.74 consisting of:

Cheque Numbers 597-601	\$2,449.49
Electronic Fund Transfers 7104	\$3,000.00
Direct Debits - Payments to DPI	\$73,527.25

CARRIED 5/0

[Click here to access the attachments 9.2.1](#)

9.2.2 Monthly Financial Statements for August 2017

Date of Report:	26 September 2017
Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Hanna Jolly, Accounting Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Monthly Statement of Financial Activity, Variance Reports, Investments Held and Bank Reconciliations

Purpose of Report

To receive the Financial Reports for the month ending 31 August 2017.

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.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 s1.3 (2) (c)

Local Government (Financial Management) Regulations 1996, s34 (1)

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

Local Government (Financial Management) Regulations 1996, s34 (2)

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 August 2017.

Attached for Council’s consideration are:

- Statement of Financial Activity
- Variance Reports
- Investments Held
- 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/Committee Recommendation/Resolution

MOTION 9004

Moved Cr KL Carter
Seconded Cr NW Mills

That the Financial Reports as submitted for the month ending 31 August 2017 be accepted.

CARRIED 5/0

[Click here to access the attachments 9.2.2](#)

9.2.3 Outstanding Rates Debtors Report for August 2017

Date of Report:	26 September 2017
Applicant:	Shire of Dalwallinu
File No:	FM/6 – Expenditure Reports
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Report on Rates Debtors as at 31 August 2017

Purpose of Report

To receive the Outstanding Rates Debtors Reports as at 31 August 2017.

Background

Council's Policy Clause 3.6(vi) requires a report to be submitted at each Ordinary Council meeting detailing the current outstanding rates and the progress made towards their collection.

Reports on Rates Debtors contain totals for Rates, Rubbish, Sewerage and Emergency Services Levy (ESL). The ESL is a State Government charge for provision of emergency services which, due to legislation, the Shire is required to collect and forward on to the Department of Fire & Emergency Services (DFES).

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Unknown

Social

Nil

Financial Implications

As at 31 August 2017 rates outstanding were \$3,293,985.23 in respect to collectable rates of which \$91,234.93 has been carried forward from 2016/17 or prior rating years, with 2017/18 rates raised being \$3,776,448.93.

Ratio = Total Outstanding
Collectable

= 118,581.38
3,776,448.93

= 3.14%

Ratio = Total Overdue
Collectable

= 3,297,037.85
3,776,448.93

= 87.30%

The total rates overdue figure is the figure that we are currently trying to recover.

Comment

Report on Outstanding Rates Debtors as at 31 August 2017 appends.

The 2017/18 Rates were raised and issued on 11 August 2017.

Important dates are as follows:

Rates due date	15 September 2017
Instalment option selection date	15 September 2017
Final Notices issued	
Second instalment due	17 November 2017
Third instalment due	19 January 2018
Fourth instalment due	16 March 2018

Breakdown of unpaid rates debtors as at 31 August 2017.

Rates	2,947,125.35
Rubbish	144,800.15
Sewerage	135,364.32
ESL	53,187.96
Deferred Pensioner Rates	16,560.07
Paid in Advance	-3,052.62
Total Outstanding	3,293,985.23

As we achieved an unpaid rates percentage of 2.43% as at 30 June 2017, we aim to have a similar percentage as at the 30 June 2018, notwithstanding that 3% outstanding is an acceptable industry average. We will strive to better this figure and at the close of the 2017/18 financial year aim to have an unpaid rates percentage no higher than 1.5%.

Officer/Committee Recommendation/Resolution

MOTION 9005

Moved Cr RS Nixon
Seconded Cr NW Mills

That the Outstanding Rates Debtors Reports as at 31 August 2017 for ratepayers with unpaid balances be accepted.

CARRIED 5/0

[Click here to access the attachments 9.2.3.1](#)

[Click here to access the attachments 9.2.3.2](#)

9.2.4 Due dates rates instalments – Annual Budget 2017/2018

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	FM/11 – Budgeting Allocations
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	letter from Dept. of Local Government, Sport and Cultural Industries

Purpose of Report

To consider the notification of an incorrect date published in the Shire of Dalwallinu Annual Budget 2017/2018.

Background

A letter has been received from the Department of Local Government, Sport and Cultural Industries which informs;

“Under Note 12 Interest Charges and Instalments; Option 2, the third instalment shows a due date of 19 January 2018 which means the fourth instalment would not be due prior to the 19 March 2018...”

The instruction from the Director is to review this situation via the Shire’s Audit Committee in order to assist the Council in future preparation of annual budgets and to ensure compliance.

Policy Requirements

Nil

Legislative Requirements

Local Government Act – s6.50(3)- Rates or service charges due and payable

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

In the adopted 2017-218 budget, Note 12 shows the third instalment date as 19 January 2018 and the fourth instalment date being 16 March 2018.

Section 6.50(3) of the *Local Government Act 1995* requires -

(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals less than two (2) months.

The date shown in the adopted budget was three (3) days short of two months.

A simple correction in future rates instalment notices of this date is all that would be necessary.

Officer/Committee Recommendation/Resolution

MOTION 9006

Moved Cr KL Carter

Seconded Cr NW Mills

That Council direct the Chief Executive Officer to ensure the correct date is notified to ratepayers in future rates instalment notices and show the fourth instalment date due as 19 March 2018.

CARRIED 5/0

[Click here to access the attachments 9.2.4](#)

9.2.5 Adoption of Policy 3.12 - Purchasing Shire Owned Residential Properties

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	GO/20 – Governance – Policy Manual
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Draft Policy 3.12

Purpose of Report

Council is requested to adopt draft Policy 3.12 – Purchasing Shire Owned Residential Properties.

Background

Recently there has been interest from employees wishing to purchase Shire owned residential properties. As no current policy exists, in order to guide administration, a draft policy has been formulated and is now presented to Council for adoption.

Policy Requirements

1.1 – Policy Manual Amendments

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

The adoption of this policy will provide employees of the Shire of Dalwallinu with the opportunity to purchase housing and encourage them to remain in the Shire and become ratepayers.

Financial Implications

Nil financial implications with the adoption of this policy.

