



SHIRE OF
DOWERIN
TIN DOG TERRITORY

MINUTES

Ordinary Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 20 August 2019



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Shire of Dowerin
Ordinary Council Meeting
Tuesday 20 August 2019



1. Official Opening / Obituaries

The President welcomed those in attendance and declared the meeting open at 3.00pm.

In opening the meeting, the President and Councillors acknowledged the passing of Mrs Sheila Munyard, Mr Tony Hickey and Mrs Eileen Smith with a minute's silence.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

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

Staff

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

Members of the Public: Mr P Crippen & Mr C Riggs, Boekeman Machinery (until 3.27pm)

Apologies: Cr BN Walsh

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

Nil

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Trepp

Seconded: Cr Chatfield

0025 That, by Simple Majority pursuant to Clause 3.2(1) of the Shire of Dowerin Standing Orders Local Law, Item 11.3 (26-28 Stewart Street, Dowerin - The Country Collective Pop Up Shop - Request for Use) and Item 11.4 (Lots 11, 12, 15 and 16 (No. 2 - 6) Cottrell Street, Dowerin - Application for Development Approval - Redevelopment of Boekeman Machinery) be bought forward to enable the matter(s) to be considered at this juncture.

CARRIED 7/0

Although Items 11.3 and 11.4 were bought forward they have been recorded in the numerical order of the Agenda.

Refer to [Page 23](#) and [Page 27](#) respectively for the resolution of these two Items.

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

7.1 Ordinary Council Meeting held on 23 July 2019

[Attachment 7.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Trepp

Seconded: Cr Ward

0028 That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held on 23 July 2019, as presented in Attachment 7.1A, be confirmed as a true and correct record of proceedings.

CARRIED 7/0

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

- 8.1 Dowerin Local Emergency Management Meeting held on 6 August 2019
[Attachment 8.1A](#)
- 8.2 Finance Committee Meeting held on 19 August 2019
Attachment 8.2A

Purpose of Report

Executive Decision

Legislative Requirement

Summary

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

Background

The Shire has established the following Committees of Council;

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

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

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

Comment

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

It should be noted that the Finance Committee Meeting is scheduled for 3.00pm on Monday 19 August 2019, therefore the Minutes of that meeting cannot be included with the Council Agenda which is distributed on Thursday 15 August 2019. The Minutes of the Finance Committee Meeting will be tabled at the Council Meeting scheduled for Tuesday 20 August 2019 at which point they will be Attachment 8.2A.

Consultation

Not Applicable

Policy Implications

Nil

Statutory Implications

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

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

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Trepp

0029 That Council, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, resolves to receive the Minutes of the:

1. Dowerin Local Emergency Management Committee Meeting (unconfirmed) held on 6 August 2019, as presented in Attachment 8.1A; and
2. Finance Committee Meeting (unconfirmed) held on 19 August 2019, as presented in Attachment 8.2A.

CARRIED 7/0

9.

Announcements by the President Without Discussion

The President advised that along with the Deputy President, CEO and MWA he had attended the WALGA Local Government Convention from 7-9 August 2019.

The President believed attending the Convention was a positive experience and other Councillors should consider attending in future years.

In addition to the Convention a number of meetings were held with WALGA and representatives from the Department of Transport and Main Roads WA regarding the Dowerin-Kalannie Road. While no promises were made regarding the outcome of the situation, the meetings were also positive.

10. OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES

10.1 Deferment of Financial Activity Statements

<h2>Corporate & Community Services</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	2 August 2019	
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Susan Fitchat, Senior Finance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Financial Management/Reporting/Financial Statements/2018-2019 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report

Executive Decision

Legislative Requirement

Officer's Comment

In accordance with Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* the Financial Activity Statement for the month of July 2019 will be presented to the September 2019 meeting of the Finance Committee and Council.

The reasons for this deferment include:

1. The 2019/20 Budget not being adopted until the end of July 2019;
2. The change in General Ledger & Job numbers taking place;
3. The change in staff; and
4. The implementation of the new & latest version of the monthly financial statements being utilised which is an involved process but does produce a more detailed report.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation to Finance Committee

That the Finance Committee, by Simple Majority pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations 1996, recommends to Council that it defers the statutory Financial Activity Statements for the period ending 31 July 2019 to the September 2019 meeting.

Officer's Comment

It should be noted that the recommendations contained in the Finance Committee Agenda are to be considered by the Finance Committee at its meeting scheduled for 3.00pm on Monday 19 August 2019. If the Committee resolves differently to the Officer's Recommendation(s) above it will be tabled at the Council Meeting. The final determination will be reflected as a Council Resolution in the Minutes.

Committee Resolution - 7.1

Moved: Cr Hudson

Seconded: Cr Trepp

0022 That the Finance Committee, by Simple Majority pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations 1996, recommends to Council that it defers the statutory Financial Activity Statements for the period ending 31 July 2019 to the September 2019 meeting.

CARRIED 2/0

Officer's Recommendation/Resolution

Moved: Cr Holberton

Seconded: Cr Trepp

0030 That, by Simple Majority pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*, Council defers the statutory Financial Activity Statements for the period ending 31 July 2019 to the September 2019 meeting.

CARRIED 7/0

10.2 List of Accounts Paid

<h2>Corporate & Community Services</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:		
Location:	Not Applicable	
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services	
Author:	Susan Fitchat, Senior Finance Officer	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Sharepoint Reference:	Organisation/Financial Management/Reporting/Financial Statements and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 10.2A - List of Accounts Paid	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to review the List of Accounts Paid during the month of July 2019 under Delegated Authority.

Background

Nil

Comment

The list as presented has been reviewed by the Senior Finance Officer, Manager Corporate & Community Services and the Chief Executive Officer.

The ending sequence numbers for June were as follows:

Cheque: 10701

EFT: 6958

The beginning sequence numbers for July were as follows:

Cheque: 10702

EFT: 6959

The credit card statement with supporting invoices is also included in the Attachment.

Consultation

Finance Committee Meeting of 19 August 2019

Policy Implications

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

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

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation to Finance Committee

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

Officer's Comment

It should be noted that the recommendations contained in the Finance Committee Agenda are to be considered by the Finance Committee at its meeting scheduled for 3.00pm on Monday 19 August 2019. If the Committee resolves differently to the Officer's Recommendation(s) above it will be tabled at the Council Meeting. The final determination will be reflected as a Council Resolution in the Minutes.

Committee Resolution - 7.2

Moved: Cr Trepp

Seconded: Cr Hudson

0023 That the Finance Committee recommends to Council that it receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments, being cheque numbers 10702 to 10712 and eft6959 to eft7050 as presented in Attachment 7.2A, from the Municipal Fund in July 2019.

CARRIED 2/0

Officer's Comment

Whilst not included in the resolution of the meeting, the Finance Committee queried a transaction included in the List of Accounts Paid during discussion at its meeting. Staff took this query on notice, with initial investigations into the transaction indicating a sorting error in the report. However, to enable a thorough review of the compilation of the report to be undertaken, and due to the reduced timeframe between the Finance Committee Meeting and the Council Meeting in which to undertake that review, the CEO recommended to Council that the matter be laid on the table to enable that to occur.

Officer's Recommendation

That Council receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments, being cheque numbers 10702 to 10712 and eft6959 to eft7050 as presented in Attachment 10.2A, from the Municipal Fund in July 2019.

Resolution

Moved: Cr Metcalf

Seconded: Cr Trepp

0031 That the matter of the List of Accounts Paid for July 2019 lay on the table until the September 2019 Ordinary Meeting of Council.

CARRIED 7/0

Reason

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

10.3 Recalcitrant Rates Debtors as at 31 July 2019

Corporate & Community Services



Date:	14 August 2019
Location:	Not Applicable
Responsible Officer:	Cherie Delmage, Manager Corporate & Community Services
Author:	Louise Sequerah, Temporary Rates Officer
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
Sharepoint Reference:	Organisation/Rates and Evaluations/Reporting/2019 Recalcitrant Rates Debtors
Disclosure of Interest:	Nil
Attachments:	Attachment 10.3A - Recalcitrant Rates Debtors

Purpose of Report



Executive Decision



Legislative Requirement

Summary

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

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

Background

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

Comment

Most assessments have now moved to the Judgement Stage of debt recovery.

Some assessments are now at the Property Sale and Seizure Order stage of recovery. This involves seizing goods to the value of the debt, or if enough equity exists in the property, the sale of the property at auction.