There will be financial implications should employees submit an offer to Council to purchase housing. The expenses will relate to the costs involved in obtaining market valuations and settlement fees. The income generated from the sale of the properties will be transferred to the Land & Buildings Reserve which will then assist with the costs of the construction of new employee houses.

Comment

The adoption of the draft policy will guide administration and employees on purchasing shire owned residential properties.

Obtaining market valuations and including both market and the fair value in the Officer report to Council will ensure that Council can make an informed decision on the disposal of the property.

Officer/Committee Recommendation/Resolution

MOTION 9007

Moved Cr RS Nixon
Seconded Cr KL Carter

That Council adopt Policy 3.12 Purchasing Shire Owned Residential Properties as attached.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachments 9.2.5](#)

9.2.6 Central Midlands Construction Pty Ltd – Proposed Amendments to Company Constitution

Report Date: 26 September 2017
Applicant: Central Midlands Construction
File Ref: GR/27 – Government Relations – ICMI/CMC
Previous Meeting Reference: F&A Committee meeting – 19 September 2017

Author: Jean Sutherland, Chief Executive Officer
Senior Officer: Jean Sutherland, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: CMCPPL Amended Constitution

Purpose of Report

Council is requested to endorse the proposed amendments to the Central Midlands Construction Pty Ltd Company Constitution.

Background

Correspondence was received from Central Midlands Construction Pty Ltd on 4 September 2017, advising of proposed amendments to their Constitution that they would like approved at the Annual General Meeting of the Company on 2 October 2017.

As the Shire of Dalwallinu is B Class shareholder Central Midlands Constructions Pty Ltd are seeking support for the proposed amendments.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

The proposed amendments to the Company Constitution are mainly typographical corrections, together with a small number of proposed amendments to clarify and/or to give effect to the original intent at the establishment of the Company.

In addition to the minor typographical corrections, the changes are:

- Deletion of (WA) from the title, in conformity with the registered name of the Company;
- Amending the definition of a Special Resolution such that as well as 75% of the total votes cast in favour, there must be a majority of vote in favour by each class of shares. (This amendment is critical to ensuring that the Shire's involvement as a shareholder is fully compliant with the requirements of the *Local Government Act 1995*);
- Clarifying the intention that only A class shareholders receive dividends while only B Class shareholders participate in a distribution of capital;
- Inserting a provision to allow for the maximum term of any Alternate Directors to be fixed;
- Removing the stipulation that dividends can only be paid out of profits.

The Board proposes to submit the following resolution to the Annual General Meeting of the Company on 2 October 2017:

'That the amendments to the Constitution of Central Midlands Construction Pty Ltd as shown marked in the attached document be approved'

Officer/Committee Recommendation /Resolution

MOTION 9008

Moved Cr KL Carter

Seconded Cr NW Mills

That Council support the proposed amendments to the Company Constitution for Central Midlands Construction Pty Ltd as shown in the attached document.

CARRIED 5/0

[Click here to access the attachments 9.2.6.1](#)

[Click here to access the attachments 9.2.6.2](#)

9.2.7 Purchase and Sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu/Mr P Oliver
File Ref:	CP/21 – Council Properties – Acquisition and Disposal
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Copy of Correspondence from Department of Lands

Purpose of Report

Council is requested to authorise the purchase of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara from the Department of Lands for the sum of \$12,000 inc GST and consider the offer received from Mr Paul Oliver to purchase said reserve.

Background

In February 2015, the Shire of Dalwallinu was approached by an individual who was interested in purchasing the disused Pithara Bowling Club and Buntine Bowling Club. On 27 February 2015, the Shire of Dalwallinu wrote to the Department of Lands expressing interest in purchasing these reserves and on selling them to the interested party.

On 20 April 2015, correspondence was received from the Department of Lands acknowledging the request from the Shire to purchase the reserves and advising that investigations would need to take place into existing land tenures, survey information and land ownership details.

On 24 April 2015, correspondence was received from the Department of Lands advising that further investigations including but not limited to consideration of any native title implications and it needed to be satisfied that sufficient community consultation had occurred or evidence provided that the land is no longer required since the reserve was originally created for the benefit of the wider community. The Department also required additional information on what is proposed for the land once it is disposed of and to what future use the land would be subjected to.

On 10 November 2016, the Shire of Dalwallinu responded to the correspondence dated 24 April 2015, advising that the Shire wished to purchase the land to provide for future development of the community of Pithara and that interest had been expressed to the Shire to utilise the land and existing structures for commercial activities. Consultation was conducted with the community through local weekly newsletters published in the Totally Locally and Kalannie Kapers. The information was also published on the Shire website. There were no submissions received after the closing date.

On 21 February 2017, the Shire of Dalwallinu followed up on the progress of this matter and was advised that the Department of Lands had been instructed to seek formal 'Executive' level approval of the land valuations provided by Landgate Valuation Services. Subject to approval being given the Shire would be provided with an update.

On 7 April 2017, correspondence was received from the Department of Lands advising that the valuation for Reserve 25571 had been approved and advised that the purchase price for the land comprising the Reserve was \$12,000 inclusive of GST. Subject to the Shire providing written advice that it wishes to proceed with the purchase of the land, being the existing reserve less land required by MRWA for its purposes, DoL can then progress its formal approvals process, which involves seeking Executive Director Approval for the sale price. In addition to the cost of the reserve the Shire would be responsible for survey costs for the land, including plan preparation and Landgate plan lodging, audit fees and DoL document preparation fees and Landgate registrations fees.

On receipt of the above correspondence, quotes were sought from two (2) licensed surveyors to undertake the required works. One quote was \$12,830 ex GST and the other was \$6,733 ex GST.

Mr Paul Oliver was contacted to advise him that approval had been given for the Shire to purchase the reserve and that the Shire would also be responsible to pay for the survey costs and seeking confirmation that he was still interested in purchasing the reserve. Mr Oliver indicated he was interested and he was advised by the Chief Executive officer that Council was happy to negotiate the sale as long as the Shire was not out of pocket. Mr Oliver was advised to submit an offer for the purchase of Reserve 25571 in writing for presentation to Council.