Consultation

Finance Committee Meeting 19 August 2019

Louise Sequerah, Temporary Rates Officer

Susan Fitchat, Senior Finance Officer

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

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

Policy Implications

Sundry Debt Collection Policy

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Local Government Act 1995

Risk Implications

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

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation to Finance Committee

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

Officer's Comment

It should be noted that the recommendations contained in the Finance Committee Agenda are to be considered by the Finance Committee at its meeting scheduled for 3.00pm on Monday 19 August 2019. If the Committee resolves differently to the Officer's Recommendation(s) above it will be tabled at the Council Meeting. The final determination will be reflected as a Council Resolution in the Minutes.

Committee Resolution - 7.3

Moved: Cr Hudson

Seconded: Cr Trepp

0024 That the Finance Committee reviews the report of Recalcitrant Rates Debtors, as presented in Attachment 7.3A, in accordance with Council Policy.

CARRIED 2/0

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Metcalf

0032 That Council reviews the report of Recalcitrant Rates Debtors, as presented in Attachment 10.3A, in accordance with Council Policy.

CARRIED 7/0

11. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

11.1 Policy Manual Review – Employee Health and Well Being Policy

<h2 style="color: red;">Governance & Compliance</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	13 August 2019	
Location:	Not applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995</i>	
Sharepoint Reference:	Organisation/Governance/Council Policies	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A - Employee Health & Well Being Policy	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

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

Background

This policy has been reviewed to take into account organisational changes and provide some clarification around the provision of gym and pool memberships, as well as some other minor changes. A tracked-changes version is attached for Council's information.

Comment

The changes to the provision of the gym and pool memberships are an increase from the previous allocation (being 50% to 100%), however given the number of staff likely to take up the offer of these memberships the cost impact to Council is not expected to increase greatly. It should also be noted that, despite the policy, past practice has been that an adult/family pass has been provided (as opposed to a pass for the employee only). This has not been included and clarified in the reviewed policy.

Consultation

Council Workshop 23 July 2019

Senior Management Group

Policy Implications

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

Statutory Implications

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

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Nil

Financial Implications

Costs associated with the policy have been factored into Council's 2019/20 Budget, however the costs are expected to be minimal.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Trepp

Seconded: Cr Hagboom

0033 That, by Simple Majority in accordance with Sections 2.7(2)(b) and 5.41 of the *Local Government Act 1995*, Council adopts the reviewed Employee Health and Well Being Policy, as presented in Attachment 11.1A.

CARRIED 7/0

11.2 Policy Manual Review – Proposed Disciplinary Policy, Discrimination, Harassment and Bullying Policy, Grievances, Investigations and Resolution Policy and Policies for Rescission

<h2 style="color: red;">Governance & Compliance</h2>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	13 August 2019	
Location:	Not applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995; Fair Work Regulations 2009; Corruption and Crime Commission Act 2003 (WA); Public Interest Disclosure Act 2003 (WA); Equal Opportunity Act 1984 (WA); Sex Discrimination Act 1984 (Cth); Occupational Safety and Health Act 1984 (WA); Occupational Safety and Health Regulations 1996 (WA)</i>	
Sharepoint Reference:	Organisation/Governance/Council Policies	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.2A - Disciplinary Policy Attachment 11.2B - Discrimination, Harassment and Bullying Policy Attachment 11.2C - Grievances, Investigations and Resolution Policy Attachment 11.2D - Equal Employment Opportunity Policy Attachment 11.2E - Policies for Rescission	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This item brings proposed Policies before Council for consideration and, if satisfactory, adoption. In addition, the item recommends the rescission of various related policies.

Background

In January 2014, the Fair Work Commission (FWC) claimed jurisdiction of all bullying, harassment and discrimination claims in the workplace. The FWC encouraged employers to review policies in order to ensure they reflect current legislation, guarantee that all employees are aware of what constitutes bullying, harassment and discrimination and in turn provide a workplace where the health and safety of employees is paramount.

WALGA's Employee Relations department have developed templates to address the key issues that arise across the local government sector.

The 2007 Policy Manual contains a number of out-dated policy statements relating to sexual harassment, equal opportunity and a complaints/grievance procedure. These are included as an Attachment. The statements are outdated and have been superseded with the more thorough templates developed by WALGA.

The proposed policies are based on the WALGA templates to ensure they are compliant with all relevant legislation.

Comment

The Shire of Dowerin is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with its policies, procedures and guidelines.

From time to time the Shire of Dowerin may need to consider issues of employees' behaviour, misconduct or unacceptable performance levels. As a result, disciplinary action may be required.