On 11 August 2017, an email was received from Mr Paul Oliver offering an amount of \$18,733 plus GST if applicable. GST is applicable to vacant land.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – section 3.58

Strategic Implications

Shire of Dalwallinu Strategic Community Plan 2013-2023

Outcome 2.2

2.2.1 – Advocate for additional commercial business to set up in towns

Sustainability Implications

Environment

Nil

Economic

The conversion of this Reserve to freehold will create additional rates for the Shire.

Social

This proposal may see an increase in the town of Pithara population and potential for the opening of a new business.

Financial Implications

There has been no allowance in the 2017-2018 budget for the purchase and sale of this land. This can be accounted for during the budget review in February 2018.

Cost of Land	10,909.09
Surveying Costs	6,733.00
Landgate Fees	300.80
Settlement Fees	1,000.00 (estimated)
Valuation Fees	1,300.00 (estimated)
Total:	20,242.89

The offer from Mr Oliver is \$18,733 which leaves a shortfall of \$1,509.89.

Comment

In order for Mr Paul Oliver to secure this reserve as freehold land, the Shire of Dalwallinu is required to purchase the reserve from the Department of Lands and then on sell to Mr Oliver. Section 3.58 of the *Local Government Act 1995* will apply once the land is in the Shire of Dalwallinu name. This will require the offer being accepted by Council and the disposal of the property being advertised for a minimum of fourteen (14) days seeking submissions on the disposal. As per the Act a market valuation is required to be obtained hence the additional \$1,300 in fees stated above.

It is the Officer's recommendation that Council request the payment of \$18,733 plus GST prior to initiating the transaction to ensure that Council is not left with land that it has no use for. These funds will be placed in a trust account in the name of Mr Oliver and be used to fund the transaction as and when required. Without the upfront payment Council will be taking 100% of the risk.

Officer/Committee Recommendation/Resolution

MOTION 9009

Moved Cr RS Nixon
Seconded Cr NW Mills

That Council:

1. Prior to initiating the sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara seek payment in full of \$18,733 plus GST from Mr Paul Oliver;
2. Authorise the Chief Executive Officer to advise the Department of Lands to proceed with the sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara to the Shire of Dalwallinu for the amount of \$12,000 inc GST;
3. Authorise the Chief Executive Officer to engage FM Surveys to undertake the required survey works to Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara ;
4. Once Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara has been converted to freehold land in the name of Shire of Dalwallinu, accept the offer from Mr Paul Oliver to purchase Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara for the amount of \$18,733 plus GST
5. Direct the Chief Executive Officer to carry out the disposal of land as per the requirements of the *Local Government Act 1995*;
6. Subject to not receiving any submissions, authorise the Chief Executive Officer to finalise the disposal of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachments 9.2.7](#)

9.2.8 Integrated Planning – Workforce Plan 2017 - 2021

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	GO/15 – Governance – Reporting
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Shire of Dalwallinu Workforce Plan 2017 - 2021

Purpose of Report

Council is requested to endorse the Shire of Dalwallinu Workforce Plan 2017 - 2021.

Background

The Integrated Planning and Reporting Framework (IPR) was introduced by the State Government in August 2010. Along with the Strategic Community Plan, Asset Management Plan and Long Term Financial Plan, the Workforce plan forms one of key informing strategies in the framework.

All local governments were to have their first suite of IPR documents in place by 1 July 2013. The Shire of Dalwallinu's first Workforce Plan 2013-2017 was adopted by Council on 25 March 2014.

The Workforce plan is to be reviewed every four (4) years.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Any costs associated with implementation of the plan will be included in the annual budget process for Council's consideration.

Comment

The Senior Management Team met in April 2017 and identified gaps in services and the workforce plan has been developed to ensure the Shire of Dalwallinu has the right skills and capacity to guarantee sustainable service delivery and special project management in the future through:

- A comprehensive review of the organisation undertaken by the Senior Management team;
- A staff survey and consultation with all staff who wished to engage in the process; and
- The Shire's consultation with the community during the development of the Strategic Community Plan.

The Workforce Plan will endeavour to foster a resilient, connected organisation culture which will continue to attract and retain talented staff.

The Plan has also identified skills shortage and the positions most at risk due to challenges of retaining and filling vacancies and where the organisation is most at risk of loss of corporate knowledge.

Most importantly all new positions/roles identified for the future are fully costed and the Workforce Plan's objectives demonstrates how the organisation will:

- Retain and build workforce capacity;
- Build a workforce to deliver services into the future; and
- How we can enhance our organisation culture;

to meet Council's responsibilities and outcome's from other Plans, such as the Strategic Community Plan and Asset Management Plan.

There is no requirement for Council to adopt this Plan, however, as Council will have the final say on the employment of all new positions/increases through the annual budget process, Council's awareness and approval of the Shire of Dalwallinu Workforce Plan is fundamental for the outcomes of the plan to be achieved.

Officer/Committee Recommendation/Resolution

MOTION 9010

Moved Cr KL Carter

Seconded Cr RS Nixon

That Council endorse the Shire of Dalwallinu Workforce Plan 2017 - 2021 as presented.

CARRIED 5/0

[Click here to access the attachments 9.2.8](#)

9.2.9 Tenement M70/01279 – Request to Write Off Legal Fees

Report Date: 26 September 2017

Ordinary Council Meeting

26 September 2017

Applicant:	JHK Legal
File Ref:	RV/4 – Rates Payments
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Correspondence

Purpose of Report

To consider a request to write off outstanding legal fees on assessment A6134 for \$166.80 plus accruing interest.

Background

Legal action was undertaken on 23 November 2016 on assessment A6134 when the registered owner failed to respond to correspondence. Payment of \$1,459.20 for 2016/2017 rates was received 3 January 2017, legal fees were not applied to the assessment until 9 February 2017. Advice was received on Tenement Roll M2017/2 on 14 March 2017 that tenement M70/01279 had been forfeited effective 10 February 2017. A credit was applied for the remainder of the year leaving a balance outstanding of \$166.80 and the tenement marked as dead. A letter was received from JHK Legal advising the company had been placed in liquidation and that there are no further funds to pay the outstanding legal fees.

Policy Requirements

Nil

Legislative Requirements

Local Government Act (1995) s6.21 Power to defer, grant discount, waive if write off debt

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

If written off the Shire would be forgoing rate charges of \$166.80 plus accruing interest.

Comment

The ratepayer of the forfeited tenement has gone into liquidation.