It is therefore proposed to rescind the policy statements from the 2007 Policy Manual relating to sexual harassment, equal opportunity and complaints/grievances and to adopt the following 3 policies:

1. Disciplinary Policy;
2. Discrimination, Harassment and Bullying Policy;
3. Grievances, Investigations and Resolution Policy; and
4. Equal Employment Opportunity Policy.

The proposed policies are included as Attachments. The policies ensure that any action required to be undertaken will be applied in a consistent, fair and objective manner and will ensure that, where reasonable, employees are given an opportunity and assistance to improve.

The Grievances, Investigations and Resolution Policy is supported by the Grievances, Investigations and Resolutions Procedure (internal document) and the Code of Conduct.

In addition to the above policies, it is proposed to rescind from the 2007 Policy Manual the statement relating to the AROC Be Active Scheme Health Policy as the service no longer exists. The statement is included as an Attachment.

Consultation

Council Workshop 23 July 2019

Senior Management Group

Policy Implications

The Policy Manual(s) will be updated accordingly, should the policies be adopted and rescinded.

Statutory Implications

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

The proposed policies refer to various Acts of legislation, both Commonwealth and State based. In particular, the following legislation is applicable:

1. *Fair Work Regulations 2009*;
2. *Corruption and Crime Commission Act 2003 (WA)*;
3. *Public Interest Disclosure Act 2003 (WA)*;
4. *Equal Opportunity Act 1984 (WA)*;
5. *Sex Discrimination Act 1984 (Cth)*;
6. *Occupational Safety and Health Act 1984 (WA)*; and
7. *Occupational Safety and Health Regulations 1996 (WA)*.

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

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

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Any risks associated with the adoption of the proposed policies is considered low as they align with appropriate legislation and fair work requirements.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Ward

Seconded: Cr Trepp

0034 That, by Simple Majority in accordance with Sections 2.7(2)(b) and 5.41 of the *Local Government Act 1995*, Council:

1. adopts the following Policies:
 - a. Disciplinary Policy as presented in Attachment 11.2A;
 - b. Discrimination, Harassment and Bullying Policy as presented in Attachment 11.2B;
 - c. Grievances, Investigations and Resolution Policy as presented in Attachment 11.2C; and
 - d. Equal Employment Opportunity Policy as presented in Attachment 11.2D; and
2. rescinds the following policy statements from the 2007 Policy Manual:
 - a. Equal Opportunity Policy;
 - b. Sexual Harassment Policy;
 - c. Complaints/Grievance Procedure; and
 - d. AROC Be Active Scheme Health Policy, as all presented in Attachment 11.2E.

CARRIED 7/0

In accordance with Council Resolution CMRef 0025, Item 11.3 and Item 11.4 were bought forward, however have been recorded in the numerical order of the Agenda.

11.3 26-28 Stewart Street, Dowerin – The Country Collective Pop Up Shop - Request for Use

Governance & Compliance



Date:	12 August 2019
Location:	26-28 Stewart Street, Dowerin
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Vanessa Green, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995; Health Act 1911</i>
Sharepoint Reference:	Community/Community Development/Local Business Liaison
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents a request for Boekeman Machinery to occupy The Country Collective Pop Up Shop (Pop Up Shop) for a period exceeding that allowed by Council Policy and under terms not considered in the Policy.

Background

The Pop Up Shop, located on 26-28 Stewart Street, Dowerin, was created in 2017 to encourage innovation, to invite entrepreneurs to come to Dowerin and to add to the activation of Stewart Street. Since its development the Pop Up Shop has supported a number of home based and micro businesses that do not have enough volume or capacity to run a separate premises.

There are currently 3 businesses registered as members for the Pop Up Shop, with 1 using it on a regular basis to provide goods and/or services to Dowerin.

A request has been received from Boekeman Machinery to utilise the Pop Up Shop for the purpose of conducting its administration and parts sales business during the redevelopment of its current site.

Comment

At its July 2019 meeting Council granted development approval for amalgamation of lots on the Boekeman Machinery site (CMRef 0015). Further to that approval, another development application has since been received for the redevelopment itself. This application would provide further details on the construction and improvements proposed on Boekeman Machinery's current site.

The proposed rebuild includes the installation of a paved parking lot. Boekeman Machinery are also proposing to pave the footpath and verge, an area approximately 165m² at a cost of \$15,099.

It is proposed by Boekeman Machinery that the cost to pave the footpath and verge will off-set the rent.