Officer/Committee Recommendation/Resolution

MOTION 9011

Moved Cr NW Mills

Seconded Cr KL Carter

That Council authorise the debt for \$166.80 plus accruing interest for outstanding legal fees on assessment A6134 be written off.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachments 9.2.9](#)

9.2.10 Assessment A130 – Request to Proceed with Property Seizure and Sales Order

Report Date:	26 September 2017
Applicant:	Ampac Debt Recovery
File Ref:	RV/4 – Rates Payments
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Correspondence

Purpose of Report

To consider a request to proceed with Property Seizure and Sale Order (PSSO) on assessment A130 for outstanding 2016/2017 rates.

Background

Legal action was undertaken on 23 November 2016 on assessment A130 when the registered owner failed to respond to correspondence. On 10 May 2017 Ampac Debt Recovery lodged PSSO, however was unsuccessful in seizing goods. The next step advised by Ampac Debt Recovery is to undertake a PSSO over land. 2016/2017 Outstanding rates total \$945.08 plus legal fees of \$1,192.20 to 31 August 2017.

Policy Requirements

Nil

Legislative Requirements

Local Government (Financial Management) Regulations 1996

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

There will be no financial implications as legal fees are recoverable on the assessment.

Comment

As per Council Policy 3.9 Overdue Rates and Charges Collection, assessment is listed as the residential address of the ratepayer therefore Council approval is required before proceeding.

Officer/Committee Recommendation/Resolution

MOTION 9012

Moved Cr KL Carter
Seconded Cr GH Sanderson

That Council authorise the issue of a Property Seizure and Sale Order (PSSO) over land for Assessment A130.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachments 9.2.10.1](#)

[Click here to access the attachments 9.2.10.2](#)

9.2.11 Request for Financial Assistance – Dalwallinu District High School Council

Report Date:	26 September 2017
Applicant:	Dalwallinu District High School Council
File Ref:	CR/5 – Community Relations – Enquiries
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Correspondence from Shannon Dawson – Council Member

Purpose of Report

Council is requested to consider a request for financial assistance from Dalwallinu District High School Council for the usage of water from the Shire standpipe to keep the school oval green during the coming dry months.

Background

A meeting was held with Shannon Dawson (School Council Member) on Wednesday 13 September 2017, regarding a request for financial assistance from Council to assist in maintaining the school oval. The oval is an area of 2,000^m². A formal request in writing was requested and received later that day.

The school currently has tanks located on site that hold approx. 800,000 litres of water. This quantity of water will generally last around twelve (12) weeks.

Due to the irregular rainfall patterns this year, the tanks are near empty and will possibly last until October 2017.

The School do not wish to use scheme water due to the cost, therefore the School Council have requested that if Council would be prepared to provide the water from the standpipe free of charge, Shannon Dawson from Dalwallinu Haulage would donate his time and truck hire to cart the water to the tanks on the school site.

It is expected that two loads of 60,000 litres would be required per month during the dry season.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

The provision of a grassed oval is beneficial to the children attending the school.

Financial Implications

There has been no budget allocation for this assistance in the 2017-2018 budget.

The Shire is currently charged \$2.3910 per kL by the Water Corporation for water from the Shire standpipe located at Deacon Street, Dalwallinu.

Should Council provide assistance of 120kL per month this equates to 120 kL @ \$2.3910 = \$286.92. The worst case scenario would be that 120kL would be required for 7 months which would be a total cost of \$2,008.44.

Comment

It is appreciated that the school requires the water for the school oval as an area for children to play and participate in physical education.

Whilst we acknowledge that this year has been an irregular weather pattern is it the Shire's responsibility to fund the provision of water for a state government entity?

The school have indicated that they are working on a water management plan to find a long term solution for the dry seasons.

It is the Officer's recommendation the Council provide assistance to the Dalwallinu District High School Council with a 50% concession on the unit price of the water from the standpipe as charged by the Water Corporation.

Officer Recommendation

That Council advise the Dalwallinu District High School Council that they will offer a 50% concession on the unit price of water from the standpipe as charged by the Water Corporation for a period of 7 months from October 2017 to April 2018.

Committee Recommendation

That Council advise the Dalwallinu District High School Council that they will offer a 50% concession on the unit price of water from the standpipe as charged by the Water Corporation for a period of 7 months from October 2017 to April 2018.

LOST 0/4

Resolution

MOTION 9013

Moved Cr KL Carter
Seconded Cr GH Sanderson

That Council decline the request from the Dalwallinu District High School Council for the supply of water from the standpipe and suggest they investigate other options.

CARRIED 5/0

[Click here to access the attachments 9.2.11](#)

Mrs BGC Matias left the Council Chambers at 4.04pm.

9.2.12 Disposal of Property – 14 South Street, Dalwallinu

Report Date: 19 September 2017
Applicant: Shire of Dalwallinu
File Ref: CP/1 – Council Properties – Acquisition & Disposal
Previous Meeting Reference: F&A Committee Meeting – 18 July 2017, 19 September 2017; Council Meeting 25 July 2017 (Motion 8864), Council Meeting 22 August 2017 (Motion 8892)
Author: Keith Jones, Deputy Chief Executive Officer
Senior Officer: Jean Sutherland, Chief Executive Officer
Voting Requirements: **Absolute Majority**
Disclosure of Interest: Nil
Attachments: Valuation of Property at 14 South Street, Dalwallinu

Purpose of Report

Council is requested to accept the counter offer submission of Gerardo & Baby Grace Matias to purchase the property for \$165,000 as determined by Council motion 8864 on 25 July 2017.

Background

An offer was received from the current tenants of the property, Gerardo & Baby Grace Matias to purchase the property for \$150,000.

The offer was presented to Council at their Ordinary Meeting held 25 July 2017 and Council resolved the following:

'MOTION 8864

Moved Cr KM McNeill

Seconded Cr KJ Christian

That Council:

- 1. Advise Gerardo and Baby Grace Matias that Council are willing to accept an offer of \$165,000 for the purchase of 14 South Street, Dalwallinu;*
- 2. Subject to acceptance of the counter offer in point 1 above by Gerardo and Baby Grace Matias, direct the Chief Executive Officer to carry out the disposal as per the requirements of the Local Government Act 1995;*
- 3. Subject to not receiving any submissions, authorise the Chief Executive Officer to finalise the disposal of 14 South Street, Dalwallinu.*

CARRIED BY ABSOLUTE MAJORITY 7/0'

Following the Council meeting, the applicants were presented with the counter offer which they advised they would accept.

As per the *Local Government Act 1995*, a public notice was placed in the Shire Bulletin and appeared in the *Totally Locally & Kalannie Kapers* for two editions commencing Monday 31 July 2017. A notice was also placed on the noticeboard in the Administration Centre. The closing date for submission was 4pm, Wednesday 16 August 2017.

On 16 August 2017, a submission was received from Luke Sutherland. An extract from the correspondence is as follows:

'I would like to view the house and land at 14 South St, Dalwallinu so that I can make an informed decision on putting in an offer to purchase.'

On 22 August 2017, Council resolved the following:

'MOTION 8892

Moved Cr AR Dickins

Seconded Cr KJ Christian

Item lay on the table subject to the Chief Executive Officer formulating a policy on purchasing shire owned properties.

CARRIED 4/2'

A policy on purchasing shire owned properties has been formulated and submitted to this Ordinary meeting of Council. In addition, a separate market valuation of \$175,000 has been obtained from Valwest (WA) Pty Ltd (see attached).



Further information has been gathered by Valwest (WA) Pty Ltd:

A search of the Certificate of Title reveals the following:

Real Property Description:	Lot 186 & 187 on Deposited Plan 150684. Certificate of Title, Vol. 1025, Fol. 66.
Registered Proprietor:	Dalwallinu Road Board of Dalwallinu. By Transfer T6105/1946. Registered 14 May 1946.
Encumbrances:	Easements and encumbrances notified on the Certificates of Title are as follows: • G901073. Caveat by State Housing Commission as to Lot 187 on DP 150684 only. Lodged 14 September 1998.

The above Caveat relates only to the adjoining lot on the Certificate of Title and not the lot the subject of this valuation, Lot 186. As it is assumed that an individual Certificate of Title will be issued for the subject property, Lot 186 this caveat does not apply to the subject property and as such is considered not to have a detrimental impact on the value of the subject property.

Policy Requirements

Proposed new policy - 3.12 Purchasing Shire Owned Residential Properties

Legislative Requirements

Local Government Act 1995 – Section 3.58(3)

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Costs associated with the settlement of the property can be accommodated under GL E145055 (Legal Costs) in the 2017-2018 budget.

Comment

Upon receiving the submission, advice was sought from WALGA.

The *Local Government Act 1995* states that local public notice is to be given of the proposed disposal of property. The reasoning is to advise the community that Council has made the decision to dispose of the property and are seeking submissions as to why they shouldn't dispose of that property for that price. The purpose of the public notice is not to open it up for further offers.

The rationale behind accepting the offer for property is as follows:

- Council's desire to turn over their older housing stocks to enable construction of new employee housing (this property is 37 years old);
- The applicant is a tenant of the property and has been employed by the Shire of Dalwallinu for five (5) years;
- Encourage employees to remain in the Shire of Dalwallinu and become ratepayers;
- Ability to retain the employee's knowledge and skills;
- In the longer term, the Shire would not need to keep as many housing assets as employees would be given the opportunity to purchase their own property, thus reducing the burden on ratepayers.

After receiving the advice from WALGA, correspondence was forwarded to Luke Sutherland advising of the advice received, being that advertising the disposal is not to open it up for additional offers but to seek submissions on the actual disposal.

On 17 August 2017, an email was received from Luke Sutherland expressing his concern that the property was being sold well below the median price and that the property should have been put out to the public market.

Although this submission came in after the closing date, the concerns are addressed below:

- Council cannot dispose of a property without going to public auction, calling for tenders or disposing of it in the way that we are proposing to in this instance;
- The property houses an employee and was not put out to public tender as should another tenderer be successful, the employee would be without a house;
- The property may be perceived to be below the median price, however, this is what the recent "fair value" has been determined as by a licensed valuer.

On 31 August 2017, Valwest (WA) Pty Ltd submitted a valuation of the property of \$175,000 which is identified as "market value" and equates to the previous valuation by Griffin Valuation Advisory when they identified the "fair value" as at 30 June 2017.

It is suggested the fee for the individual Certificate of Title required for 14 South Street would be incorporated into the settlement costs.

Officer Recommendation

That Council:-

1. direct the Chief Executive Officer to advise Mr Luke Sutherland that they have considered his submissions in relation to the disposal of 14 South Street, Dalwallinu, however it is their intention to dispose of the property to Gerardo & Baby Grace Matias for the sum of \$165,000; and
2. direct the Chief Executive Officer to arrange for the property to be separated from lot 187 on DP 150684 to a new Certificate of Title.

Committee Recommendation/Resolution

MOTION 9014

Moved Cr KL Carter

Seconded Cr RS Nixon

That Council:-

1. direct the Chief Executive Officer to advise Mr Luke Sutherland that they have considered his submissions in relation to the disposal of 14 South Street, Dalwallinu, however it is their intention to dispose of the property to Gerardo & Baby Grace Matias for the sum of \$165,000; and
2. direct the Chief Executive Officer to arrange for the property to be separated from lot 187 on DP 150684 to a new Certificate of Title; and
3. authorise the Shire President and the Chief Executive Officer to sign and affix the common seal to any documentation relating to the sale of 14 South Street, Dalwallinu.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachments 9.2.12](#)

Mrs BGC Matias returned in the Council Chambers at 4.07pm.

9.2.13 Council Meeting Attendance Fees

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	FM/19 – Annual Budget
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Council is requested to amend the 2017-2018 Annual Budget to accommodate the changes to Elected Member Meeting Attendance Fees.

Background

Due to the change from Band 4 to Band 3 as determined by the Salaries and Allowances Tribunal (SAT) on 11 April 2017, the Annual Budget 2017-2018 requires amendment. Although the change came in before the Budget was adopted the minimum amounts were not picked up until just recently.

The SAT determination affecting the Shire of Dalwallinu are identified in the following two sections:

6.2 Council Meeting Attendance Fees - Per Meeting

(1) The ranges of fees in Table 4 and Table 5 apply where a local government or regional local government decides by an absolute majority to pay a council member a fee referred to in section 5.98(1)(b) of the LG Act for attendance at a council meeting.