It is assumed the paving specifications will be included in the pending Building Application. Based on the assumption that the crossover area is paved there will be asset management implications for Council. Until the specifications are available it is difficult to determine the cost of those ongoing maintenance and other implications. Council's Policy on Crossovers stipulates an area of 6x4m with an approximate cost of \$2,500, with Council's contribution being capped at \$1,000.

During this redevelopment Boekeman Machinery seeks the exclusive use of the Pop Up Shop for a period of six (6) months commencing approximately 2 September 2019. As this period covers the harvest season it is considered important for both the business itself and the farmers in the area that business operations are able to run as smoothly as possible during the redevelopment of the site.

In order for Boekeman Machinery to utilise the Pop Up Shop it is likely some internal modifications may be required as well as the provision of ablution facilities to ensure compliance with the *Health Act 1971*. As these works would otherwise not be required to the premises it is proposed that Boekeman Machinery be responsible for the costs associated with such works.

At the end of the period of use it is suggested that Boekeman Machinery are also responsible for the costs of removing these modifications and/or facilities. However, depending on the modification and/or type of work undertaken it may prove to be beneficial for the alterations to remain in situ. The Officer's Recommendation has been worded to enable that flexibility.

Consultation

Environmental Health Officer, Shire of Toodyay

Rebecca McCall, Chief Executive Officer

Policy Implications

The Pop Up Shop Collective Policy, adopted by Council at its March 2019 meeting, is applicable. It should be noted however that the period of use proposed in this Item exceeds the amount of time allowable under the Policy. There are additional variations from the Policy including that, should the request be approved, it is proposed that Boekeman Machinery are to be responsible for electricity costs.

Statutory Implications

Depending on the work required, the provisions of the Building Act 2011 and the Health Act 2011 may be applicable.

Strategic Implications

Strategic Community Plan

Community Priority: Our Economy

Objective: A strong and growing local economy supported by new industry development aligned to identified economic opportunity

Outcome: 3

Reference: E5

Asset Management Plan

Nil, however should the verge and footpath area be paved there would be ongoing maintenance implications for Council.

Long Term Financial Plan

Nil

Risk Implications

Overall, any risk(s) associated with this item to Council are considered to be low and can be managed in consultation with staff and relevant stakeholders.

Financial Implications

The request has also been made for the use of the Pop Up Shop to be on a rent free basis. While this could be considered reasonable, given that the market price for commercial office space in Dowerin is likely to be minimal, it could also be considered reasonable that the user who is a commercial operation (as opposed to a charity or not-for-profit organisation), with exclusive use of the space over an extended period of time, makes at least some contribution towards this use.

Council's Pop Up Shop Collective Policy states that profits generated from membership to the Pop Up Shop will be reinvested into other main street activation projects to the discretion of Council. The membership fee and daily rent rate for the Pop Up Shop is determined as part of the annual budget adoption process. Council's 2019/2020 Budget specifies a membership fee of \$52 per annum and a daily rental rate of \$30. Six month's rent at \$30 per day equates to \$4,890. Payment of the membership fee has not been queried.

While it is acknowledged that the cost to the business in redeveloping its current site is significant, and the paving of the footpath/verge at the front of the premises far outweighs the potential rent income which could be received, a number of items were raised during Public Question Time at Council's July 2019 meeting, particularly in relation to the amenity and some suggested repairs in the Stewart Street vicinity. In accordance with the Pop Up Shop Policy, any rent received for the extended use of Pop Up Shop space could enable some of those proposed works to be undertaken in a more timely manner, which would ultimately benefit the whole community. In directly following the specific of the policy, Council could therefore consider applying a rental fee, albeit a nominal one, for the use of the space.

Should Council approve the request for use of the Pop Up Shop it is recommended that any approval be subject to no costs being incurred by Council as a result of the use of the space. Additionally, and outside the scope of the Policy, it is recommended that electricity costs be on-charged to Boekeman Machinery.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That, by Simple Majority in accordance with Section 3.18 of the *Local Government Act 1995*, Council approves the request for Boekeman Machinery to have exclusive use of The Country Collective Pop Up Shop for a period of up to six (6) months subject to the following conditions:

1. Council is not responsible for any costs associated with the premises during the period of use (excluding building insurance costs);
2. Boekeman Machinery paying the annual membership fee for The Country Collective Pop Up Shop in accordance with Council's 2019/20 Budget and a weekly rent of \$___ during the period of use;
3. All modifications to the premises require the written approval of the Chief Executive Officer prior to works commencing, with all such works complying with requirements of the *Building Act 2011* and Building Codes of Australia;
4. In consultation with the Chief Executive Officer all such modifications to the premises are to be removed, at no cost to Council, at the end of the period of use;
5. Boekeman Machinery will be responsible for all costs associated with electricity consumption and service charges during the period of use;
6. Boekeman Machinery will be responsible for providing adequate ablution facilities in accordance with the requirements of the *Health Act 1911*, including sewerage connection(s) if required, and the costs associated with the establishment and maintenance of such facilities during the period of use; and
7. The premises is to be left in a clean and tidy state, with Boekeman Machinery being responsible for the costs associated with such cleaning, at the end of the period of use.

Resolution

Moved: Cr Metcalf

Seconded: Cr Hagboom

0026 That, by Simple Majority in accordance with Section 3.18 of the *Local Government Act 1995*, Council approves the request for Boekeman Machinery to have exclusive use of The Country Collective Pop Up Shop for a period of up to six (6) months subject to the following conditions:

1. Council is not responsible for any costs associated with the premises during the period of use (excluding building insurance costs);
2. Boekeman Machinery paying the annual membership fee for The Country Collective Pop Up Shop in accordance with Council's 2019/20 Budget and a weekly rent of \$0 during the period of use;
3. All modifications to the premises require the written approval of the Chief Executive Officer prior to works commencing, with all such works complying with requirements of the *Building Act 2011* and Building Codes of Australia;
4. In consultation with the Chief Executive Officer all such modifications to the premises are to be removed, at no cost to Council, at the end of the period of use;
5. Boekeman Machinery will be responsible for all costs associated with electricity consumption and service charges during the period of use;
6. Boekeman Machinery will be responsible for providing adequate ablution facilities in accordance with the requirements of the *Health Act 1971*, including sewerage connection(s) if required, and the costs associated with the establishment and maintenance of such facilities during the period of use; and
7. The premises is to be left in a clean and tidy state, with Boekeman Machinery being responsible for the costs associated with such cleaning, at the end of the period of use.

CARRIED 7/0

Reason

Council considered Boekeman Machinery covering the costs of paving of the footpath and verge on Cottrell Street as comparable payment to offset any rent charges, while still improving the amenity of the CBD area.

11.4 Lots 11, 12, 15 and 16 (No. 2 – 6) Cottrell Street, Dowerin - Application for Development Approval – Redevelopment of Boekeman Machinery

Governance & Compliance



Date:	15 August 2019
Location:	Lots 11, 12, 15 and 16 (No. 2 – 6 Cottrell Street, Dowerin)
Responsible Officer:	Rebecca McCall, Chief Executive Officer
Author:	Kobus Nieuwoudt, Manager Planning & Development – Shire of Toodyay
Legislation:	<i>Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015</i>
Sharepoint Reference:	Compliance/Development & Building/Development Applications
Disclosure of Interest:	Nil
Attachments:	Attachment 11.4A – Location and Proposed Plans, Applicant's Submission

Purpose of Report



Executive Decision



Legislative Requirement

Summary

Council is asked to consider an application for Development Approval that seeks to redevelop the Boekeman Machinery premises (the site) situated at 2 – 6 Cottrell Street, Dowerin.

The owners of the site are looking to amalgamate the 4 lots (Lots 11, 12, 15 and 16), upgrade the premises – which have been developed in a fragmented fashion over the years – so as to secure their future in Dowerin by constructing a new showroom and workshop extension incorporating new offices and amenities.

An assessment of the proposal under the relevant provisions of Council's Local Planning Scheme (the Scheme) shows the application generally complies with the Scheme.

It is recommended Council approves the application subject to conditions.

Background

The Site

The site comprises 4 lots, for which Western Australian Planning Commission (the Commission) approval has been sought for amalgamation (WAPC Ref 158151). The amalgamation application is currently being assessed by the Commission and was approved by Council at its July 2019 meeting (CMRef 0015). Upon amalgamation of the site, the total floor area of the site will be 4,048m².

Road frontage is available to Cottrell and Jackson Streets (refer to the Attachment). There is also an unsealed rear laneway on the western side of the property. Main access to the site is facilitated via Cottrell Street.

The site, currently occupied by Boekeman Machinery, will remain in occupation upon completion of the redevelopment and thereafter. There is currently a workshop, showroom and storage area in the existing building. These uses will not change.