Table 4: Council meeting fees per meeting – local governments

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$609	\$785	\$609	\$1,177
2	\$369	\$576	\$369	\$772
3	\$191	\$406	\$191	\$628
4	\$90	\$236	\$90	\$485

6.3 Committee Meeting and Prescribed Meeting Attendance Fees - Per Meeting

(1) The ranges of fees in Table 6 and Table 7 apply where a local government or regional local government decides to pay a council member a fee referred to in –

(a) section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or

section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.

Table 6: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)

Band	Minimum	Maximum
1	\$305	\$392
2	\$184	\$288
3	\$96	\$203
4	\$45	\$118

The following changes to the 2017-2018 Budget are required to GL Account E041160:

		variance
PRESIDENT'S FULL COUNCIL FEE (12 X \$382.00)	\$4,584	\$2,347
PRESIDENT'S COMMITTEES FEE (12 X \$191.00)	\$2,292	\$1,174
COUNCILLORS FULL COUNCIL FEES (8 X \$191.00 X 12)	\$18,336	\$9,389
COUNCILLORS COMMITTEE FEES (8 X \$96.00 X 12)	\$9,216	\$4,742
		<hr/>
		\$17,652

Policy Requirements

Nil

Legislative Requirements

Local Government Act, 1995,

Local Government (Financial Management) Regulations 1996

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

GL Account E041160 increases by \$17,652. This will be amended in the budget review in February 2018.

Comment

At budget review time potential savings could be made in other areas to compensate this increase in fees. Although Council may be reluctant to increase these fees there is really no discretion as this is the minimum amount allowed under band 3 classification by the Salaries and Allowances tribunal.

Officer/Committee Recommendation/Resolution

MOTION 9015

Moved Cr RS Nixon
Seconded Cr NW Mills

That the 2017-2018 Annual Budget be amended to reflect the increase in account E041160 Elected Members Fees by \$17,652 due to the minimum requirements for a Band 3 Council.

CARRIED BY ABSOLUTE MAJORITY 5/0

9.2.14 47 Leahy St Pithara unpaid rates

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	CP/1 – Acquisition and Disposal of Properties
Previous Meeting Reference:	F&A Committee meeting – 19 September 2017
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Council is requested to acquire the property at 47 Leahy Street, Pithara in exchange for outstanding rates.

Background

Assessment Number A554 relates to the property at 47 Leahy Street, Pithara and is currently owned by Trevor Douglas and Eileen Watts of 43 Stringybark Drive Forrestfield. Outstanding Rates and Legal fees are amounting to \$3,466.13 as at 31 August 2017.

Mr Watts has indicated he is willing to pass over the ownership of the vacant block of land in exchange for the outstanding rates.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – Section 3.55

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Acquisition of the property will impact the land assets and require around \$3,500 additional expenditure.

Comment

It is understood that the costs of acquisition could be reduced by completing a “contract for sale of land by offer and acceptance” instead of using a settlement agent. The owner states he is not in a position to do anything with the land and does not have the resources to pay for ongoing rates. With this in mind the alternative may end up with additional legal costs and a necessity to write off the whole debt. Purchasing the land would allow for the Shire to dispose of it more appropriately at a later date.

Officer/Committee Recommendation/Resolution

MOTION 9016

Moved Cr KL Carter
Seconded Cr NW Mills

That Council direct the Chief Executive Officer to enter into a Contract for sale of land by offer and acceptance with Mr Trevor Douglas and Eileen Watts for the amount of rates owing on Assessment A554.

CARRIED BY ABSOLUTE MAJORITY 5/0

Mr WJ Taylor entered the meeting at 4.09pm.

9.2.15 Request for reduction of rental of storage rooms at the Dalwallinu Recreation Centre

Report Date: 26 September 2017
Applicant: Maureen Gillbard – Changes Fitness Studio
File Ref: CS/18 – Dalwallinu Recreation Centre
Previous Meeting Reference: F&A Committee Meeting – 19 September 2017 - discussion
Author: Keith Jones, Deputy Chief Executive Officer
Senior Officer: Jean Sutherland, Chief Executive Officer
Voting Requirements: **Absolute Majority**
Disclosure of Interest: Nil
Attachments: Email dated 14 September 2017

Purpose of Report

Council is requested to reduce the rent of two storage rooms on the north-west side of the Dalwallinu Recreation Centre.

Background

The current rental is \$150 per week for the purpose of running her fitness classes and personal training. This fee covers the storage of equipment and the use of the indoor basketball/netball courts.

This arrangement was authorised by Council via Motion 7516 at the Ordinary Meeting on 28 August 2012.

Rental payments have been made diligently by Mrs Gillbard over the past 5 years.

At the Ordinary Meeting on 25 April 2015 the following motion was resolved:

'MOTION 8299

Moved Cr SC Carter
Seconded Cr KM McNeill

That the Chief Executive Officer be authorised to offer squash courts as rent free storage for period May to September 2015 or a reduction of 50% per week be approved for the period May 2015 to September 2015 for the rent of two storage rooms on the north west side of the Dalwallinu Recreation Centre.

CARRIED 6/3'

Since this motion was passed, Mrs Gillbard has been paying 50% between May and September each year whilst overseas.

The attached email is asking for this 50% reduction to continue on from September 2017 through to January 2018 at which point she would re-evaluate her circumstances.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Less income would be received for the rental over this period equal to around \$1,500. This is a reduction of \$300 per month for 5 months.

Comment

This officer notes the contribution that Mrs Gillbard makes to the community in the area of health and fitness but recently another instructor has conducted classes for the community. This would seem to indicate that there is a market for gymnasium or fitness classes that could continue if Mrs Gillbard is unable or unwilling to offer the service. The current rental seems to be reasonable and has not been increased for 5 years. Whilst the equipment is in the storage area, the Shire are not able to offer this to any other users.

Officer Recommendation

That Council direct the Chief Executive Officer to write and inform Mrs Gillbard the arrangements agreed to in 2012 are still in place, which are \$150 per week for the purpose of equipment storage and use of the indoor basketball/netball courts, and these will only alter if the storage rooms are vacated to allow others to hire.