Proposed Development

It is proposed to redevelop the site by constructing a new and modern showroom and workshop extension incorporating new offices and amenities. The floor area of the new modern structure will be approximately 624m². This is approximately 140m² greater than the existing building it will be replacing. Plans of the proposal (Architectural impression, site plan, floor plans and elevations) are included in the Attachment.

Assessment of Proposal under the Scheme

Under the Scheme, the site is zoned 'Commercial' where the land uses 'Motor Vehicle, Boat or Caravan Sales' and 'Motor Vehicle Repair' are uses depicted with the symbol 'D' in Table 1 (Zoning Table) of the Scheme. The definition for these terms are as follows:

"Motor Vehicle, Boat or Caravan Sales means premises used to sell or hire motor vehicles, boats or caravans;

and

Motor Vehicle Repair means premises used for or in connection with –

(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or

(b) repairs to tyres other than recapping or re-treading of tyres;"

Boundary Setbacks

Table 2 in the Scheme states that setbacks for the above-mentioned land uses are 'to be determined by the Local Government' in each particular case. With respect to the proposal, setbacks to the north and west will not change, whereas the southern setback will change marginally at the front. The overall front setback will be 9m for the majority of the frontage, with the entry canopy protruding by 3m.

Staff are of the view that the proposed setbacks are appropriate for the proposed development.

Provision of Onsite Car Parking

In accordance with Table 2 (Development Table) of the Scheme, onsite car parking should be provided as follows:

Land Use	Minimum number of onsite car parking bays required by the Scheme	Number of car parking bays provided in proposal
Motor Vehicle, Boat or Caravan Sales	1 for every 250m ² of sales area, plus 1 for every person employed on site. 1 (100m ² indoor and 100m ² outdoor = 1 bay) + 11 (11 employees) Total car parking bays required: 12	8 (Shortfall: 4 car parking bays)
Motor Vehicle Repair	Use class not mentioned in Table 2	As determined by the local government after consideration of the parking needs generated by the use. Staff assessment of car parking needs: Nil
Office	1 for every 30m ² plot ratio area Office space = 87m ² Total car parking bays required: 3	Nil

Land Use	Minimum number of onsite car parking bays required by the Scheme	Number of car parking bays provided in proposal
	TOTAL NUMBER OF CAR PARKING BAYS REQUIRED:	15 (12 + 3)
	TOTAL NUMBER OF CAR PARKING BAYS PROVIDED:	8
	CAR PARKING SHORTFALL RELATIVE TO TABLE 2 OF THE SCHEME:	7

Provision of Landscaping

Under Table 2 of the Scheme, 5% of the site is required to be set aside for landscaping. The applicant advises that installing this amount of landscaping (5% of 4,048m² = 202.4m²) on the site would severely compromise the business operation. For this reason, the proponents are proposing a 1.5m wide landscaping strip in the road verge.

The Applicant's submission is included in the Attachment.

Comment

It is considered there are two key issues bearing on consideration of the proposal. These are the under-provision of car parking relative to the car parking provisions in Table 2 of the Scheme, and the under-provision of landscaping relative to the landscaping requirements in Table 2 of the Scheme.

Each of these issues is discussed below under separate subheadings, followed by a conclusion.

Car Parking

As outlined under subheading 'Provision of Onsite Car Parking' under 'Background' section of this report, the redevelopment of the site will trigger the requirement to provide 15 onsite car parking bays. The proposed plans depict a total number of 8 parking bays, resulting in a shortfall of 7 car parking bays relevant to Scheme standards.

Local Government may vary site and development standards – Subclause 4.5.1 of the Scheme states as follows:

"Except for development in respect of which the Residential design codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government considers appropriate."

[Emphasis added]

With respect to the provision of onsite car parking, staff have considered the matter and are of the view that the shortfall in car parking relative to Table 2 of the Scheme is unlikely to cause any issues for the following reasons:

1. The shortfall in car parking will not have an adverse effect upon the occupiers and/or users of the proposed development, and/or the likely future development of the locality;
2. The proposed redevelopment will result in a modest increase of approximately 140m² only;
3. The total number of staff working at the site will not increase; and
4. On-street car parking on Cottrell Street and Jackson Street is readily accessible and available for parking.

The author therefore recommends Council agree to vary the car parking requirements and determine that the provision of 8 onsite parking bays, coupled with the availability of on-street parking on Cottrell Street and Jackson Street, will meet the car parking requirements of the new development.