Resolution**MOTION 9017**

Moved Cr RS Nixon
Seconded Cr GH Sanderson

That Council authorise the Chief Executive Officer to advise Mrs Maureen Gillbard that she may continue using the storage area for a fee of \$75 per week up to January 2018.

CARRIED BY ABSOLUTE MAJORITY 5/0

[Click here to access the attachments 9.2.15](#)

Cr RS Nixon declared a financial interest and left the meeting at 4.26pm.

9.3 MATTERS FOR CONSIDERATION – WORKS

9.3.1 Supply of Wet Mixing and Cement Stabilisation - Equote VP82283

Report Date: 26 September 2017
Applicant: Shire of Dalwallinu
File Ref: PS/2 – Plant Equipment - Acquisition
Previous Meeting Reference: W&P Committee meeting – 19 September 2017

Author: Will Taylor, Manager Works and Services
Senior Officer: Jean Sutherland, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: Confidential Tender Matrix

Purpose of Report

Council is requested to consider the E Quotes received for the supply of wet mixing and cement stabilisation for the 2017/2018 capital works programme.

Background

Quotes were requested through the WALGA Preferred Suppliers arrangement, to supply quotes for m² rates for wet mixing and stabilisation.

At the closing date on 16 August 2017, two quotes were received from:

Downer
Stabilisation Technology

Policy Requirements

Council Policy 3.5 Purchasing Policy

Legislative Requirements

Local Government Act Section 3.57 - Provision of goods and services

Local Government (Functions & General) Regulations 1996 – Regulation 11 (2) (b) Tenders do not have to be invited if the WALGA Preferred Supplier Program is used to obtain the requirements.

Strategic Implications

Nil

Sustainability Implications

Environment

Utilising a stabiliser requires less water to achieve the required results.

Economic

Nil

Social

Nil

Financial Implications

The 2017/18 Budget has allocated funds for the supply of these goods and services. The quoted price for all of the quotes is within the amount allocated in the 2017/18 Budget.

Comment

The tenders were assessed by the Manager Works and Services, Chief Executive Officer and the Works Supervisor in accordance with the following qualitative criteria:

Time for Work execution offered	30%
Suitability of equipment offered	25%
Contractor experience	25%
Price	20%

The results have been attached as CONFIDENTIAL attachments for commercial-in-confidence reasons and fair trading.

The highest scoring quote was Downer with a score of 80.00.

Officer/Committee Recommendation/Resolution

MOTION 9018

Moved Cr KL Carter
Seconded Cr GH Sanderson

That Council award E Quote VP82283 to Downer for the supply of wet mixing and cement stabilisation for the 2017/18 capital works program.

CARRIED 4/0

[Click here to access the attachments 9.3.1.1](#)

[Click here to access the attachments 9.3.1.2](#)

Cr RS Nixon returned to the meeting at 4.27pm.

Ms JM Sutherland left the Council Chambers and 4.29 and returned at 4.30pm.

9.3.2 Purchase of a New Wheel Loader – Equote VP81536

Report Date: 26 September 2017
Applicant: Shire of Dalwallinu
File Ref: PS/2
Previous Meeting Reference: W&P Committee meeting – 19 September 2017

Author: Will Taylor, Manager Works and Services
Senior Officer: Jean Sutherland, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: Tender Matrix & Pricing

Purpose of Report

Council is requested to authorise the purchase of one new wheel loader as per Council's annual plant replacement program and as detailed in the 2017-2018 budget.

Background

Quotes were requested through the WALGA Preferred Suppliers arrangement, to supply one (1) New Loader on the 26 July 2017.

At the closing date on 16 August 2017, quotes were received from:

BT Equipment
CJD
Hitachi
JCB
Komatsu
New Holland
Westrac

Policy Requirements

Council Policy 3.5 Purchasing Policy

Legislative Requirements

Local Government Act Section 3.57 - Provision of goods and services

Local Government (Functions & General) Regulations 1996 – Regulation 11 (2) (b) - Tenders do not have to be invited if the WALGA Preferred Supplier Program is used to obtain the requirements.

Strategic Implications

Purchasing of a new wheel loader provides the Shire with a new asset with faster loading times.

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Budgeted for in the 2017/18 fiscal year in the Plant Replacement Program. All quotes submitted were within the allocated budget amount other than the JCB 457HT.

Comment

The tenders were assessed by the Manager Works and Services, Chief Executive Officer and the Works Supervisor in accordance with the following qualitative criteria:

Break down and back up service	30%
Operational efficiency	25%
Price	25%
Availability of machine	20%

The highest ranked quote was submitted by Hitachi Construction Machinery with a score of 86.

Officer/Committee Recommendation/Resolution

MOTION 9019

Moved Cr KL Carter
Seconded Cr GH Sanderson

- 1** That Council award E Quote VP81536 for the purchase of one new ZW220-5 loader to Hitachi Construction Machinery for the amount of \$279,000, ex GST;
- 2** That the Chief Executive Officer be authorised to sign the purchase order for the purchase of the loader from Hitachi Construction Machinery.

CARRIED 4/1

[Click here to access the attachments 9.3.2.1](#)

[Click here to access the attachments 9.3.2.2](#)

Mr WJ Taylor also left the Council Chambers at 4.42pm and did not return.

MS JM Sutherland declared a financial interest and left the Council Chambers at 4.42pm.

9.4 MATTERS FOR CONSIDERATION – ADMINISTRATION

9.4.1 Chief Executive Officer – Annual Performance Review

Report Date:	26 September 2017
Applicant:	Shire of Dalwallinu
File Ref:	PE/139 – Personnel File
Previous Meeting Reference:	Nil
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Financial Interest
Attachments:	Key Result Area Update

Purpose of Report

Council is requested to consider the annual performance review and remuneration package of the Chief Executive Officer.

Background

The Chief Executive Officer's contract commenced on 28 November 2016. The anniversary date is 28 November 2017.