Landscaping

In accordance with the provisions of subclause 4.5.1 of the Scheme, Council may vary the provisions for landscaping in Table 2 of the Scheme. To this end, the author accepts that the

provision of landscaping totalling 5% of the site area may severely compromise the effective operation of the business.

It is considered the provision of a 1.5m wide landscaping strip in the road verge is acceptable, provided the landscaping is maintained by the landowners on an ongoing basis.

Conclusion

As outlined in the Applicant's submission, the proposed redevelopment of the site is a significant investment in the future of Boekeman Machinery in Dowerin as it will result in a much improved streetscape and level of comfort for Boekeman Machinery's staff and customers with only a minor expansion in terms of plot ratio and the introduction of no new land uses.

It is recommended Council approves the application, subject to the conditions outlined in the 'Officer's Recommendation' section of this report.

Consultation

Public consultation was not considered necessary.

Policy Implications

Nil

Statutory Implications

The *Planning and Development Act 2005*; *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations encompass the "deemed provisions for local planning schemes"); *Environmental Protection (Noise) Regulations 1997* and the Shire of Dowerin Local Planning Scheme No. 2 are applicable.

Strategic Implications

Strategic Community Plan

Community Priority: Our Economy

Objective: A strong and growing local economy supported by new industry development aligned to identified economic opportunity.

Outcome: 3

Reference: E5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Reputational - Low

1. The application was considered on its merits and in accordance with the relevant provisions of the Scheme and town planning framework.

Financial - Nil

Compliance - Low

1. There are no compliance risks in relation to the recommendation. Should Council approve the application, the applicant would be subject to conditions of development approval.

Legal - Low

1. Council would be issuing a valid development approval, assessed on its merits and in accordance with the relevant provisions of the Scheme and town planning framework.

Financial Implications

There are no direct financial implications for the Shire of the recommendations of this report.

The applicant has paid the applicable statutory application fee in accordance with Schedule 2 of the *Planning and Development Regulations 2009* (i.e. \$2,856.50).

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Holberton

Seconded: Cr Ward

0027 That, by Simple Majority in accordance with Clause 68(2)(b) of the 'deemed provisions' in the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the application for Development Approval for the redevelopment of Lots 11, 12, 15 and 16 (No. 2 - 6) Cottrell Street, Dowerin, as presented in Attachment 11.4A, subject to the following conditions:

General Conditions

1. The development hereby permitted must substantially commence within two years from the date of this decision letter;
2. The development hereby permitted taking place in accordance with the approved plans; and
3. The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.

Conditions to be Met Prior to Commencement of Development

4. Prior to the commencement of the works hereby permitted, Lots 11, 12, 15 and 16 are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the local government, drafted by the local government's solicitors at the expense of the owner. The legal agreement will allow the owner six (6) months to amalgamate the lots. The agreement will have to be executed by all parties concerned prior to the commencement of the works hereby permitted; and
5. Prior to commencement of development, a detailed landscaping plan is to be submitted to and approved by the local government.

Conditions to be Met Prior to Occupation of Development

6. Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government;
7. Prior to occupation of the development, the car parking and vehicle access and circulation areas shown on the approved site plan, including the provision of universally accessible (disabled) car parking, is to be constructed, drained, and line marked to the satisfaction of the local government; and
8. Prior to occupation of development, landscaping is to be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the local government.

Conditions Requiring Ongoing Compliance

9. All car parking areas, and vehicle access and circulation areas are to be maintained and available for car parking, and vehicle access and circulation on an ongoing basis to the satisfaction of the local government; and
10. All landscaped areas are to be maintained on an ongoing basis to the satisfaction of the local government.

Advice Notes:

Note 1: If an applicant is aggrieved by this determination there is a right of appeal under the *Planning and Development Act 2005*. An appeal must be lodged with the State Administrative Tribunal within 28 days of the determination.

Note 2: An application for a building permit to construct the development hereby permitted is required to be submitted and approved by the Shire prior to any works commencing on-site in relation to this determination.

Note 3: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

CARRIED 7/0

3.28pm - Mr Crippen & Mr Riggs left the meeting and did not return.

The meeting resumed its normal Order of Business at this juncture.

12. OFFICER'S REPORTS – WORKS AND ASSETS

Nil items to report

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

There being no further business the President thanked those in attendance and declared the meeting closed at 3.50pm.