At the Ordinary Meeting of Council held 27 June 2017, Council resolved the following:

'MOTION 8845

Moved Cr RS Nixon

Seconded Cr KL Carter

That Council:

- 1. acknowledge the Chief Executive Officer has successfully completed her probationary period of 6 months;*
- 2. approve the Chief Executive Officer Key Result Areas (KRAs) for the next reporting period as attached;*
- 3. form a Chief Executive Officer Performance Review Group consisting of Cr SC Carter, Cr KL Carter, Cr KM McNeill and Cr AR Dickins for the annual review;*
- 4. formalise this performance review group into a Committee to be elected along with all other Committees; and*
- 5. conduct the annual performance review for the Chief Executive Officer in September, prior to the Council elections.*

CARRIED 8/0'

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – Section 5.39

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

An allowance has been made in the 2017-2018 budget for increase to administration salaries if required.

Comment

The *Local Government Act 1995* Section 5.38 and the Chief Executive Officer's contract Clause 4 requires that Council undertake a review of the Chief Executive Officer's performance at least once every year of employment.

The annual review for the Chief Executive Officer would normally be conducted soon after the anniversary date, however with the upcoming elections in October 2017 and with five (5) Councillor vacancies, it seemed prudent to conduct the review with the Councillors that have worked with the Chief Executive officer over the past ten (10) months.

Part 7 of the Chief Executive's Officers contract states:

- a) *Your Remuneration Package must be reviewed by the Reviewer annually –*
 - I. *At a time that is no later than three months after the anniversary of the commencement date; or*
 - II. *If otherwise determined by the Council, at a time that enables the review to coincide with other reviews conducted by the local government*
- b) *The Council is to determine and notify you, in respect of each remuneration package review under this clause –*
 - I. *Who the reviewer is to be; and*
 - II. *Whether the reviewer is to be accompanied by or assisted by any other person, and if so, the identity of that person.*
- c) *In reviewing your remuneration package, the reviewer must have regard to:*
 - I. *Your performance;*
 - II. *Any changes to the work value or responsibilities of the position;*

- III. *The hours worked by you, including hours in addition of normal working hours;*
- IV. *The condition of the market and the economy generally; and*
- V. *The capacity of the Shire to pay an increase*
- d) *As a result of a review of your remuneration package under this clause, the local government –*
 - I. *Is not obliged to increase the amount of the remuneration package; and*
 - II. *May increase, but not reduce, the amount of the remuneration package*

The annual review with the Chief Executive Officer Performance Review Group and the Chief Executive Officer was undertaken on Tuesday 19 September 2017.

A Chief Executive Officer Performance Review Survey was issued to all Councillors on 22 August 2017 with the survey to be returned to the Shire President by 15 September 2017. Six (6) Councillors out of the eight (8) returned the survey to the Shire President and the survey questions and markings were as follows:

Key Result Area

Effective working relationship with Elected Members

Target

Consolidate and enhance working relationships

Evidence

	Cr 1	Cr 2	Cr 3	Cr 4	Cr 5	Cr 6
The Chief Executive Officer contributes to the Council meeting process as required	4	5	4	5	5	3
The decisions of Council are implemented in accordance with Council directions	4.5	5	5	5	5	4
Councillors have appropriate level of access to the Chief Executive Officer	4	4	3	5	5	4
The concerns of Councillors are effectively and professionally managed	5	4	4	5	4	4
Council is provided with appropriate information and advice on relevant statutory requirements	4.5	5	4	5	4	4
Total	22	23	20	25	23	19

Officer Recommendation/Resolution

MOTION 9020

Moved Cr KL Carter
Seconded Cr GH Sanderson

That the Chief Executive Officer Performance Group recommend to Council that:

1. the performance of the Chief Executive Officer for the ten (10) month period from November 2016 to September 2017 was considered satisfactory in meeting the Key Result Areas as set by Council;
2. there be no increase to the Chief Executive Officer's salary at this time, however a review of the remuneration package to take place within 6 months of anniversary date;
3. the conditions of employment for the Chief Executive Officer be amended to include one rostered day off per month effective from the first pay period after 29 November 2017.

CARRIED 5/0

[Click here to access the attachment 9.4.1](#)

Ms JM Sutherland returned to the Council Chambers at 4.46pm.

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

11.1 Cr Nixon Notice of Motion – Community Resource Centre Funding Arrangements

Report Date: 26 September 2017
File Ref: GR/2 – Government Relations - Submissions
Prepared by: Cr Robert Nixon
Voting requirements: Simple Majority
Attachments: Article from TL edition 13 September 2017

BACKGROUND

The budget forward estimates for 2019/20 will see a reduction of approximately \$5M out of the CRC program. This could represent the closure of up to 50 CRC's in two years' time, following a review, which is to be finished to coincide with the end of the current contract period.

CRCs went through a tender process early this year, submitting tenders for what was then a 33 month contract to deliver government services, and provide business, economic and social development. With the change of government, CRCs were informed that contracts had been reduced to 18 months, during which a review of the network would be undertaken. While it was indicated that there could be a possible extension of the contract for a further 15 months this now looks unlikely for well over half of the network.

Councillor Motion/Resolution

MOTION 9021

Moved Cr RS Nixon
Seconded Cr NW Mills

That Council request the Chief Executive Officer to inform the Minister for Regional Development, Hon Alannah MacTiernan, of Council's concern that the proposed funding cuts to CRCs will have a negative impact on the vital community services provided by the Dalwallinu and Kalannie CRCs; and that in recognition of their contribution that the State Government maintain their funding at present levels.

CARRIED 5/0

[Click here to access the attachment 11.1](#)

- 12 **QUESTIONS FROM MEMBERS WITHOUT NOTICE**
Nil
- 13 **NEW BUSINESS OF AN URGENT NATURE (introduced by decision of the meeting)**
Nil
- 14 **MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS as per Local Government Act 1995, Section 5.23(2)**
- 15 **SCHEDULING OF MEETING**

MOTION 9022

Moved Cr KL Carter
 Seconded Cr GH Sanderson

That an Ordinary Meeting of Council be held on 24 October 2017 at Council Chambers, Dalwallinu commencing at 3.30pm.

CARRIED 5/0

16 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.50pm.

17 CERTIFICATION

I, **Steven Clifford CARTER**, certify that the Minutes of the meeting held on 26 September 2017, as shown on page numbers 1 to 66 were confirmed as a true record at the meeting held on 24 October 2017.

CHAIRPERSON

DATE